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Contents

AGRICULTURAL MARKETING SERVICE

Rules and Regulations

Milk in Knoxville, Tenn., marketing area; order suspending certain provision 15507

Raisins produced from grapes grown in California; fumigation during inspection 15506

Proposed Rule Making

Milk in certain marketing areas:
- Louisville - Lexington - Evansville; recommended decision 15526
- Neosho Valley et al.; decision 15533
- Suburban St. Louis et al.; decision 15526
- Texas Panhandle; decision 15535

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Livestock, poultry, and certain diseases; importation and exportation; authority statements 15507

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Proposed Rule Making

Rice; marketing quotas, 1964 and subsequent years 15537

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

ARMY DEPARTMENT

Rules and Regulations

Medical and dental attendance; dependents' medical care 15483

ATOMIC ENERGY COMMISSION

Notices

General Dynamics Corp.; issuance of facility license amendment 15543

CIVIL AERONAUTICS BOARD

Proposed Rule Making

Uniform system of accounts; reports of aircraft utilization by aircraft type 15537

Notices

IATA traffic conference; agreement relating to specific commodity rates 15544

Hearings, etc.:
- Linea Aerea Patagonia Argentina, S.A 15544
- Saturn Airways, Inc., and Aaxico Airlines, Inc 15544

COAST GUARD

Rules and Regulations

Procurement; procedures for purchasing; cross reference 15513

CUSTOMS BUREAU

Rules and Regulations

Ports of entry; Montana 15509

DEFENSE DEPARTMENT

See Army Department.

EMERGENCY PLANNING OFFICE

Notices

Georgia; major disaster notice 15548

FEDERAL AVIATION AGENCY

Rules and Regulations

Standard instrument approach procedures; miscellaneous amendments 15494

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Experimental, auxiliary and special broadcast services:
- Automatic relay stations with remote pickup broadcast stations 15521
- Miscellaneous amendments 15523
- Practice and procedure; substantial and significant changes in information furnished by applicants 15516

Radio broadcast services:
- Frequency monitors 15518
- Table of assignments 15520

Notices

Stereophonic sound for television broadcasting; inquiry 15544

Hearings, etc.:
- Domestic telegraph service 15545
- Eagle Wharf and Towing Co 15545
- Symphony Network Association, Inc., and Chapman Radio and Television Co 15545

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval; Atlantic & Gulf American-Flag Berth Operators (2 documents) 15546

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- Michigan-Wisconsin Pipe Line Co 15546
- Smith, James F 15546

FEDERAL RESERVE SYSTEM

Notices

Barnett National Securities Corp.; order extending periods of time prescribed by provisos in order of approval 15547

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practices:
- Superior Garment Co. et al 15507
- Timed Energy, Inc 15508

(*Continued on next page*)

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives:
Dinitrobenzamide, acetyl-sulfanilamide 15511
Petrolatum 15512
Unsaturated polyester-styrene copolymer resins 15513

Proposed Rule Making

Food additives for animals:
Antibiotics for growth promotion and feed efficiency 15538
Nihydrazone in chicken feed 15538

Notices

Establishment of temporary tolerances 15542
Prune juice, canned, deviating from identity standards; temporary permit for market testing 15542
Food additives; filing of petitions:
Celanese Corporation of America 15543
Chas. Pfizer and Co., Inc 15543
Corvel, Inc 15543
Dr. Salsbury's Laboratories 15543
Masonite Corp 15543
Schering Corp 15543

FOREIGN-TRADE ZONES BOARD

Notices

Honolulu, Hawaii; application for foreign-trade zone; hearing 15547

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Procurement; use of certain standard forms 15513

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Public Health Service; Social Security Administration.

INTERIOR DEPARTMENT

See also Land Management Bureau; National Park Service.

Notices

Bureau of Land Management; insignia 15542

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Competitive bids of carriers subject to Clayton Antitrust Act for securities, supplies, or other articles of commerce 15493

Proposed Rule Making

Uniform system of accounts for railroad companies 15539

Notices

Finance applications 15551
Fourth section applications for relief 15550
Shortage of freight cars; order to all railroad (2 documents) 15550

LABOR DEPARTMENT

Notices

Certain officials; authority delegation 15549

LAND MANAGEMENT BUREAU

Rules and Regulations

Special uses; rights-of-way; tramroads and logging roads 15516

Notices

California; filing of plats of survey 15541
Idaho; proposed withdrawal and reservation of lands 15541

NATIONAL PARK SERVICE

Notices

Padre Island National Seashore, Corpus Christi, Texas; Administrative Assistant; authority delegation 15542

PUBLIC HEALTH SERVICE

Rules and Regulations

Grants; nursing student loans 15513

SECURITIES AND EXCHANGE COMMISSION

Proposed Rule Making

Registration of securities 15539

Notices

Hearings, etc.:
de Vegh Investing Co., Inc 15548
West Penn Power Co. and Allegheny Power System, Inc 15548

SOCIAL SECURITY ADMINISTRATION

Rules and Regulations

Federal old-age, survivors, and disability insurance; miscellaneous amendments 15509

TARIFF COMMISSION

Notices

Window glass from Czechoslovakia; determination of no injury or likelihood thereof 15549

TREASURY DEPARTMENT

See Coast Guard; Customs Bureau.

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.

7 CFR

989 15506
1101 15507
PROPOSED RULES:
730 15537
1032 15526
1046 15526
1062 15526
1067 15526
1071 15533
1073 15533
1074 15533
1132 15535

9 CFR

91 15507
92 15507
94 15507

14 CFR

97 [New] 15494
PROPOSED RULES:
241 15537

16 CFR

13 (2 documents) 15507, 15508

17 CFR

PROPOSED RULES:
240 15539

19 CFR

1 15509

20 CFR

403 15509
404 15509

21 CFR

121 (3 documents) 15511–15513
PROPOSED RULES:
121 (2 documents) 15538

32 CFR

577 15483

33 CFR

116 15513

41 CFR

Ch. 1 15513

42 CFR

57 15513

43 CFR

2230 15516

47 CFR

1 15516
73 (2 documents) 15518, 15520
74 (2 documents) 15521, 15523
91 15523

49 CFR

8 15493
PROPOSED RULES:
10 15539

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 577—MEDICAL AND DENTAL ATTENDANCE

Dependents' Medical Care

Sections 577.60–577.68 are revoked and the following substituted therefor:

Sec.

577.60 Purpose of scope.
577.61 Definitions.
577.62 Administration.
577.63 Eligibility.
577.64 Identification forms and procedures.
577.65 Source of care for spouses and children.
577.66 Care for dependents at facilities of the uniformed services.
577.67 Care for spouses and children from civilian sources.
577.68 Care in miscellaneous circumstances.
577.69 Summary of eligibility.

AUTHORITY: The provisions of §§ 577.60 to 577.69 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 1071–1085, 72 Stat. 1445–1450; 10 U.S.C. 1071–1085.

SOURCE: AR 40–121, 13 July 1964.

§ 577.60 Purpose and scope.

(a) Sections 577.60–577.69 prescribe policies and procedures for administering the Dependents' Medical Care Program for dependents of—

(1) Active duty members of the uniformed services.

(2) Retired members of the uniformed services.

(3) Persons who at the time of their death were retired member of the uniuniformed services.

(4) Persons who at the time of their death were retired members of the uniformed services.

(b) Sections 577.60–577.69 are applicable to the uniformed services and are to be used in conjunction with the joint regulation, Fiscal Policies pertaining to Dependents' Medical Care, §§ 577.80–577.84.

§ 577.61 Definitions.

When used in §§ 577.60–577.69, the following terms have the meanings indicated:

(a) "Uniformed services" means the Army, the Navy, the Marine Corps, the Air Force, the Coast Guard, the Commissioned Corps of the Coast and Geodetic Survey, and the Commissioned Corps of the Public Health Service.

(b) "Active duty member of a uniformed service" means a person who is serving on active duty (or active duty for training) in a uniformed service pursuant to a call or order that does not specify a period of 30 days or less.

(c) "Retired member of a uniformed service":

(1) Except as indicated in subparagraph (2) of this paragraph, this term means a member or former member of a uniformed service who is entitled to retired, retainer, or equivalent pay as a result of service in a uniformed service.

(2) When used in §§ 577.60–577.69, this term does not include a member or former member entitled to retired pay, in accordance with the provisions of the following service directives, who has served less than 8 years on active duty (other than for training):

(i) Army—AR 135–180.

(ii) Navy—BuPERSINST 1750.5 series.

(iii) Marine Corps—chapter 13, Marine Corps Personnel Manual (MCO P5000.3).

(iv) Air Force—chapter 9, Air Force Manual 35–7.

(v) Coast Guard—section 11–7–4, CG 296 (Administrative Manual for Coast Guard Reserve—1960).

(d) "Dependent" means a person who bears any of the following relationships to an active duty or retired member of a uniformed service, or to a person who at the time of his death was on active duty or was a retired member of a uniformed service:

(1) The wife, regardless of whether or not actually dependent on the active duty or retired member.

(2) The unremarried widow, regardless of whether or not actually dependent on the active duty or retired member at the time of his death.

(3) The husband, if he is dependent on the active duty or retired member for over one-half of his support.

(4) The unremarried widower, if he was dependent on the active duty or retired member at the time of her death for over one-half of his support because of a mental or physical incapacity.

(5) An unmarried legitimate child, including an adopted child or stepchild, who either—

(i) Has not passed his 21st birthday, regardless of whether or not he is dependent on the active duty or retired member;

(ii) Has passed his 21st birthday but is incapable of self-support because of a mental or physical incapacity that existed before that birthday and is, or was at the time of death of the active duty or retired member, dependent on him for over one-half of his support; or

(iii) Has passed his 21st birthday but has not passed his 23d birthday and is enrolled in a full-time course in an institution of higher learning approved by the Secretary of Defense or Secretary of Health, Education, and Welfare, as the case may be, and is, or was at the time of death of the active duty or retired member, dependent on him for over one-half of his support. (Institutions meeting the above criteria are listed in "Education Directory, Part 3, Higher Education," and/or "Accredited Higher Institutions" issued periodically by the Office of Education, U.S. Department of Health, Education, and Welfare. For determination as to approval of an institution not listed in either of the above directories or of a foreign institution of higher learning, a statement may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C., 20202.)

(6) A parent or parent-in-law who either—

(i) Is dependent on the active duty or retired member for over one-half of his support and is residing in a dwelling place provided or maintained by the member; or

(ii) Was at the time of death of the member dependent on him for over one-half of his support and was residing in a dwelling place provided or maintained by the member.

(e) "Secretary of a uniformed service" means the Secretary of the Army, Navy (for the Navy and Marine Corps), or Air Force. For the other uniformed services (Coast Guard, Public Health Service, Coast and Geodetic Survey), this term means the Secretary of Health, Education, and Welfare.

(f) "United States" means all of the States and the District of Columbia.

(g) "Contractor" means the legal entity with which the Government enters into a contract under the provisions of the Dependents' Medical Care Program such as a State medical society, an insurance company, Blue Shield, or Blue Cross.

(h) Miscellaneous medical and technical terminology:

(1) "Diagnosis" means a determination of the existence and nature, or absence, of disease or injury by means of physical examination and the utilization of medically accepted diagnostic procedures; e.g., laboratory tests and pathological and radiological examinations.

(2) "Outpatient care" means the medical services which are normally performed in locations such as the home, a physician's office, or the outpatient department of a hospital, clinic, or dispensary.

(3) "Maternity and infant care" means medical and surgical care for a mother incident to pregnancy, including prenatal care, delivery, postnatal care, care of an infant, and treatment of complications of pregnancy.

(4) "Domiciliary care" means care which is normally given in a nursing home, convalescent home, or similar institution to a patient who requires personal care rather than active and definitive treatment in a hospital for an acute medical or surgical condition. It includes nursing care required as a result of old age or chronic disease.

(5) "Chronic disease" includes nonacute conditions and disabilities in which the prognosis indicates long continued duration of the ailment. This term includes, but is not limited to, arthritis, degenerative diseases of the cardiovascular system, residuals of poliomyelitis and other degenerative diseases of the ner-

vous system, severe injuries to the nervous system including quadriplegia, paraplegia, hemiplegia, and blindness or deafness requiring definitive rehabilitation.

(6) "Nervous and mental disorders" mean those conditions classified as neuroses, psychoneuroses, or psychoses.

(7) "Dental care as a necessary adjunct to medical or surgical treatment" means that dental care which is determined by the cognizant physician and dentist to be an additional requirement in the proper treatment of a medical or surgical condition.

§ 577.62 Administration.

(a) The Secretary of Defense has jurisdiction over the Coast Guard when it is operating as a service with the Navy and over the Army, Navy, Marine Corps, and Air Force.

(b) The Secretary of Health, Education, and Welfare has jurisdiction over the Public Health Service. For medical care purposes, he also has jurisdiction over the Coast Guard when it is not in service with the Navy and over the Coast and Geodetic Survey.

(c) The Secretary of each of the uniformed services is responsible for care provided dependents in the medical facilities of his service worldwide and for providing for payment for authorized civilian care for eligible dependents of members of his service in areas other than the United States and Puerto Rico.

(d) Civilian care in the United States and Puerto Rico:

(1) The Secretary of the Army, acting as executive agent for the Secretary of Defense and the Secretary of Health, Education, and Welfare, has the responsibility of contracting for medical care from civilian sources in the United States and Puerto Rico for persons authorized care under §§ 577.60–577.69. This responsibility has been further delegated to The Surgeon General, Department of the Army.

(2) The Executive Director, Office for Dependents' Medical Care, Office of The Surgeon General, Department of the Army, Denver, Colo., 80240, administers the portion of the Dependents' Medical Care Program referred to in subparagraph (1) of this paragraph.

(e) Civilian care outside the United States and Puerto Rico: The Secretaries of the uniformed services have delegated authority to major commanders (or commanders with comparable responsibility) to administer the Dependents' Medical Care Program in areas outside the United States and Puerto Rico. In addition to §§ 577.60–577.69, such commanders will be guided by the following regulations of the individual services:

(1) Army—AR 40–123 (Fiscal Procedures—Dependents' Medical Care—Outside the United States and Puerto Rico).

(2) Navy—BUMED Instruction 6322.6 Series (Dependents' Medical Care in Civilian Facilities in Areas Other Than the United States and Puerto Rico; Payment of Charges for).

(3) Air Force—AFR 168–4 (Civilian Medical Care for Eligible Dependents in Areas Other than CONUS, Alaska, Hawaii, and Puerto Rico).

§ 577.63 Eligibility.

(a) *Dependents eligible for care.* The Summary of Eligibility (§ 577.69) lists the dependents eligible for care under the Dependents' Medical Care Program and indicates which dependents are eligible for care in both uniformed services and civilian facilities and those eligible for care in uniformed services facilities only.

(1) *Dependents eligible for civilian care.* Except as provided in § 577.67(e), only wives, children as defined in § 577.61(d)(5), and dependent husbands of active duty members of the uniformed services are authorized care from civilian sources at Government expense. No other dependents may be furnished civilian care under the Dependents' Medical Care Program, regardless of circumstances, emergency, or nonavailability of uniformed services facilities.

(2) *Dependents eligible for care in uniformed services facilities.* All dependents listed in § 577.61(d) are eligible for care in facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the professional staff.

(b) *Beginning date of eligibility.* A dependent becomes eligible for care on the date the member enters on active duty or on the date an event occurs which places an individual in the status of a dependent as defined in § 577.61(d) (e.g., marriage to a service member).

(c) *Changes in and termination of eligibility.* When the status of the member or the dependent changes, eligibility changes or terminates as indicated below:

(1) *Change in status of member.* (i) When a member's period of active duty ends (for any reason other than retirement) or he is officially placed in a desertion status, his dependents lose their eligibility for care in both civilian facilities and uniformed services facilities.

(ii) The dependents of members carried as "missing" or "missing in action" retain their eligibility for care in both uniformed services and civilian facilities or in uniformed services facilities only, as appropriate, until the member is declared legally dead or it is determined that he was in a status of unauthorized absence and he is officially placed in a desertion status. If the member is declared legally dead, the provisions of subdivision (v) of this subparagraph apply.

(iii) The dependents of a military prisoner under a sentence to a punitive discharge retain their eligibility for care authorized by §§ 577.60–577.69 until such time as the discharge is executed.

(iv) When a member is retired, his dependents lose eligibility for care in civilian facilities but retain eligibility for care in uniformed services facilities.

(v) When a member dies while on active duty, his dependents:

(*a*) Lose eligibility for civilian care with the following exceptions:

(*1*) A wife whose husband dies on active duty and who is pregnant at the time of his death may be provided obstetrical and maternity care for that pregnancy from civilian sources.

(2) A dependent who is receiving care in a civilian facility at the time of death of the member, or who requires care in a civilian facility as the result of being in the same accident or disaster-type episode which proved fatal to the member, may be provided civilian care until transfer to a uniformed services facility can be arranged.

(*b*) Retain eligibility for care in uniformed services facilities with the exception of certain widowers. (Subdivision (vii) of this subparagraph.)

(vi) When a member dies while in a retired status, his dependents continue to be eligible for care in uniformed services facilities with the exception of certain widowers (subdivision (vii) of this subparagraph).

(vii) A widower to be eligible for care in service facilities must not only have been dependent on the service wife at the time of her death for over one-half of his support but the dependency must have been caused by a mental or physical incapacity. In contrast, during her lifetime the only requirement is that he be dependent on her for over one-half of his support.

(2) *Change in status of dependent.* (i) A wife or dependent husband who is divorced from a member loses eligibility for care in both civilian facilities and uniformed services facilities on the date the divorce becomes final. A wife does not lose eligibility through issuance of an interlocutory decree of divorce even when the court has approved a property settlement releasing the service member from responsibility for her support. A wife's eligibility for care depends on her relationship alone and she remains eligible so long as the relationship of husband and wife is not terminated by a final divorce decree. The eligibility of children is not affected by the divorce (except that a stepchild relationship would cease upon divorce of parent and stepparent), nor does the fact that the divorced wife of a service member remarries necessarily terminate a child's eligibility for care. However, adoption of the child by a third party (other than a person whose dependents are eligible for care under the Dependents' Medical Care Program) terminates the child's eligibility.

(ii) With the exception of children who are mentally or physically incapacitated and those who are enrolled in an approved institution of higher learning, children lose eligibility upon reaching age 21. If a child is married before reaching age 21 to a person whose dependents are not eligible for care under the program, eligibility ceases on the date of marriage. However, should the marriage be terminated, the child may again be entitled to care as the child of a service member, provided the eligibility requirements of § 577.61(d)(5) are met.

(d) *Notice of eligibility termination.* (1) Members being processed for separation or release from active duty are required to complete section I, DD Form 1407 (Dependent Medical Care and DD Form 1173 Statement), indicating whether or not they have a dependent receiving medical care in a uniformed services facility or civilian care under

the Dependents' Medical Care Program. The Public Health Service uses Form PHS–3209 for obtaining this statement.

(2) When the DD Form 1407 (or Form PHS–3209) indicates that a member has a dependent receiving care, the commander processing the member for release will take the following action at the earliest possible time during processing and in no event any later than the date of release:

(i) When care is being received from civilian sources, notify the Executive Director, Office for Dependents' Medical Care, Office of The Surgeon General, Department of the Army, Denver, Colo., 80240, when the patient is in the United States or Puerto Rico, or the appropriate oversea commander when the patient is outside the United States and Puerto Rico. Notice will be sent direct by message communication or other expeditious means, furnishing the name of the dependent, the name of the member, date of release of the member from active duty, the name and address of the civilian physician and/or the civilian hospital where the dependent is receiving care.

(ii) When care is being received in a uniformed services facility by a dependent (other than a dependent of a member who is being retired), notify the uniformed services facility concerned by message communication or other expeditious means, furnishing the name of the dependent, the name of the member, and the date of release of the member from active duty.

(3) When a member is officially placed in a desertion status, the commander effecting such action and who has reason to believe that the member has a dependent receiving care shall accomplish the notification prescribed in subparagraph (2) of this paragraph if he has or can readily obtain the pertinent information.

(4) Upon death of a member, his organization commander shall accomplish notification prescribed in subparagraph (2) (i) of this paragraph if he has reason to believe that the member has a dependent receiving care from civilian sources.

(5) When a commander learns that a dependent of a member of his command is receiving care and that the status of the dependent has changed so that the said dependent is no longer entitled to care, he will effect the notification prescribed in subparagraph (2) of this paragraph.

(6) When the Executive Director, Office for Dependents' Medical Care, or the oversea commander receives a notice of eligibility termination on a dependent who is receiving civilian care, he will notify the contractor, civilian hospital, civilian physician, or other source of civilian care by any expeditious means deemed appropriate that the dependent's eligibility for care at Government expense terminated or will terminate on a specified date.

§ 577.64 Identification forms and procedures.

(a) *Identification.*

(1) DD Form 1173 (Uniformed Services Identification and Privilege Card) is the form prescribed for identification of dependents seeking care in either uniformed services facilities or from civilian sources. Application for a DD Form 1173 will be made by submitting a DD Form 1172 (Application for Uniformed Services Identification and Privilege Card) as prescribed by the directives listed in subparagraph (2) of this paragraph. It is incumbent upon each member of the uniformed services to insure that his eligible dependents obtain and keep in their possession a DD Form 1173 and that new DD Forms 1173 are obtained upon expiration date shown on the form for those dependents whose eligibility continues beyond that date.

(2) Determination of a dependent's eligibility for care is a responsibility of the uniformed services of which the sponsor is a member. Procedures for determination of eligibility and issue of DD Forms 1173 are prescribed by the following directives of the individual services:

(i) Army—AR 606–5 (Identification Cards, Tags, and Badges).

(ii) Navy—BUPERSINST 1750.5-series, Uniformed Services Identification and Privilege Card (DD Form 1173); Regulation governing, and MARCORPS PERSMAN (MCO P5000.3), paragraph 11051.

(iii) Air Force—AFR 30–20 (Issue and Control of Identification Cards).

(iv) U.S. Public Health Service—Dependents' Medical Care Circular No. 2.

(3) Except as indicated in subdivisions (i) and (ii) of this subparagraph, when requesting care from uniformed services facilities or from civilian sources under the Dependents' Medical Care Program, dependents 10 years of age or older will be required to show DD Form 1173 to the cognizant medical authority or his designee. Normally, DD Form 1173 is not issued to children under 10 years of age. Certification and identification of such children for care will be the responsibility of the service member, accompanying parent, legal guardian, or acting guardian. Under extenuating circumstances, a DD Form 1173 may be issued children under 10 years of age as authorized by the directives of the individual services.

(i) In an emergency, satisfactory collateral identification may be accepted in lieu of DD Form 1173.

(ii) Where DD Form 1173 is not available and no emergency exists—

(*a*) The patient may be admitted to a civilian hospital as a potential beneficiary of the Dependents' Medical Care Program. Payment in such cases will be made only if the conditions in paragraph (b) (2) of this section are met.

(*b*) Uniformed services facilities may accept a statement from the dependent, parent, sponsor, legal guardian, or acting guardian, attesting to the fact that eligibility has been established in accordance with the appropriate uniformed services regulations and giving the reason why the DD Form 1173 is not in their possession. This statement will be affixed to the patient's medical record.

(iii) In all cases where care is obtained from civilian sources, the dependent, parent, sponsor, legal guardian, or acting guardian, as appropriate, will be required to execute the applicable certificate on DA Form 1863–1 ((Hospital) (Services by Civilian Hospital, Private Nurses, Anesthetists, Physical Therapists—Medicare)) and DA Form 1863–2 ((Physician) (Services by Civilian Physicians and Dentists—Medicare)).

(b) *Documentation of DA Forms 1863–1 and 1863–2 for civilian care furnished dependents without DD Form 1173.* Before claims from civilian sources in these cases are submitted for consideration of payment, the DD Form 1173, if available, must be presented and the card number, beginning date of eligibility, and expiration date entered on the claim form. In cases where the DD Form 1173 is not available, the claim must be documented as follows:

(1) The DA Forms 1863–1 and 1863–2 for emergency care provided a dependent without a DD Form 1173 must contain a statement by the attending physician that the case was an emergency. In addition, an entry must be made on these forms indicating how the patient was identified as an eligible dependent (e.g., identification card of sponsor, verification by local military commander, personal knowledge).

(2) In instances where civilian care is provided a dependent under the conditions set forth in paragraph (a) (3) (ii) (*a*) of this section, the DA Forms 1863–1 and 1863–2 must be supported by a statement from an official of the sponsor's branch of service who has access to the sponsor's records indicating that the patient was an eligible dependent during the period covered by the claim. The statement will include the name, rank or grade, and position of the issuing official.

§ 577.65 Source of care for spouses and children.

(a) *Spouses and children residing apart from sponsor.* Spouses and children who are not residing with their sponsor may elect to obtain authorized care in either uniformed services facilities (§ 577.66 (d), (e), and (f)) or from civilian sources (§ 577.67 (b), (c), and (d)). Some care authorized in uniformed services facilities, however, is not authorized from civilian sources.

(b) *Spouses and children residing with sponsor—*(1) *In the United States and Puerto Rico.* Spouses and children residing with their sponsor may obtain authorized care at Government expense from civilian sources only after it has been determined that such care cannot be provided by a uniformed services facility located within reasonable distance of the patient's residence, except in emergencies and under other circumstances listed herein. For the purposes of §§ 577.60–577.69, the term "spouses and children residing with their sponsor" includes those who reside in an area to which their sponsor is assigned; e.g., those who reside in the household of the sponsor in the area of his permanent duty station, or the home port or home yard of a ship, even though the sponsor may be temporarily away, by reason of temporary duty with his unit or ship

from the permanent duty station or home port or home yard, respectively, or by reason of the sponsor's absence on individual temporary duty or temporary additional duty orders. Therefore, the DA Forms 1863–1 and 1863–2 covering a dependent residing in an area to which the sponsor is assigned should be filled in to show that the dependent is residing with the sponsor.

(i) A DD Form 1251 (Nonavailability Statement—Dependents Medical Care Program) normally will be furnished spouses and children who reside with their sponsors in the following instances: when there are no medical facilities of the uniformed services in the area in question; or when available medical facility (or facilities) of the uniformed services in the area cannot provide the required care because it lacks the necessary staff, facilities, or space; or when the dependent does not live within a reasonable distance of the uniformed services facility. The form (4-part set) will be signed by the issuing officer. Three copies will be furnished to the patient; one to be given to the attending physician, one to the civilian hospital, and one to be retained by the patient. The remaining copy will be retained by the issuing authority.

(*a*) The issuing authority will explain to the patient that the DD Form 1251 must be presented to the source of civilian care if the dependent chooses to seek such care under the Dependents' Medical Care Program. The issuing authority will point out that the statement is for immediate use and will emphasize that the statement should not under any circumstances or conditions be considered as an indication that the Government will necessarily pay for the civilian care obtained. The issuance of a statement may be considered to reflect the following:

(*1*) The care requested is not available from uniformed services facilities.

(*2*) If the care obtained from civilian sources is subsequently determined to be authorized care under the Dependents' Medical Care Program, it will be paid for by the Government to the extent authorized by §§ 577.60–577.69.

(*3*) If the care obtained is not care authorized to be obtained from civilian sources under the program, the issuance of the DD Form 1251 will not render the Government liable for payment of any portion of the unauthorized care received.

(*b*) Under the provisions of the Dependents' Medical Care Program, the contractor processing a claim for civilian care must be governed by the statements and information entered on, or attached to, the DA Forms 1863–1 and 1863–2 submitted by the hospital and physician and not by the statements of the individual issuing the DD Form 1251. Accordingly, no entry will be made on the nonavailability statement by the issuing authority as to diagnosis or classification of the condition (acute or chronic). Additionally, a commander of a uniformed services installation or activity, or any member of his command, will not make any commitment to a civilian physician or civilian hospital that the care provided in a specific case will be authorized for payment by the Government under the Dependents' Medical Care Program.

(ii) When residing in an area where there is no uniformed services medical facility, the sponsor or dependent may request a DD Form 1251 from the nearest uniformed services installation or off-post activity (except installations and off-post activities of the Coast and Geodetic Survey) in ordr to obtain civilian care. It is the responsibility of the commander of such installation or off-post activity, or his designated representative, to furnish the sponsor or dependent with a DD Form 1251 if he determines that a medical facility of the uniformed services is not within reasonable distance of the dependent's residence. In determining what constitutes reasonable distance, in addition to the distance factor, consideration will be given to time required to normally complete the trip, unusual geographic and transportation factors, such as availability of private or public transportation, and the presence of toll bridges or ferries which would increase unreasonably the time and expense of travel. The fact that a uniformed services medical facility is located in another geographic area, as delineated by a State, county, city, town, or similar boundary, does not in and of itself, place the facility outside the area of the dependent's residence.

(iii) When residing in an area where there is a uniformed services medical facility, the dependent will apply for care at that facility. The commander of the medical facility, or his designee, will determine whether adequate medical facilities and medical staff are available to furnish the required care and whether the dependent's home is within reasonable distance of the uniformed services facility. When it is determined that the care cannot be provided by the uniformed services medical facility or that the dependent does not live within reasonable distance of such facility, it is the responsibility of the commander of the medical facility, or his designee, to furnish the dependent or sponsor a DD Form 1251. Dependents will not be referred to a specific hospital or physician.

(iv) In areas where there are medical facilities of two or more uniformed services and care required by a dependent cannot be furnished at the medical facility to which the dependent applies, the other uniformed services medical facilities in the area will be contacted to determine whether the care can be provided at such facilities. A DD Form 1251 will be issued only after it is determined that the care is not available at any of the uniformed services medical facilities in the area. See § 577.66(h) on cross utilization of service facilities.

(v) An issuing authority may issue a DD Form 1251 on a retroactive basis to cover care already commenced or completed by civilian sources when it is determined that the DD Form 1251 could have been issued before the care was commenced if application had been made. DD Forms 1251 issued under these circumstances will bear a statement in the "Remarks" section of the form that it was issued on a retroactive basis with an effective date of (_____).

(vi) A DD Form 1251 is not required:

(*a*) When in an emergency it is necessary for a spouse or child to obtain care from civilian sources, e.g., serious injury following an accident or illness of sudden onset requiring immediate hospitalization at the nearest available medical facility to preserve life, health, or to prevent undue suffering. In such cases, the attending physician is required to certify as to the existence of the emergency.

(*b*) During a period of absence from the area of the sponsor's household on a trip.

(vii) When the status of a dependent changes from residing apart to residing with sponsor, the source of care will be as follows:

(*a*) *Hospitalization.* A spouse or child who is residing apart from sponsor at the time of admission to a civilian hospital and who acquires the status of "residing with sponsor" during hospitalization, may complete authorized care for that admission (and readmission as authorized in § 577.67(f)(7)) without a DD Form 1251.

(*b*) *Outpatient care.* An eligible dependent who is residing apart from sponsor at the time authorized outpatient care, including maternity care, is commenced, and who takes up residence with the sponsor during the period of care, may continue to obtain care from civilian sources without a DD Form 1251 until that course of care is completed provided there is no change in the attending physician. If such a dependent cannot continue with the same physician, care will be obtained as outlined in subdivisions (ii) or (iii) of this subparagraph.

(2) *Outside the United States and Puerto Rico.* (i) Where medical facilities of the uniformed services are available within the area and are capable of providing the required care, spouses and children who are residing with their sponsors will utilize these facilities for medical care except as follows:

(*a*) In an emergency.

(*b*) When temporarily absent from the area.

(*c*) When a dependent's status changes from "residing apart from sponsor" to "residing with sponsor" while hospitalized in a civilian facility or after authorized civilian outpatient care has been commenced and there is no change in the attending physician.

(ii) In areas where medical facilities of the uniformed services are either nonexistent or incapable of providing adequate care, spouses and children who are residing with their sponsors will be provided authorized civilian care from professionally acceptable local sources in accordance with §§ 577.60–577.69. The oversea commander will determine whether a uniformed services medical facility is near enough to the dependent's residence to be considered "in the area," and if so, whether the facility can provide what he considers to be adequate care.

§ 577.66 Care for dependents at facilities of the uniformed services.

(a) *Eligibility for care in uniformed services facilities.* Dependents are eligi-

ble for care in uniformed services facilities if they bear one of the relationships listed in § 577.61(d) to—

(1) An active duty member of the uniformed services.

(2) A retired member of the uniformed services.

(3) A person who at the time of his death was an active duty member of the uniformed services.

(4) A person who at the time of his death was a retired member of the uniformed services.

(b) *Authority for providing care to dependents.* (1) Whenever requested, and except as indicated in subparagraph (2) of this paragraph, authorized medical and dental care will be provided eligible dependents subject to the availability of space and facilities and the capabilities of the professional staff.

(2) Care is not available to dependents at the following Public Health Service facilities:

(i) Outpatient offices.

(ii) Designated physician's offices.

(iii) Indian or Alaska native service hospitals.

(3) Determinations made by the person in charge of the uniformed services facility, or by his designee, as to the availability of space and facilities and the capabilities of the professional staff, will be conclusive. A dependent requesting care will not be denied such care on the basis of the sponsor's service affiliation or assignment, or on the basis of the location of the dependent.

(4) The furnishing of care to dependents will not be permitted to interfere with accomplishment of the primary mission of the facility.

(c) *Determination of availability of facilities.* In determining whether or not a uniformed services facility is available to dependents for care, consideration will be given to the following:

(1) Primary mission of the facility.

(2) Adequacy of professional care available.

(3) Optimum number of patients who can be treated without sacrificing high professional standards.

(4) Optimum utilization of the facility.

(d) *Medical care authorized.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, medical care of dependents in the facilities of the uniformed services is limited to the following:

(i) Diagnosis.

(ii) Treatment of acute medical conditions.

(iii) Treatment of surgical conditions.

(iv) Treatment of contagious diseases.

(v) Immunization.

(vi) Maternity and infant care.

(vii) Treatment of chronic diseases only when active and definitive treatment is required for an acute exacerbation or complication of the disease or when surgery is required for improvement of function. See paragraph (f)(2)(ii) of this section for adjunctive dental care authorized.

(viii) Treatment of nervous and mental disorders only when active and definitive treatment is required for an acute exacerbation or complication of the disorder.

(2) Except as provided in subparagraph (1) (vii) and (viii) of this paragraph, dependents will not ordinarily be provided hospitalization for the treatment of chronic diseases and nervous and mental disorders. However, in special and unusual cases, exceptions for specific patients may be made by the commander of the uniformed services facility concerned and hospitalization and/or treatment may be provided for such diseases or disorders. In no instance may the period of hospitalization for these special and unusual cases exceed 12 months. The limitation on length of hospitalization for these cases is established by law and cannot be exceeded regardless of circumstances. The commander of the uniformed services facility concerned is responsible for arranging for discharge of dependents hospitalized as special and unusual cases under authority of this paragraph prior to expiration of the 12-month period.

(3) Treatment may be provided for acute emergencies of any nature, including acute emotional disorders, which are a threat to the life, health, and well-being of the patient. Hospitalization is authorized in facilities of the uniformed services for such emergencies only pending completion of arrangements for care elsewhere unless the illness or condition qualifies for care under subparagraphs (1) or (2) of this paragraph.

(4) When a hospitalized dependent patient requires care beyond the capabilities of the medical facility, the commanding officer or officer in charge of the facility is authorized to arrange for the required care by one of the following means:

(i) Transfer the patient to the nearest medical facility of the uniformed services where the required care is available. Government transportation may be utilized for transfer. Movement by commercial transportation at Government expense is not authorized.

(ii) Procure from civilian sources the necessary supplemental material and professional and personal services required for the proper care and treatment of the patient. Charges for such material or services will be paid from funds available to operate the uniformed services facility furnishing the care.

The authorization provided by this paragraph is applicable after admission of the patient when the patient's condition so requires.

(5) Care provided dependents in uniformed services facilities may include braces, walking irons, elastic stockings, and similar orthopedic aids when required for the proper care and treatment of the patient.

(6) Prescriptions written by licensed civilian physicians and dentists for dependents will be filled at uniformed services facilities to the extent that local resources permit.

(e) *Medical care not authorized.* (1) Dependents will not be provided hospitalization at facilities of the uniformed services for the following:

(i) Chronic diseases (§ 577.61(h)(5)) except in an emergency and as provided in paragraph (d) (1)(vii) and (2) of this section.

(ii) Nervous and mental disorders (§ 577.61(h)(6)) except in an emergency and as provided in paragraph (d) (1)(viii) and (2) of this section.

(iii) Care which, in the opinion of the cognizant medical authority, is not medically indicated; e.g., surgery solely for cosmetic purposes.

(iv) Domiciliary care (§ 577.61(h)(4)).

(2) Dependents will not be provided—

(i) Artificial limbs, artificial eyes, hearing aids, orthopedic footwear, and spectacles at Government expense. However, these items if available from Government stocks, may be sold to dependents at invoice cost outside the United States and at remote stations within the United States where adequate civilian facilities are not available when so designated by the Secretary of the Army, Navy, or Air Force upon approval of the Secretary of Defense, or by the Surgeon General, Public Health Service, upon approval of the Secretary of Health, Education, and Welfare. When the invoice cost is not known, the inventory or catalog price may be used at the discretion of the responsible property officer concerned. For example, the charges to the dependent for spectacles could be on the basis of standard unit price of components. The restriction on furnishing the above items to dependents does not preclude the uniformed services facility from furnishing certain services in connection therewith as a part of authorized treatment. Such services may include examination, treatment, taking of necessary measurements, procurement of the item for the individual at no expense to the Government, fitting of the item, and training in its use.

(ii) Ambulance service for initial admission, except that a Government ambulance may be used in acute emergency as determined by the medical officer in charge to be medically necessary.

(iii) Home calls, except in special cases where it is determined by the medical officer in charge to be medically necessary.

(f) *Dental care authorized.* (1) Dependents are authorized routine dental care at uniformed services dental facilities in the following locations:

(i) Outside the United States.

(ii) At designated remote areas within the United States.

(2) In those areas within the United States which have not been designated remote for dental care purposes, dental treatment authorized dependents is limited to the following:

(i) Emergency dental treatment to relieve pain and suffering. This does not include permanent restorative dentistry or fabrication of dental prosprotheses.

(ii) Adjunct to medical or surgical treatment. Dental treatment deemed necessary by the cognizant dentist and physician as an adjunct to medical or surgical treatment of an acute or chronic condition; e.g., acute or chronic nephritis caused or complicated by advanced periodontoclasia.

NOTE: The above limitation on dental treatment does not preclude the carrying out of preventive measures such as fluoridation of water, instructions in oral hygiene,

etc., under preventive dentistry programs of the individual services. Nor does it preclude the taking of appropriate X-rays.

(g) *Designation of remote areas for dental care.* Remote areas within the United States will be designated by the Secretary of the Army, Navy, or Air Force upon approval by the Secretary of Defense, or by the Surgeon General of the Public Health Service upon approval by the Secretary of Health, Education, and Welfare. Normally, an area will not be considered as remote unless the uniformed services activity is more than 30 miles from a community with adequate civilian dental facilities. Consideration will be given to unusual geographic and transportation factors such as toll bridges or ferries which would unreasonably increase the time and expense of travel. A community's dental facilities ordinarily will not be considered adequate for the purpose of §§ 577.60–577.69 unless an average of one civilian dentist is in private civilian practice per 2,000 population. Notwithstanding the foregoing criteria, a local commander may request designation of an area as remote when he believes justification exists. All requests for designation of an area as remote will include the following:

(1) The distance of the area from a community with adequate civilian dental facilities (in miles and time) including unusual transportation factors, if any, which must be considered.

(2) The number of civilian dentists engaged in active practice within 30 miles of the uniformed services dental facility.

(3) The civilian population within 30 miles of the uniformed services activity.

(4) The dependent population residing on or adjacent to the installation.

(5) The total number of dependents who would be eligible for dental care at a uniformed services dental facility if the area were designated as remote.

(6) The availability of specialized dental services within the civilian community.

(7) The capability of the uniformed services dental facility to provide dental care to dependents in the area.

(8) Statement concerning excessive costs, if any, for civilian dental service in the community.

(9) Examples of unusual delays, if any, in obtaining civilian dental service.

(10) Statement from the State dental society setting forth its position concerning the proposed designation of the area as remote.

(h) *Cross-utilization of uniformed services facilities.* To provide effective cross-utilization of medical and dental facilities of the uniformed services, eligible dependents, regardless of service affiliation, will be given equal opportunity for care. In areas where facilities of two or more uniformed services are available, the appropriate officials of each service will participate jointly in determining the capabilities and establishing areas of responsibility for dependent care. Delineation of such areas will be published jointly and will include—

(1) Zone boundaries and the facility serving each zone.

(2) Provision that dependents who reside in a zone served by a facility not of the sponsor's own service may obtain care at that facility or at a facility of the sponsor's own service located in another zone.

(3) Provision that if the facility to which the dependent applies cannot furnish the needed care, the other facility or facilities in the area will be contacted to determine whether care can be provided at such facility.

(4) Listing by position and telephone number of an individual at each facility as the point of contact to determine whether a dependent patient, who cannot be provided care at one facility, can be accepted by another facility in the area.

(i) *Charges for care in uniformed services facilities.* When care is provided dependents in facilities of the uniformed services, the following charges will be made to the patient:

(1) *Inpatient care—$1.75 per day.* No charge will be made for new-born infants while the mother is a patient in the hospital. In cases where the mother is discharged from the hospital and the infant remains as a patient, or where an infant is readmitted as an individual patient, charges will be $1.75 per day.

(2) *Outpatient care.* No charge will be made for outpatient care.

(j) *Dependents who become ineligible for care.* (1) In case a dependent is an inpatient in a uniformed services facility at the time the sponsor is separated from the service, other than by retirement, or is officially placed in a desertion status, or when the dependent's status changes so that said inpatient is no longer a dependent by definition as in § 577.61(d), the Government's responsibility for furnishing such a person care under the Dependents' Medical Care Program ceases at midnight of the date of such event.

(2) If continuation of the hospitalization of such a patient in a uniformed services facility after the date of such change in status is deemed necessary by the medical officer in charge (until proper disposition of the patient can be made), charges will be at the full per diem reimbursement rate.

§ 577.67 Care for spouses and children from civilian sources.

(a) *Eligibility for civilian care.* (1) Only a wife, a dependent husband, and children of active duty members of the uniformed services are eligible to receive specified care from civilian sources at Government expense. Spouses and children requesting care from civilian sources will be required to observe the identification procedures prescribed by the uniformed services (§ 577.64(a)). In addition, spouses and children who are residing with their sponsors in the United States and Puerto Rico are required to provide civilian sources with a DD Form 1251 except in an emergency or when the dependent is absent from the area of the sponsor's household on a trip (§ 577.65(b)(1)(vi)).

(2) When seeking civilian care, the dependent should ascertain that the source of care desires to participate in the Dependents' Medical Care Program. Following acceptance of the patient under the program by the civilian source of care, the patient is not responsible for payment of any amount for authorized care except as specified in paragraph (f) of this section.

(b) *Care authorized from civilian sources.* (1) The following care is authorized spouses and children from civilian sources:

(i) Treatment during hospitalization of acute medical conditions, including acute exacerbations or acute complications of chronic diseases.

(ii) Treatment during hospitalization of acute surgical conditions and surgical conditions that are not classified as acute but for which good medical practice dictates prompt attention (e.g. tonsillectomies). However, treatment of some nonacute surgical conditions requiring hospitalization will be authorized only if certain conditions prevail. Following are some examples of surgery falling in this category.

(*a*) Ears—surgery for restoration or improvement of hearing is allowable.

(*b*) Eyes—surgery for glaucoma, cataracts, strabismus (squint) or other conditions to aid or improve vision of the affected eye is allowable.

(*c*) Harelip and/or cleft palate—surgery for initial repairs, including surgery for subsequent repair known and established as a requirement at the time of original surgery is authorized. Subsequent revisions are not authorized.

(*d*) Rhinoplasties—authorized only for improvement of nasal respiratory physiology.

(*e*) Skeletal defects (e.g., club foot, congenital dislocated hip)—surgical treatment is authorized only when treatment is required as an in-hospital patient to improve function.

(*f*) Surgical treatment for removal of supernumerary digits or for correction of syndactylism is authorized only for improvement of function.

(*g*) Scars—surgical treatment is authorized only when a scar is ulcerated, shows clinical evidence of malignancy, or when a contracture impairing anatomical function is present.

(*h*) Surgical treatment for removal of nevi, hemangiomas and/or telangiectatic lesions is authorized only if they are bleeding, ulcerated, painful, or show clinical evidence of malignancy, or if size and location produce functional impairment.

(*i*) Surgical treatment for removal of plantar warts, verrucae, sebaceous cysts, condylomata, or moles is authorized only if they are bleeding, ulcerated, painful, or show clinical evidence of malignancy, or if size and location produce functional impairment.

(*j*) Mammoplasty is authorized only when severe pain or marked disability is present.

(*k*) Tubal ligation or other sterilization procedure is authorized only when the procedure is a necessary requirement in the proper management of a medical or surgical condition for which treatment is authorized under §§ 577.60–577.69.

NOTE: Those surgical procedures that are customarily performed by a dentist may be performed by a dentist who is a member of the staff of a hospital and normally performs these surgical procedures in that hospital.

The removal of teeth, gingivestomies, and alveolectomies are not authorized surgical procedures unless they meet the criteria specified in subdivisions (vi) or (vii) of this subparagraph. When authorized surgical treatment is performed by a dentist, other procedures, diagnostic tests, services and supplies authorized or ordered by him may be paid to the same extent as if a physician or surgeon authorized or ordered them.

(iii) Treatment of contagious diseases during hospitalization.

(iv) Complete obstetrical and maternity care including certain infant care.

(*a*) Complete obstetrical and maternity services will include prenatal care, delivery, and postnatal care in a hospital, office, or home. Payment for hospitalization will be in accordance with paragraph (f) of this section. Payment for prenatal care, delivery, and postpartum care will be made to the physician performing the respective service in accordance with paragraph (c)(2)(iii)(*a*) of this section.

(*b*) Allowances are authorized for laboratory tests, pathological or radiological examinations and other procedures performed or authorized by the attending physician in the management of the pregnancy.

(*c*) The attending physician may include in his bill the cost of drugs administered by injection to maternity patients provided such drugs are necessary and directly related to the pregnancy. Payment for oral medication is not authorized except during hospitalization.

(*d*) Necessary infant care will be provided during the period of hospitalization following delivery. If the infant requires further hospitalization after discharge of the mother, such care is authorized as a continuation of the original admission. Also, in the case of a home or office delivery, necessary infant care may be provided on an outpatient basis for a period not to exceed 10 days following the date of delivery.

(*e*) In instances of home or office confinement, payments are not authorized for the purchase or rental of beds, bassinets, or similar equipment, nor services of private-duty nurses.

(*f*) Obstetrical and maternity patients who develop acute emotional disorders complicating pregnancy or constituting postpartum psychosis occurring within the 6 weeks' postpartum period authorized for maternity care, are authorized in-hospital care for such disorders. See subdivision (v) of this subparagraph.

NOTE: Any patient hospitalized in a civilian hospital for treatment authorized by subdivisions (i) through (iv) of this subparagraph may be transferred to a hospital of the uniformed services subject to the availability of space and facilities and the capabilities of the professional staff. Government transportation may be utilized for transfer to the uniformed services hospital. Movement by commercial transportation at Government expense is not authorized. Arrangements for transfer should be made between the sponsor or patient and the commander of the nearest uniformed services medical facility.

(v) In-hospital treatment for nervous and mental disorders is authorized as follows:

(*a*) Treatment for nervous and mental disorders, including acute emotional disorders, required by a dependent during a period of hospitalization for a condition that qualifies as authorized care.

(*b*) Treatment for acute emotional disorders complicating pregnancy or constituting postpartum psychosis occurring within the authorized 6 weeks' postpartum period.

(*c*) Treatment for an acute emotional disorder if such disorder is considered to constitute an emergency which is a threat to the life or health of the patient.

(*d*) Ordinarily, care will be provided for an acute emotional disorder only until the disorder subsides, until arrangements are made for care elsewhere, or until the end of 21 days of hospitalization, whichever occurs earliest. Extension beyond 21 days may be granted on a case-by-case basis for a specified number of days where arrangements for care elsewhere cannot be completed within the 21-day period. In the United States and Puerto Rico, requests for extension will be submitted to the Executive Director, Office for Dependents' Medical Care, and outside the United States and Puerto Rico, to the appropriate oversea commander. Requests must be supported by a statement from the attending physician that the treatment given, or to be given, during the time period covered by the requested extension is for the acute phase of the disorder. A request for extension will be considered only if made by the service member, the dependent, or the representative of either, and if it is shown that—

(*1*) Due to absence, the service member was unable to join the dependent in sufficient time to make suitable arrangements, within the 21-day period, for care elsewhere.

(*2*) No other competent member of the service member's family was available to make such arrangements.

(*3*) The number of days requested for extension represents the minimum time required to complete suitable arrangements.

(*e*) In special and unusual cases, additional care for an acute emotional disorder may be provided in a hospital of the uniformed services in accordance with § 577.66(d)(2). In such cases, Government transportation may be utilized for transfer to the uniformed services hospital. Movement by commercial transportation at Government expense is not authorized.

(vi) Dental care which is necessary adjunct to medical or surgical treatment rendered in a hospital to a dependent who is a hospital patient. Such dental care will not include removable or fixed prosthodontic restorations, orthodontics, permanent types of restorative dentistry, and/or prolonged series of periodontal therapy.

(vii) Hospitalization of dependents with chronic diseases for the purpose of performing oral surgery determined by the cognizant physician and dentist to be a necessary adjunct to, and required for the proper treatment of, recurrently progressive debilitative diseases. See note at end of subdivision (ii) of this subparagraph.

(viii) All diagnostic and therapeutic tests and procedures, including laboratory tests and pathological and radiological examinations, when ordered by the attending physician and accomplished during a period of hospitalization.

(ix) In those instances during the period of hospitalization when treatment by the use of X-ray, radium, or radioisotopes is prescribed, such treatment may be continued or carried out on an outpatient basis.

(x) The cost of blood and the service charge for blood required during authorized care of eligible dependents in civilian facilities are allowable benefits. However, friends and relatives of the patient having the type blood required should be encouraged to donate blood. In the instances where blood must be purchased, these purchases should be made by the civilian source of care and included in its claim for reimbursement. Any person providing blood for a dependent undergoing treatment at Government expense may be reimbursed therefor at the local prevailing rate provided the sum of $50 for each withdrawal is not exceeded.

(xi) Services required of a physician or surgeon prior to and following hospitalization for a bodily injury or surgical operation.

(xii) When a dependent is hospitalized for treatment of a bodily injury or for a surgical procedure, payment for pre- and post-hospitalization tests and procedures is authorized as follows:

(*a*) Payment is authorized in an amount not to exceed $75 for necessary diagnostic tests and procedures performed or authorized by the attending physician prior to hospitalization for the same bodily injury or surgical procedure for which hospitalized.

(*b*) Payment is authorized in an amount not to exceed $50 for necessary tests and procedures performed or authorized by the attending physician for proper after-care of the same bodily injury or surgical procedure for which hospitalized.

(*c*) The monetary limitations in (*a*) and (*b*) of this subdivision may be exceeded in special cases provided the physician authorizing the tests and procedures submits a special report justifying the additional charges. In the United States and Puerto Rico these reports will be submitted to the Contracting Officer, Office of Dependents' Medical Care, who may authorize additional payments. Outside the United States and Puerto Rico, special reports referred to above will be processed in accordance with procedures established by the commander administering the program in the area.

(xiii) Treatment of bodily injuries (fractures, dislocations, lacerations, and other wounds) is authorized on an outpatient basis. Authorized treatment includes diagnostic and therapeutic tests and procedures in an amount not to exceed $75 when performed or authorized by the attending physician. This monetary limitation may be exceeded only in special cases where the attending physician submits a special report in the manner described in subdivision (xii)(*c*) of this subparagraph. Payment is also authorized for hospital outpatient facilities

required for the treatment of the injury; e.g., a cast room. Treatment of fractures, dislocations, lacerations, and other wounds customarily cared for by a dentist may also be paid under the provisions of this paragraph.

(xiv) If a consultant's services are required for proper care and treatment of a patient, such services are authorized.

(2) Hospitalization for authorized care is allowable only in semiprivate accommodations (except as provided in paragraph (f) of this section).

(3) Hospitalization for the types of care referred to in subparagraph (1) (i) through (iv) of this paragraph is limited to a maximum of 365 days for each admission (except as provided in paragraph (g) of this section).

(4) The necessary services and supplies furnished by the hospital to a dependent in an inpatient status are considered part of hospitalization.

(5) Clinical evidence and certification furnished by the source of civilian care will be used as a basis for determining whether or not bills for care furnished under this paragraph will be paid.

(c) *Special definitions and policies.* In determining the extent of care to be provided spouses and children at Government expense, the following special definitions and policies will apply. (These definitions and policies may be modified for use outside the United States and Puerto Rico by the appropriate oversea commander or other commander with comparable responsibility.)

(1) *Special definitions*—(i) *Hospital.* The word "hospital" as used in this section means a civilian institution operated in accordance with the laws of the jurisdiction in which it is located and one which is primarily engaged in providing diagnostic and therapeutic facilities for surgical and medical diagnosis, treatment and care of injured and sick persons by or under the supervision of one or more staff physicians or surgeons, and provides 24-hour nursing service by registered graduate nurses.

(ii) *Private accommodations.* The term "private accommodations" means one bed in a room.

(iii) *Semiprivate accommodations.* The term "semiprivate accommodations" means 2, 3, or 4 beds in a room.

(iv) *Ward accommodations.* The term "ward accommodations" means 5 or more beds in a room.

(v) *Necessary services and supplies.* Those services and supplies ordered by the attending physician which are customarily provided and charged for by the hospital.

(vi) *Physician or surgeon.* A person who is legally qualified to prescribe and administer all drugs and to perform all surgical procedures.

(vii) *Dentist.* A person who is legally qualified to prescribe and administer all drugs and perform all procedures related to the teeth, jaws, and supporting structures of the oral cavity.

(viii) *Local schedule of allowances.* The maximum allowances for payment of physicians' services applicable to a local area. In the United States and Puerto Rico, the schedule of allowances is that schedule negotiated with the physicians' representative and approved by the Executive Director, Office for Dependents' Medical Care, for the Department of Defense and the Department of Health, Education, and Welfare.

(ix) *Hospital care.* Hospital care under this section is defined as inpatient care for 18 consecutive hours or more, except for shorter periods of hospitalization for surgical procedures, treatment of fractures or other bodily injuries, or instances in which death occurs in a lesser period of time. Hospital care includes board and room and necessary services and supplies for a maximum of 365 days for each admission except as provided in paragraphs (b) (1) (v) (*d*) and (g) of this section.

(2) *Policies*—(i) *Medical facilities other than hospitals.* Payment may be made to a civilian medical facility which does not meet the criteria specified in subparagraph (1) (i) of this paragraph when it is necessary for spouses and children to obtain medical care on an emergency basis in such a facility.

(ii) *Use of ward accommodations.* Although dependents are normally provided hospitalization in semiprivate accommodations, ward accommodations may be furnished under certain circumstances. Ward facilities may be used for pediatric cases whenever this is the normal medical practice and the parent or guardian willingly accepts such accommodations. Further, when the attending physician admits his patient to a hospital in which all semiprivate accommodations are occupied, care furnished in ward accommodations will be considered authorized care, but the patient should be transferred to a semiprivate room as soon as possible. Also, when a patient is admitted to an otherwise acceptable institution which furnishes only ward accommodations, care furnished therein shall be considered authorized care.

(iii) *Professional services.* Payment for professional services is authorized as follows:

(*a*) Payment of physicians, including necessary consultants, at their usual charge for the service provided but not exceeding the charge listed therefor in the local schedule of allowances incorporated in the applicable contract.

NOTE: Where a local schedule of allowances has not been negotiated and approved, the Executive Director, Office for Dependents' Medical Care, may provide a schedule of allowances for use in payment for physicians' services in the United States and Puerto Rico. Where no schedule is in existence, particularly in oversea areas, the standard charge for services by physicians in the locality concerned will be used as a guide in lieu of such schedule.

(*b*) Payment of dentists' fees for authorized care.

(*c*) Payment for services of self-employed anesthetists and self-employed physical therapists for services provided eligible dependents when the attending physician certifies that such services were required for the proper care and treatment of the patient.

(*d*) Payment of a portion of the cost for private-duty nursing care when the attending physician certifies that such care was required for the proper care and treatment of the patient while receiving authorized hospital care (paragraph (f) (5) of this section).

(iv) *Drugs and medicinals.* (*a*) A physician or dentist furnishing authorized care to an eligible dependent may include in his bill the cost to him of those drugs which he administers by injection, provided such drugs are necessary and directly related to the condition for which treatment is being furnished.

(*b*) Payment is not authorized for medication dispensed by a physician or dentist on an outpatient basis or prescribed by a physician or dentist on an outpatient basis and procured by the dependent or sponsor from civilian sources. However, payment is authorized for medication prescribed by a physician or dentist and furnished by a hospital to an eligible dependent during hospitalization for use during such hospitalization.

(d) *Care not authorized from civilian sources.* The following medical care and services are not authorized from civilian sources:

(1) Treatment of chronic diseases (§ 577.61(h) (5)) except as provided in paragraph (b) (1) (i) and (vii) of this section.

(2) Treatment of nervous and mental disorders (§ 577.61(h) (6)), including acute emotional disorders, except as provided in paragraph (b) (1) (v) of this section.

(3) Domiciliary care (§ 577.61(h) (4)).

(4) Treatment or procedures normally considered to be outpatient care (§ 577.61(h) (2)) except as provided in paragraph (b) (1) (iv), (ix), (xi), (xii), and (xiii) of this section.

(5) Civilian ambulance service.

(6) Prosthetic devices such as artificial limbs, artificial eyes, hearing aids, orthopedic footwear, spectacles, and similar medical supports or aids.

(7) Surgical care that is requested by the patient which is not medically indicated. The opinion of the attending physician will determine whether the care is medically indicated and therefore payable under the provisions of paragraph (b) (1) (ii) of this section, except that the types of surgery described below are not authorized for payment under any circumstances:

(i) Cosmetic surgery—any surgery for improvement or change of appearance or for psychological reason.

(ii) Ears—reconstruction and/or revision of the external ear; surgery based on psychological reasons.

(iii) Congenital defects of skeletal and/or central nervous system which are readily identifiable as representing chronic long term conditions and characteristically respond poorly to surgical intervention.

(iv) Sterilization procedures for multiparity and/or socioeconomic reasons.

(v) Procedures designed to correct a state of infertility or sterility.

(vi) Removal of tattoos.

(8) Treatment for nonacute medical conditions. Examples of types of care not authorized are set forth below:

(i) Procedures designed to determine state of infertility or sterility.

(ii) Pseudocyesis (false pregnancy) or pregnancy suspected but not proven.

(iii) Tests to determine pregnancy, except when the patient is in fact pregnant and when tests are required for proper conduct of maternity or postpartum care (hydatid mole).

(iv) Diagnostic evaluation and hospital admission in connection therewith when patients are not acutely ill or when diagnostic surveys are not followed by surgery.

(v) Rehabilitation procedures for persons with congenital defects, cerebral palsy, or poliomyelitis (except when related to in-hospital care of surgical procedure performed for improvement or restoration of function).

(vi) Treatment for tuberculosis—inactive (nonacute) when determined by clinical tests. Treatment is authorized only for the active (acute) phase as determined by acceptable medical standards (positive sputa; positive gastric washings; or positive chest or other X-rays).

(vii) Tests and procedures such as the following:

(*a*) Psychological, psychometric, or intelligence measuring tests.

(*b*) Speech and/or hearing therapy, remedial reading, or orthoptic training.

(*c*) Child guidance therapy.

(e) *Administrative procedures for dependent patients who become ineligible for civilian care.* (1) Spouses and children of members of the uniformed services receiving treatment in a civilian facility at Government expense at the time of death of a member, or such spouses and children requiring care in a civilian facility as a result of being in the same accident or episode (e.g., disaster-type situation) which proved fatal to the member, if continued hospitalization is required, shall be transferred to a uniformed services facility as soon as the physical condition of the patient permits. Government transportation may be utilized for transfer to the uniformed services facility. Movement by commercial transportation at Government expense is not authorized. Request for transfer should be made to the commander of the nearest uniformed services medical treatment facility. The cost of medical and hospital care authorized from civilian sources which was furnished to the dependent during the period of hospitalization in the civilian facility shall be borne by the Government subject to the charges provided in paragraph (f) of this section.

(2) A dependent wife who is eligible for civilian care, whose husband dies while on active duty, who is pregnant at the time of his death and is delivered on or after 28 July 1959, may be provided from civilian sources at Government expense the obstetrical and maternity care authorized in paragraph (b)(1)(iv) of this section. This includes authorized prenatal care obtained before, on, or after 28 July 1959 and authorized neonatal care for the child. The widow will pay the charges specified in paragraph (f) of this section for this type care.

(i) The widow will be required to surrender DD Form 1173 authorizing care in both civilian and uniformed services facilities and will be issued a new DD Form 1173 authorizing care in uniformed services facilities only.

(ii) When appropriate, the official who issues a new DD Form 1173 will provide the widow with a letter, in triplicate, indicating that—

(*a*) Notwithstanding the fact that the DD Form 1173 in her possession does not authorize care in civilian facilities, she is authorized obstetrical and maternity care for her current pregnancy from civilian sources at Government expense if it is determined that she was pregnant on _____ (date of husband's death). and

(*b*) A copy of the letter should be attached to the DA Forms 1863–1 and 1863–2 submitted by the civilian physician and hospital providing care under these circumstances.

(iii) The widow may elect to receive care in either civilian or uniformed services medical facilities.

(3) In cases of spouses and children (other than those referred to in subparagraphs (1) and (2) of this paragraph) receiving treatment from civilian sources at Government expense at the time entitlement to receive care from civilian sources ceases, the Government's responsibility for payment for such care ceases, so far as the source of civilian care is concerned, as of midnight on the date of receipt of notice by the source of care that the dependent's entitlement to care from civilian sources has terminated, or the normal expiration date of the DD Form 1173, whichever is earlier. The Government's responsibility ceases, so far as the dependent or member is concerned, as of midnight on the date the dependent, for any reason, ceases to be entitled to receive care from civilian sources at Government expense. Examples of instances in which the Government's responsibility for payment ceases include, but are not limited to the following: the member's release from active duty, discharge, separation from the service by punitive-type discharge, official placement of the member in a desertion status, and divorce (§ 577.63(c)).

(f) *Charges for civilian care.* When the charge for the hospitalization of a spouse or child is $25 or less, the patient shall pay the charge as a direct transaction not involving the Government. In other instances, the patient shall pay the charge as prescribed under applicable circumstances below.

(1) When the entire period of hospitalization has been in other than private accommodations, the patient shall pay to the hospital the greater of subdivision (i) or (ii) of this subparagraph:

(i) The first $25 of the expense incurred.

(ii) An amount determined by multiplying the number of days of hospitalization by $1.75.

(2) If hospital care in a private room is obtained because it is required for proper care and treatment, and if the patient's attending physician so certifies, the amount of private room charges less the patient's payment set forth below will be paid by the Government. When private room charges are more costly, the patient will be required to pay the hospital the greater of subparagraph (1) (i) or (ii) of this paragraph and in addition 25 percent of the difference between private room charges and weighted average cost of semiprivate room charges. The weighted average cost of semiprivate room beds is based on the number of different rates for semiprivate room beds in that hospital multiplied by the number of beds at each rate combined into a sum of the products divided by the total number of beds; e.g., 20 beds at $10 equals $200; 10 beds at $12 equals $120; 10 beds at $15 equals $150; for a total of $470. The weighted average cost per bed would then be calculated ($470 divided by 40 equals $11.75 weighted average cost).

NOTE: For hospitals having only private rooms, the term "weighted average cost of semiprivate room charges" is defined as 90 percent of the daily hospital charges for the room furnished the dependent or $15 per day, whichever is less.

(3) If hospital care in a private room is provided at the specific request or desire of the patient or of the sponsor, the patient will be required to pay to the hospital the greater of subparagraph (1) (i) or (ii) of this paragraph. In addition, when private room charges are more costly, he will pay the difference between private room charges and the weighted average cost of semiprivate room charges.

(4) Except as provided in subparagraph (2) of this paragraph, if hospital care in a private room is obtained in a hospital which has only private rooms, the patient will be required to pay to the hospital the greater of subparagraph (1) (i) or (ii) of this paragraph, and in addition 10 percent of the daily hospital charges for the private room or the total daily hospital charges for such room, less $15 per day, whichever is the greater.

(5) If private-duty nursing care is required for proper care and treatment while receiving authorized hospital care, and if the patient's attending physician so certifies, the patient will pay the first $100 and 25 percent of the charges in excess of $100. The Government will pay 75 percent of the special-duty nursing charges in excess of $100.

(6) All admissions to a hospital of an obstetrical patient as an in-patient for care required in direct connection with the pregnancy, including admissions for direct complications thereof, during the period of pregnancy up to and including delivery, and admissions for postpartum inpatient care for complications of pregnancy where the complication arises within the authorized 6 weeks postpartum period and where treatment is commenced by the attending physican within that period, will be considered as one admission for the purpose of determining charges to the patient. Admission for a nonobstetrical diagnosis in the course of but not connected with a pregnancy would require the patient to pay the charges for a separate admission. When delivery occurs outside a hospital and the patient is not hospitalized in direct connection with the pregnancy, the patient will pay to the attending physician the first $15 of his charges for the delivery. If hospitalized, the charges

will be in accordance with other applicable provisions of this paragraph.

(7) Patients who previously were admitted to a hospital for authorized care, who paid at least $25 of the hospital charges for that admission and who are readmitted to a civilian hospital within 14 days following discharge from the previous admission for authorized treatment of the original conditon for which initially hospitalized, or direct complications thereof, will not be required to pay the first $25 of the subsequent hospitalization, but will be required to pay an amount determined by multiplying the number of days of the current hospitalization by $1.75, plus additional charges for a private room and private duty nursing care, when appropriate, in accordance with subparagraphs (2), (3), (4), and (5) of this paragraph. Hospitals will be responsible for obtaining from the patient, sponsor, physician, or other hospitals satisfactory evidence that the patient is entitled to the lesser charge.

(8) When an inpatient is transferred to another hospital for necessary treatment not available in the first hospital and no break in hospitalization occurs except for time in transit, it will be considered as one admission for the purpose of payment of charges by the patient in accordance with this paragraph.

(9) When a patient is treated for injury other than as an inpatient in a hospital in accordance with paragraph (b)(1)(xiii) of this section, the patient will pay the first $15 of the physician's charges for each different cause or accident for which treatment and services are rendered, except that multiple injuries to the same person resulting from a single accident will be considered as one injury for payment of the maximum required fee ($15) by the patient. The Government will pay for all costs in excess of $15 as authorized in the local schedules of allowances. However payment by the Government for laboratory tests and pathology and radiology examinations will not exceed the $75 maximum except as provided in paragraph (b)(1)(xiii) of this section.

(g) *Hospitalization beyond period of 365 days.* When a spouse or child requires a period of hospitalization in excess of 365 days, the hospital if located in the United States or Puerto Rico, will notify the contractor who, in turn, will forward this notification to the Executive Director, Office for Dependents' Medical Care. Outside the United States and Puerto Rico, the major commander or other commander concerned will, to the extent possible, provide civilian hospitals with instructions for notifying the proper uniformed services authority. Notification by the hospital will be submitted not later than 300 days after admission of the patient. Advance notice will permit arrangements to be made for proper transfer of the patient to a hospital of the uniformed services when feasible. When transfer is not feasible, continuation of care in the civilian hospital at the expense of the Government may be authorized as provided in this paragraph.

(1) The Executive Director, Office for Dependents' Medical Care, or oversea commander, upon receipt of such information, will notify the Surgeon General of the uniformed service of which the sponsor is a member. The Surgeon General of the uniformed service concerned will determine the feasibility of moving the patient to an appropriate facility of the uniformed services or other disposition as may be indicated prior to the expiration of the 365 days of authorized care. If transfer of the patient is not feasible, continuation of civilian hospital care beyond 365 days may be approved by the Surgeon General concerned for an initial period of not more than 90 days. If required, 90-day extensions may be granted. Specific approval for extension must be obtained from the Surgeon General concerned prior to the end of each such period.

(2) Government transportation may be utilized to transfer the spouse or child from the civilian hospital to a uniformed services hospital. Movement by commercial transportation at Government expense is not authorized.

(h) *Government liability for payment of civilian medical care costs.* (1) As prescribed in § 577.64(a), the uniformed services will provide eligible dependents with means of identification. When sources of civilian care exercise reasonable care and precaution in identifying persons claiming to be eligible dependents (§ 577.64(a)(3)) and furnish authorized care to those persons in good faith, payment is authorized. When care has been provided in good faith by the source of civilian care and it is subsequently determined that the persons concerned were not in fact entitled to care at Government expense under the Dependents' Medical Care Program, collection and other legal action will be taken only against the sponsor, guardian, or individual who was not entitled to the care. Collection action in individual cases will be the responsibility of the uniformed service whose appropriations reimbursed the executive agent or whose appropriations were used in payments made on behalf of persons not entitled to care at Government expense. Where fraud is indicated, the matter may be referred to the Attorney General of the United States with recommendation for prosecution.

(2) Notwithstanding the foregoing, the Government will not be responsible for payment for care rendered to spouses and children residing with their sponsors in the United States and Puerto Rico without a Nonavailability Statement (DD Form 1251) except as provided in § 577.65(b)(1)(vi) and paragraph (e)(2) of this section. Where representations are made by the source of civilian care that it was not aware of the requirement for a nonavailability statement and that it furnished care authorized under this regulation to a spouse or child possessing a valid DD Form 1173, and efforts by the physician or hospital to obtain a nonavailability statement through the sponsor or dependent had failed (§ 577.65(b)(1)(v)), the matter will be brought to the attention of the Executive Director, Office for Dependents' Medical Care. The uniformed service concerned will be notified and the matter will be brought to the attention of the service member as an unpaid debt. In special circumstances where the source of civilian care shows that collection has not been possible, the Contracting Officer, Office for Dependents' Medical Care, may authorize payment provided the claim covers care authorized under §§ 577.60–577.69 and was otherwise in accordance with all requirements except those concerning a nonavailability statement.

(3) The Contracting Officer, Office for Dependents' Medical Care, or appropriate oversea commander, may authorize certain claims for payment where the procedures in § 577.64 (a)(3) and (b) have not been followed if it is established that authorized care was furnished to an eligible dependent. The Secretary of each uniformed service, or his designee, will, upon request of the Contracting Officer, Office for Dependents' Medical Care, or oversea commander, make a determination of eligibility of the patient and inform the Contracting Officer, Office for Dependents' Medical Care, or oversea commander thereof in writing.

§ 577.68 Care in miscellaneous circumstances.

(a) *Care in Federal medical facilities other than those of the uniformed services.* Dependents will not be provided care in facilities operated by any agency of the Federal Government other than the uniformed services except as follows:

(1) *Care in Freedmen's Hospital.* Dependents eligible for civilian care may obtain care in Freedmen's Hospital, Washington, D.C., on the same basis as a non-Federal hospital. Bills for such care will be processed and paid by the contractor for the District of Columbia in the same manner as those from a non-Federal hospital. Charges to the dependent will be as specified in § 577.67(f).

(2) *Emergency care.* Federal medical facilities (other than uniformed services facilities and Freedmen's Hospital) may be reimbursed only for care provided in an emergency to a dependent eligible for civilian care. When spouses and children receive care authorized by §§ 577.60–577.69 on an emergency basis in such facilities, the patient will pay the charges listed in § 577.67(f), as applicable, and the Government will pay the difference between the amount payable by the patient and the reimbursable cost. Payment will be on a reimbursement basis between the Executive Director, Office for Dependents' Medical Care, and the department or agency concerned if the care is obtained in the United States or Puerto Rico. For care provided outside the United States and Puerto Rico, reimbursement will be effected between the department of which the sponsor is a member and the agency or department furnishing the care.

(b) *Care in medical facilities of the Canal Zone Government*—(1) *Eligibility.* All dependents listed in § 577.61(d) are eligible for care in medical facilities of the Canal Zone Government.

(2) *Scope of care.* The care for which dependents are eligible in medical facilities of the Canal Zone Government is

comparable in all respects to that which is furnished dependents in uniformed services medical facilities outside the United States.

(3) *Charges.* When hospitalized in a medical facility of the Canal Zone Government, the dependent will pay $1.75 a day. Outpatient care will be furnished without charge. The Canal Zone Government will be reimbursed by the uniformed service of which the sponsor is a member for care furnished dependents on an outpatient basis and for hospitalization, less the amount paid by the dependent. Rates for departmental reimbursement will be established annually by the Canal Zone Government.

(c) *Care in medical facilities of a foreign government.* When spouses and children receive medical care authorized by §§ 577.60–577.69 in the medical facilities of a foreign government, reimbursement will be as follows:

(1) Except as indicated in subparagraph (2) of this paragraph, the patient will pay the charges listed in § 577.67(f). The difference between the total bill and the amount paid by the dependent will be paid by the appropriate oversea commander in accordance with the individual service regulations (§ 577.62(e)).

(2) In instances where a reciprocal agreement between a foreign government and the United States is in effect which provides for no charge or a lesser charge to the patient than those listed in § 577.67(f), the charges, if any, prescribed in the reciprocal agreement will prevail.

§ 577.69 Summary of eligibility.

Dependent's relationship to sponsor	Type care authorized		
	If sponsor is serving on active duty for more than 30 days	If sponsor is a retired member	If sponsor died while on active duty or in a retired status
Wife	Civilian facilities and uniformed services facilities.	Uniformed services facilities only.	Uniformed services facilities only.
Unremarried widow			
Husband, if dependent on service wife for over ½ of his support.	Civilian facilities and uniformed services facilities.	Uniformed services facilities only.	Do.
Unremarried widower, if, because of mental or physical incapacity he was in fact dependent on service wife at the time of her death for over ½ of his support.			
Unmarried legitimate child, including an adopted child or a stepchild, who either— a. has not passed his 21st birthday b. is incapable of self-support because of a mental or physical incapacity that existed before that birthday and is, or was at the time of the member's or former member's death, in fact dependent on him for over ½ of his support; or c. has not passed his 23d birthday, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of Defense, or the Secretary of Health, Education, and Welfare, as the case may be, and is or was at the time of the member's or former member's death, in fact dependent on him for over ½ of his support.	Civilian facilities and uniformed services facilities.	Uniformed services facilities only.	Do.
Parent or parent-in-law who, is, or was at the time of the member's or former member's death, in fact dependent on him for over ½ of his support and residing in a dwelling place provided or maintained by the sponsor.	Uniformed services facilities only.	do	Do.

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

[F.R. Doc. 64–11793; Filed, Nov. 18, 1964; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 54]

PART 8—COMPETITIVE BIDS

Bids of Carriers Subject to Clayton Antitrust Act for Securities, Supplies, or Other Articles of Commerce

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 22d day of October A.D. 1964:

It appearing, that the Commission's order dated October 6, 1919 (as amended October 4, 1920), 56 I.C.C. 847, as supplemented by orders of January 29, 1938, and March 25, 1942, and as further amended May 18, 1954, prescribed regulations to govern bids of common carriers subject to section 10 of the Clayton Antitrust Act, for securities, supplies, or other articles of commerce;

It further appearing, that on petition filed June 9, 1964, by The Port Authority Trans-Hudson Corporation, a common carrier by railroad subject to part I of the Interstate Commerce Act, the Commission in Ex Parte No. 54 issued a notice of proposed rule making dated June 18, 1964, proposing to amend the above regulations as they may apply to carriers owned or operated by an agency of one or more states, or a wholly owned subsidiary corporation thereof;

It further appearing, that a copy of the notice of proposed rule making was given to the general public by depositing a copy in the Office of the Secretary of the Commission and by filing a copy with the Director of the Office of the Federal Register, Washington, D.C.; and

It further appearing, that interested persons were offered the opportunity to file with the Commission on or before August 10, 1964, representations in favor of, or against, the proposed amendment or the special competitive bidding procedure proposed, and that no representations have been received;

It is ordered, That the petition be, and it is hereby, granted, and that, effective December 16, 1964, § 8.1 be amended to include in the heading thereof "variation from the generally applicable procedure", and to that section to add paragraph (c). As amended the heading of § 8.1 and paragraph (c) will read as follows:

§ 8.1 Specifications, form of proposal and contract; publication of request for bids; variation from the generally applicable procedure.

* * * * *

(c) Upon application, a carrier owned or operated by any state or by an agency of one or more states, or a wholly-owned subsidiary corporation thereof, may be authorized by the Commission to employ a competitive bidding procedure or procedures varying from the generally applicable procedure provided by this regulation upon the following showing: (1) That the applicant carrier is owned or operated by a state or by an agency of one or more states, or is a wholly-owned subsidiary corporation thereof; (2) a detailed statement of the procedure for which authorization is requested and the variations thereof from the generally applicable procedure provided by this regulation and the purpose or reason for such variation; and (3) that the generally applicable procedure provided by this regulation imposes on the carrier an unreasonable burden or interferes with obtaining by the carrier of the most favorable bid.

It is further ordered, That notice of this order be given to all common carriers subject to the Interstate Commerce Act and to the general public by depositing a copy thereof in the Office of the Secretary, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(Sec. 10, 38 Stat. 734; 15 U.S.C. 20; secs. 201–227, 49 Stat. 543–567, as amended; 49 U.S.C. 301–327; sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–11799; Filed, Nov. 18, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

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

[Reg. Docket No. 6245; Amdt. 399]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

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

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

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

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE NOV. 14, 1964, OR UPON DECOMMISSIONING OF LFR.							
City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 59′; Fac. Class., SBRAZ; Ident., MAU; Procedure No. 1, Amdt. 4; Eff. Date, 24 Aug. 63; Sup. Amdt. No. 3; Dated, 10 Aug. 63							
UNK VOR	UN LFR	Direct	2800	T-dn C-dn S-dn A-dn	300–1 500–2 NA 800–2	300–1 500–2 NA 800–2	200–½ 500–2 NA 800–2

Shuttle descent to 2800′ in 1-minute holding pattern, right turns, 270° Outbnd, 090° Inbnd. Shuttle descent below 2800′ not authorized, procedure turn required.
Procedure turn S side W crs, 270° Outbnd, 090° Inbnd, 1000′ within 15 miles.
Proceed Outbnd 5 miles from LFR on W crs not below 1800′ before starting descent to procedure turn altitude.
Descend to 500′ immediately after completion of procedure turn.
Crs and distance, facility to airport, 276°—2.4 miles.
If visual contact not established upon descent to 500′, turn right, climb to 2800′ on W crs UN LFR within 20 miles. VFR flight required from missed approach point to airport.
CAUTION: Terrain rising to 800′ 1.5 miles N of airport, 396′ 1.1 miles N of UN LFR. Maneuvering not authorized N through E of airport.
NOTE: Air carrier sliding scale not authorized.
Other change: Deletes final approach maneuvering note.
MSA within 25 miles of facility: 000°–090°—4000′; 090°–180°—4600′; 180°–270°—2000′; 270°–360°—3000′.

City, Unalakleet; State, Alaska; Airport Name, Unalakleet; Elev., 21′; Fac. Class., SBRAZ; Ident., UN; Procedure No. 1, Amdt. 11; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 10; Dated, 14 Dec. 63

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BC-LFR	LOM	Direct	2400	T-dn	300–1	300–1	200–½
BFL-VOR	LOM	Direct	2400	C-dn	500–1	500–1	500–1½
Maricopa Int	LOM	Direct	3000	S-dn-30R	400–1	400–1	400–1
Arvin Int	LOM (final)	Direct	2000	A-dn	800–2	800–2	800–2
Lamont Int	Arvin Int	Direct	6500				

Procedure turn S* side of crs, 119° Outbnd, 299° Inbnd, 2400′ within 10 miles of LOM. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 299°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 3000′ on NW crs of the BC LFR within 20 miles or, when directed by ATC, (1) climb to 3000′ on R–227 BFL VOR within 15 miles; (2) climb to 3000′ on SW crs BC LFR within 15 miles.
*All turns S side of crs, high terrain N.
MSA within 25 miles of facility: 000°–090°—8700′; 090°–180°—8100′; 180°–270°—6100′; 270°–360°—5300′.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 488′; Fac. Class., LOM; Ident., BF; Procedure No. 1, Amdt. 4; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 3; Dated, 30 May 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SBN VOR	BEH RBn	Direct	2400	T-dn	300-1	300-1	200-½
ELX VOR	BEH RBn	Direct	2000	C-dn	600-1	600-1	600-1½
Musky Int	BEH RBn	Direct	2300	S-dn-9	600-1	600-1	600-1
Mermaid Int	BEH RBn	Direct	2300	A-dn*	NA	NA	NA

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BEH RBn, climb straight ahead to 2300′ and proceed direct to ELX VOR, contact SBN approach control for further instructions or, when directed by ATC, climb straight ahead to 2000′ and then return to BEH RBn.
NOTE: Procedure authorized from 0600 to 2400 local time.
*800-2 alternate minimums authorized only during hours of control zone operation or for air carrier with approved weather reporting service.
MSA within 25 miles of facility: 000°-090°—2200′; 090°-180°—2000′; 180°-270°—2100′; 270°-360°—1800′.

City, Benton Harbor; State, Mich.; Airport Name, Ross Field; Elev., 642′; Fac. Class., MHW; Ident., BEH; Procedure No. 2, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 29 June 63

Harris Neck Int	HIN RBn	Direct	1600	T-dn	300-1	300-1	200-½
Int R-211 SAV VOR and 090° crs HIN RBn.	HIN RBn	Direct	1600	C-dn	500-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1

Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 1600′ within 10 miles. Beyond 10 miles not authorized.*
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 050°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing HIN RBn, turn right climb to 1600′ returning direct to HIN RBn.**
NOTE: Authorized for military use only except by prior arrangement.
*Due proximity of R-3006.
**Holding when required; hold SW on 230° crs, 1-minute left turns, 1600′.

City, Fort Stewart; State, Ga.; Airport Name, Liberty AAF; Elev., 46′; Fac. Class., MHW; Ident., HIN; Procedure No. 1, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 24 Aug. 63

OGG VOR	GG LMM	Direct	5000	T-dn#	300-1	300-1	200-½
MPH RBn	GG LMM	Direct	6000	G-dn	700-1	700-1	700-1½
Keiki Int	MPH RBn	Direct	6000	S-dn-20	700-1	700-1	700-1
Mango Int	MPH RBn	Direct	6600	A-dn	800-2	800-2	800-2

Procedure turn NW side of crs, 024° Outbnd, 204° Inbnd, 1500′ within 20 miles. Beyond 20 miles not authorized.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 024°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of GG LMM, turn left, climb to 3000′ on 360° crs from OGG LMM within 20 miles, reverse crs, climb to 6000′ over LMM, hold N on the 204° Inbnd crs, 1-minute right turns.
CAUTION: 570′ tower, 4 miles W of airport.
Other change: Deletes transition from MAU LFR.
#Takeoff minimums, Runways 23, 20, 17 are 600-1 and all aircraft must cross airport under VFR conditions prior to departing on crs.
MSA within 25 miles of facility: 000°-090°—4300′; 090°-180°—12,100′; 180°-270°—7800′; 270°-360°—7000′.

City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 59′; Fac. Class., MH (LMM); Ident., GG; Procedure No. 1, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 29 Feb. 64

Carmel Int	LOM	Direct	4000	T-dn*	300-1	300-1	200-½
Salinas VOR	LOM	Direct	3000	C-d	900-2	900-2	900-2
Salinas VOR	Marina Int	Direct	2000	C-n	900-3	900-3	900-3
Marina Int	LOM	Direct	2000	A-dn	1000-3	100-3	1000-3
Shark Int	LOM	Direct	3000				

Procedure turn S side on crs, 276° Outbnd, 096° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 096°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM (at the LMM), make immediate left climbing turn, proceed direct to LOM climbing to 2000′ in a 1-minute holding pattern 096° Inbnd, right turns.
CAUTION: High terrain SW through SE of airport. All maneuvering for circling approaches must be accomplished N of Runway 10/28.
AIR CARRIER NOTE: Reductions in visibility by sliding scale or local conditions not authorized, except for takeoff on Runway 28.
*500-1 required for takeoff on Runway 6. *1000-1 required for takeoff on Runway 24.
*700-1 required for takeoff on Runway 10 and left turn must be started within 1 mile of airport.
Southbound IFR departures must comply with published Monterey SID's.
MSA within 25 miles of facility: 040°-130°—5800′; 130°-220°—5900′; 220°-310°—1500′; 310°-040°—4200′.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class., LOM; Ident., MR; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Nov. 64

Flat Rock VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Richmond RBn	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Manakin RBn	LOM	Direct	2000	S-dn-6	400-1	400-1	400-1
HPW VOR	LOM	Direct	2000	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 243° Outbnd, 063° Inbnd, 1500′ within 10 miles.
Minmum altitude ove r facility on final approach crs, 1300′.
Crs and distance, facility to airport, 063°—3.8 miles.
I visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000′ on crs 063° within 10 miles, then left turn direct to Manakin RBn. Hold NW, 124° Inbnd, 1-minute right turns.
fMSA within 25 miles of facility: 000°-090°—1500′; 090°-360°—2100′.

City, Richmond; State, Va.; Airport Name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., LOM; Ident., RI; Procedure No. 1, Amdt. 14; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 13; Dated, 26 Sept. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
RIC VOR	RIC RBn	Direct	2000	T-dn	300-1	300-1	200-½
MNV RBn	RIC RBn	Direct	2000	C-dn	400-1	500-1	500-1½
FAK VOR	RIC RBn	Direct	2000	A-dn	800-2	800-2	800-2
HPW VOR	RIC RBn	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 218° Outbnd, 038° Inbnd, 2000′ within 10 miles. Nonstandard due obstruction.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 018°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing RIC RBn, make immediate left climbing turn to 2000′ on crs 360°, then proceed direct to Manakin RBn. Hold NW 124° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 000°-090°—1500′; 090°-360°—2100′.

City, Richmond; State, Va.; Airport Name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., SBH; Ident., RIC; Procedure No. 2, Amdt. 2; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 1; Dated, 26 Sept. 64

Goshen RBn	Elkhart Int	Direct	2400	T-dn	300-1	300-1	200-½
Goshen VOR	Elkhart Int	Direct	2500	C-dn	500-1	500-1	500-1½
South Bend VOR	LOM	Direct	2200	S-dn-27	500-1	500-1	500-1
Bristol Int	Elkhart Int	Direct	2400	A-dn	800-2	800-2	800-2
Goshen RBn	LOM	Direct	2900				
Elkhart Int	LOM (final)	Direct	1900				
North Liberty Int	LOM	Direct	2900				

Procedure turn N side of crs, 089° Outbnd, 269° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 269°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, make climbing right turn to 2000′ and proceed direct to SBN VOR or, when directed by ATC, make climbing right turn to 2200′ and proceed direct to SBN LOM.
CAUTION: 1918′ tower 5.6 miles S of LOM.
MSA within 25 miles of facility: 000°-090°—2400′; 090°-180°—3000′; 180°-270°—3000′; 270°-360°—2200′.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., LOM; Ident., SB; Procedure No. 1, Amdt. 16; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 15; Dated, 15 Sept. 62

YUM VOR	NYL RBn	Direct	3000	T-dn%	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of NYL RBn, climb to 1500′ on 167° bearing from NYL RBn within 8 miles, turn right, climb to 2500′ to NYL RBn
%Northeastbound (280° through 100°) IFR departures must climb via YUM VOR.
MSA within 25 miles of facility: 045°-135°—4200′; 135°-225°—1800′; 225°-315°—3300′; 315°-045°—2700′.

City, Yuma; State, Ariz.; Airport Name, Yuma MCAAS/International; Elev., 213′; Fac. Class., MHW; Ident., MYL; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Nov. 64

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				A-dn	NA	NA	NA
				If Harold Int received, minimums become:			
				C-dn	500-1	500-1	500-1½

Radar transitions and vectoring utilizing Atlanta radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 061° Outbnd, 241° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach, 3000′; over Harold Int, 1700′.
Crs and distance, facility to airport, 241°—9.7 miles; Harold Int to airport, 241°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.7 miles after passing OCR-VOR, make climbing right turn to 3000′ and proceed to Crabapple Int via REG-VOR R-344.
NOTE: Pilots must cancel IFR flight plan with Atlanta APC when landing is assured or immediately upon landing while the control tower is not in operation. No weather reporting facilities available. Air carrier use not authorized.
MSA within 25 miles of facility: 000°-090°—3700′; 090°-360°—4100′.

City, Atlanta; State, Ga.; Airport Name, DeKalb-Peachtree; Elev., 1002′; Fac. Class., BVORTAC; Ident., OCR; Procedure No. 1, Amdt. 5; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 4; Dated, 11 Jan. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	1000–3	1000–3	1000–3
				S-dn-27	1000–3	1000–3	1000–3
				A-dn#	NA	NA	NA
				The following minimums apply to aircraft equipped with dual VOR receivers and when Zang Int identified:			
				C-dn	500–1	500–1	500–1½
				S-dn-27	500–1	500–1	500–1

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′; over Zang Int, 1600′.
Crs and distance, facility to airport, 266°—13.3 miles; Zang Int to airport, 266°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 13.3 miles after passing the ELX-VOR or 3.0 miles after passing Zang Int, climb to 2300′ on ELX-VOR R-266 then proceed direct to ELX-VOR and contact SBN approach control for further instructions.
#1000–3 alternate minimums authorized only during hours of control zone operations or for air carrier with approved weather reporting service.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2400′; 180°–270°—2100′; 270°–360°—1900′.

City, Benton Harbor; State, Mich.; Airport Name, Ross Field; Elev., 642′; Fac. Class., BVOR; Ident., ELX; Procedure No. 1, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 28 July 62

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-31	400–1	400–1	400–1
				A-dn*	800–2	800–2	800–2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn E side of crs, 155° Outbnd, 335° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 335°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing DBQ VOR, make left climbing turn to 2300′ and return to DBQ VOR.
AIR CARRIER NOTE: Alternate minimums authorized 24 hours daily for air carriers with weather reporting service at the airport.
*Alternate minimums authorized only during hours of control zone operation.
MSA within 25 miles of the facility: 000°–360°—2600′.

City, Dubuque; State, Iowa; Airport Name, Dubuque Municipal; Elev., 1075′; Fac. Class., L-BVOR; Ident., DBQ; Procedure No. 1, Amdt. 2; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 1; Dated, 30 Nov. 63

GSH RBn	GSH VOR	Direct	2500	T-dn	300–1	300–1	
				C-d	700–1	700–1	
				C-n	700–2	700–2	
				S-d-9	700–1	700–1	
				S-n-9	700–2	700–2	
				A-dn	NA	NA	
				When passage of GSH RBn can be determined, the following minimums apply:			
				C-dn	500–1	500–1½	
				S-dn-9	500–1	500–1	

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 2500′ within 10 miles.
Minimum altitude over GSH VOR on final approach crs, 2500′; over GSH RBn on final approach crs, 1500′.
Crs and distance, facility to airport, 090°—10 miles; GSH RBn to airport, 088°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.1 miles of GSH-VOR or 2.5 miles after passing GSH RBn, climb to 2500′ on R-090 within 20 miles.
NOTE: No weather available.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2400′; 180°–270°—2300′; 270°–360′—3000′.

City, Goshen; State, Ind.; Airport Name, Goshen; Elev., 825′; Fac. Class., BVOR; Ident., GSH; Procedure No. 1, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 27 Jan. 62

Hibiscus Int	Bayview Int*	Direct	2000	T-dn**	300–1	300–1	200–½
Bayview Int*	Hilo VOR (final)	Direct	400	C-dn	600–1	600–1	600–1½
				S-dn-26	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 1500′ within 10 miles. Nonstandard due ATC requirements.
Minimum altitude over facility on final approach crs, 400′.
Crs and distance, facility to airport, 259°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mile after passing VOR, execute right turn, climbing to 3000′ on R-353 within 20 miles.
CAUTION: Gradually rising terrain westerly quadrants.
NOTE: Aircraft must have both VOR and ADF equipment in operation to utilize Bayview Int.
*Bayview Int: Int ITO-VOR R-080 and 009° bearing from Pahoa RBn.
**400–1 required Runway 26 with right turn after takeoff.
MSA within 25 miles of facility: 030°–120°—1200′; 120°–210°—7000′; 210°–300°—15,800′; 300°–030°—8000′.

City, Hilo; State, Hawaii; Airport Name, General Lyman; Elev., 34′; Fac. Class., BVOR; Ident, ITO; Procedure No. 1, Amdt. 9; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 8; Dated, 6 Apr. 63.

				T-dn%	300–1	300–1	300–1
				C-d*	700–1	700–1	700–1½
				C-n*	700–2	700–2	700–2
				A-dn	900–2	900–2	900–2

Procedure turn N side of crs, 218° Outbnd, 038° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 038°—8.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing HQM VOR, turn right, climb to 1600′ direct to HQM VOR.
CAUTION: 600′ hills N and NE of airport.
*All circling and maneuvering will be executed south of Runway 6/24.
%Takeoffs all runways; climb direct to HQM VOR before proceeding on crs.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2500′; 180°–270°—1100′; 270°–360°—1700′.

City, Hoquiam; State, Wash.; Airport Name, Bowerman; Elev., 14′; Fac. Class., H-BVOR; Ident., HQM; Procedure No. 1, Amdt. 5; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 4; Dated 26 Sept. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	NA	NA
				C-dn*	500–1	NA	NA
				S-dn-33	500–1	NA	NA
				A-dn	NA	NA	NA

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 341°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing JKS VOR, make left climbing turn to 2100′ and return to JKS VOR.
*Night landings not authorized Runway 19 due to unlighted obstructions in approach area.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—1700′; 180°–270°—1900′; 270°–360°—2100′.

City, Lexington; State, Tenn.; Airport Name, Franklin-Wilkins; Elev., 517′; Fac. Class., BVOR; Ident., JKS; Procedure No. 1, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 25 Apr. 64

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-29	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side crs, 108° Outbnd, 288° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 288°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing MSL VOR, climb to 2200′, turn left and return to MSL VOR or, when directed by ATC, climb to 2200′ on R–293 MSL VOR within 10 miles.
CAUTION: Transmission line poles 654′ located 1.5 miles E of approach end of Runway 29.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–270°—2100′; 270°–360°—2200′.

City, Muscle Shoals; State, Ala.; Airport Name, Muscle Shoals; Elev., 548′; Fac. Class., BVOR; Ident., MSL; Procedure No. 1, Amdt. 13; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 12; Dated, 1 Feb. 64

				T-dn**	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-24*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring by Otis RAPCON authorized in accordance with approved patterns.
Procedure turn# N side of crs, 060° Outbnd, 240° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 240°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 1.9 miles after passing ACK VOR, climb to 1700′ on R–240 within 10 miles of ACK VOR; return to ACK VOR. Hold NE of ACK VOR on R–060, 1-minute right turns, 240° crs Inbnd.
NOTE: Tower operates 0700–2300.
#Final approach from a holding pattern at ACK VOR not authorized. Procedure turn required.
*400–½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.
**CAUTION: 342′ tower 2.6 miles W of airport; 652′ Loran antenna (3.0 miles ESE of airport).
MSA within 25 miles of facility: 000°–360°—1700′.

City, Nantucket; State, Mass.; Airport Name, Nantucket Memorial; Elev., 47′; Fac. Class., BVORTAC; Ident., ACK; Procedure No. 1, Amdt. 5; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 4; Dated, 18 July 64

GSH RBn	SBN VOR	Direct	2900	T-dn	300–1	300–1	200–½
North Liberty Int	SBN VOR	Direct	2400	C-dn	400–1	500–1	500–1½
				S-d-3	400–1	400–1	400–1
				A-dn	NA	NA	NA

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 046°—5.5 miles.
If visual contact not established upon decent to authorized landing minimums or if landing not accomplished within 5.5 miles, make left turn, climb to 2400′, return to SBN VOR or, when directed by ATC, climb to 2400′ on SBN VOR R–046 within 20 miles.
NOTES: 1. No weather available. 2. When authorized by ATC, DME may be used to position aircraft on final approach crs via 8-mile DME arc at 2900′, 075° clockwise to 310° from SBN VOR with the elimination of procedure turn. 3. No lights Runway 3/21.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–180°—3000′; 180°–270°—2200′; 270°–360°—2200′.

City, Niles; State, Mich.; Airport Name, Jerry Tyler Memorial; Elev., 743′; Fac. Class., BVORTAC; Ident., SBN; Procedure No. 1, Amdt. 4; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 3; Dated, 10 Oct. 64

OE LFR	OME VOR	Direct	2300	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-27	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 090° Outbnd, 270° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 270°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing OME VOR, turn left, climb to 2100′ on R–090 OME VOR within 15 miles.
NOTE: High terrain to 1200′ beyond 3 miles N of OME VOR.

City, Nome; State, Alaska; Airport Name, Nome FAA; Elev., 37′; Fac. Class., H–BVOR; Ident., OME; Procedure No. 2, Amdt. Orig.; Eff. Date, 14 Nov. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Phoenix RBn	PHX VOR	Direct	4500	T-dn	300-1	300-1	200-½
Lake Int	Falcon Int	Direct	6000	C-dn	600-1	600-1	600-1½
Falcon Int	PHX VOR (final)	Direct	2700	A-dn	800-2	800-2	800-2

Procedure turn Teardrop side of crs, 032° Outbnd, turn right, 232° Inbnd, 4500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′, minimum altitude abeam RBn/Z, 1900′.
Crs and distance, VOR to airport, 256°—5.3 miles; abeam RBn/Z to airport, 256°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing PHX VOR, climb to 4000′ on R-258 within 20 miles, or, when directed by ATC, climb to 3000′ on R-258, make a right climbing turn and return to VOR at 4500′.
NOTE: Descend to authorized landing minimums only after passing PHX RBn or "Z" marker. Initial approach MEA, except MCA V-16 4500′ eastbound.
CAUTION: Hills and tower 2987′ 6 miles SSW of airport; 3312′ terrain 15 miles ENE.
MSA within 25 miles of facility: 000°-090°—6100′; 090°-180°—5200′; 180°-360°—5600′.

City, Phoenix; State, Ariz.; Airport Name, Phoenix Sky Harbor Municipal; Elev., 1122′; Fac. Class., H-BVORTAC; Ident., PHX; Procedure No. 1, Amdt. 13; Eff. Date 14 Nov. 64; Sup. Amdt. No. 12; Dated, 22 Aug. 64

				T-dn	300-1	300-1	NA
				C-dn	700-1	700-1	NA
				S-dn-28	700-1	700-1	NA
				A-dn	NA	NA	NA
				The following minimums apply if latest weather and altimeter setting is obtained from Mercer County Airport, Trenton, N.J.			
				C-dn	500-1	500-1	NA
				S-dn	500-1	500-1	NA

Procedure turn N side crs, 108° Outbnd, 288° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 288°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing RBV-VOR, make right climbing turn to 1900′ and return to RBV-VOR. Hold E, 1-minute right turns, Inbnd crs 288°.
MSA within 25 miles of the facility: 000°-360°—1800′.

City, Robbinsville; State, N.J.; Airport Name, Trenton-Robbinsville; Elev., 115′; Fac. Class., B-VORTAC; Ident., RBV; Procedure No. 1, Amdt. 2; Eff. Date, 14 Nov 64; Sup. Amdt. No. 1; Dated, 7 Sept. 63

Maryland Heights VOR	STL VOR	Direct	2400	T-dn	300-1	300-1	200-½
				C-d	700-1	700-1½	700-1½
				C-n	700-2	700-2	700-2
				S-d-12L	700-1	700-1	700-1
				S-n-12L	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Radar transitions to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 135°—8.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.5 miles after passing STL VOR make right turn, climb to 2400′ direct to LAQ RBn or, when directed by ATC, make left turn, climb to 1900′ direct to ST LOM.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
MSA within 25 miles of facility: 000°-090°—2000′; 090°-180°—2600′; 180°-270°—2100′; 270°-360°—2200′.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., BVORTAC; Ident., STL; Procedure No. 2, Amdt. Orig.; Eff. Date, 14 Nov. 64

Goshen RBn	SBN-VOR	Direct	2900	T-dn	300-1	300-1	200-½
North Liberty Int	SBN-VOR	Direct	2400	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 360° Outbnd, 180° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 180°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing SBN-VOR, make right turn, climbing to 2000′ and return to SBN VOR or when directed by ATC: (1) Make a right climbing turn to 2600′ and proceed to North Liberty Int via the 200° radial of SBN VOR.
CAUTION: 1918′ tower 5.6 miles S of LOM.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs via 8-mile DME arc at 2400′ 270° clockwise to 095° from SBN VORTAC with the elimination of procedure turn.
MSA within 25 miles of facility: 000°-090°—2400′; 090°-180°—3000′; 180°-270°—2200′; 270°-360°—2200′.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., BVORTAC; Ident., SBN; Procedure No. 1, Amdt. 12; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 11; Dated, 10 Oct. 64

UN LFR	UNK VOR	Direct	2800	T-dn	300-1	300-1	200-½
				C-dn	500-2	500-2	500-2
				S-dn	NA	NA	NA
				A-dn	800-2	800-2	800-2

Shuttle descent to 2800′ in 1-minute holding pattern, right turns, 245° Outbnd, 065° Inbnd. Shuttle descent below 2800′ not authorized, procedure turn required.
Procedure turn S side of crs, 245° Outbnd, 065° Inbnd, 1000′ within 15 miles.
Proceed Outbnd 5 miles from VOR on R-245 not below 1800′ before starting descent to procedure turn altitude.
Descend to 500′ immediately after completion of procedure turn.
Crs and distance, facility to airport, 245°—3.0 miles.
If visual contact not established upon descent to 500′, turn right, climb to 2800′ on R-245 of UNK VOR within 20 miles. Visual flight required from missed approach point to airport.
CAUTION: Terrain rising to 800′ 1.5 miles N of airport, 396′ 1.1 miles N of UN LFR. Maneuvering not authorized N through E of airport.
NOTE: Air carrier sliding scale not authorized.
MSA within 25 miles of facility: 000°-090°—4000′; 090°-180°—4600′; 180°-270°—2000′; 270°-360°—3000′.

City, Unalakleet; State, Alaska; Airport Name, Unalakleet; Elev., 21′; Fac. Class., BVOR; Ident., UNK; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Nov. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cashmere VHF Int	EAT VOR	Direct	7300	T-dn%	1000-1	1000-1	1000-1
Beehive Mt. VHF Int	EAT VOR	Direct	6000	C-dn*	1900-1	1900-1	1900-1½
				A-dn	2000-2	2000-2	2000-2
				If Malaga FM received the following minimums apply:			
				C-d*	1000-1	1000-1	1000-1½
				C-n*	1000-1½	1000-1½	1000-2

Procedure turn N side of crs, 102° Outbnd, 282° Inbnd, 4500′ within 10 miles.
Minimum altitude over Malaga FM on final approach crs, 3100′; over EAT VOR 2200′.
Crs and distance, Malaga FM to airport, 282°—3.5 miles, EAT VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of EAT VOR, make an immediate left climbing turn, climb to 4500′ on R-102 within 15 miles of EAT VOR.
CAUTION: High terrain in all quadrants.
*Terrain to 1800′ 1.7 miles NW through NE of airport. All circling and maneuvering S of Runway 11/29.
%Takeoffs all runways: Climb visually over the airport to 2200′. Then climb southeastbound on EAT VOR R-102 to 3300′; thence return to EAT VOR climbing to cross VOR at: 4000′ eastbound V-2N; 4500′ southbound V-25; 4500′ westbound V-2N. All turns N side of R-120. Upon reaching 3300′ on R-102, eastbound aircraft may proceed to intercept V-2N via magnetic heading 060°.
MSA within 25 miles of facility: 000°-090°—4700′; 090°-180°—6900′; 180°-270°—9700′; 270°-360°—8900′.

City, Wenatchee; State, Wash.; Airport Name, Pangborn Field; Elev., 1245′; Fac. Class., L-BVOR; Ident., EAT; Procedure No. 1, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 23 Apr. 64

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

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Scotland VOR	BMG VOR	Direct	2300	T-dn	300-1	300-1	200-½
Spencer Int	BMG VOR	Direct	2300	C-dn	500-1	500-1	500-1½
Paragon Int	BMG VOR	Direct	2300	S-dn-6	500-1	500-1	500-1
Wilbur Int	BMG VOR	Direct	2300	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, breakoff point to Runway 6, 059°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BMG VOR, climb to 2300′ on R-054 and return to BMG VOR.
Other changes: Deletes transition from Sanders Int.
MSA within 25 miles of facility: 000°-090°—2400′; 090°-180°—2300′; 180°-270°—2300′; 270°-360°—2100′.

City, Bloomington; State, Ind.; Airport Name, Monroe County; Elev., 840′; Fac. Class., BVOR; Ident., BMG; Procedure No. TerVOR-6, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 10 Aug. 63

Camp Int	OGG VOR	Direct	6000	T-dn#	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 027° Outbnd, 207° Inbnd, 1500′ within 20 miles. Beyond 20 miles not authorized.
Facility on airport.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, breakoff point to Runway 20, 200°-1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of OGG VOR, turn left, climb to 3000′ on R-027 within 20 miles, reverse crs and climb to 5000′ to VOR.
CAUTION: 570′ tower 4 miles W of airport.
Other change: Deletes transition from Maui LFR.
#Takeoff minimums Runways 23, 20, and 17 are 600-1, and all aircraft must cross airport under VFR conditions prior to departing on crs.
MSA within 25 miles of facility: 000°-090°—4300′; 090°-180°—12,100′; 180°-270°—7800′; 270°-360°—7000′.

City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 59′; Fac. Class., H-BVOR; Ident., OGG; Procedure No. TerVOR R-027, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 10 Aug. 63

Harpoon Int	Mango Int	Direct	4000	T-dn#	300-1	300-1	200-½
Mango Int	Int OGG R-490 and LNY R-081	Direct	3000	C-dn	700-1	700-1	700-1½
Int OGG R-190 and LNY R-081	OGG VOR (final)	Direct	800	A-dn	800-2	800-2	800-2

Procedure turn not authorized. Straight-in approach from Mango Int only.
Facility on airport.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, breakoff point to Runway 2, 020°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR climb to 3000′ on R-027 within 20 miles, reverse crs climbing to 5000′ over OGG-VOR.
CAUTION: 570′ tower 4 miles W of airport.
#Takeoff minimums Runways 23, 20, and 17 are 600-1, and all aircraft must cross airport under VFR conditions prior to departing on crs.
NSA within 25 miles of facility: 000°-090°—4300′; 090°-180°—12,100′; 180°-270°—7800′; 270°-360°—7000′.

City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 59′; Fac. Class., H-BVOR; Ident., OGG; Procedure No. TerVOR R-190, Amdt. 6; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 5; Dated, 10 Aug. 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PL LFR	PMD VOR	Direct	5000	T-dn**	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S* side of crs, 030° Outbnd, 210° Inbnd, 4700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2949′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of PMD VOR, make right climbing turn, climb via PMD R–067 to 5000′ within 10 miles.
NOTE: Military aerodrome—prior permission required.
Other change: Deletes straight-in minimums. Deletes crs and distance breakoff point to runway.
*Traffic restrictions N of crs.
**600–2 required for takeoff on Runway 22.
MSA within 25 miles of facility: 000°–090°—4700′; 090°–180°—10,400′; 180°–360°—7700′.

City, Palmdale; State, Calif.; Airport Name, Palmdale AF Plant No. 42; Elev., 2549′; Fac. Class., H-BVOR/DME; Ident., PMD; Procedure No. VOR–22, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 29 Aug. 64

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300–1	300–1	200–1½
Manakin RBn	RIC VOR	Direct	2000	C-dn	600–1	600–1	600–1½
Hopewell VOR	RIC VOR	Direct	1700	S-dn–6	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				If aircraft equipped with VOR and ADF receivers and Stack Int# received, the following minimums apply:			
				C-dn	500–1	500–1	500–1½
				S-dn–6	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 1700′ within 10 miles of RIC VOR.
Minimum altitude* until over Stack Int# on final approach crs, 800′.
Crs and distance, breakoff point to approach end of runway, 063°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 2000′ on R–056 RIC VOR within 10 miles. Return to RIC VOR, hold SW 220° Outbnd, 040° Inbnd, 1-minute right turns.
*If Stack Int# not received, maintain 800′ over RIC VOR.
#Stack Int: Int R–236 RIC VOR and 304° bearing from RIC RBn.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–360°—2100′.

City, Richmond; State, Va.; Airport Name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. Ter VOR–6, Amdt. 8; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 7; Dated, 7 Sept. 63

Flat Rock VOR	Biltmore Int	Direct	2000	T-dn	300–1	300–1	200–½
Biltmore Int	RIC VOR (final)	Direct	600	C-dn	600–1	600–1	600–1½
Manakin RBn	RIC VOR	Direct	2000	S-dn–15	600–1	600–1	600–1
5-mile radar fix	RIC VOR (final)	Direct	600	A-dn	800–2	800–2	800–2
				If aircraft equipped with dual VOR receivers and Biltmore Int or 5-mile radar fix received, the following minimums apply:			
				S-dn–15	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 347° Outbnd, 167° Inbnd, 1700′ within 10 miles.
Minimum altitude over Biltmore Int on final approach crs, 800′; over facility, 600′.
Crs and distance, breakoff point to approach end of runway, 154°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 2000′ on R–167 RIC VOR within 10 miles, return to RIC VOR. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–360°—2100′.

City, Richmond; State, Va.; Airport Name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. Ter VOR–15, Amdt. 12; Eff Date, 14 Nov. 64; Sup. Amdt. No. 11; Dated, 9 May 64

Whitehouse Int	Meadow Int	Direct	1900	T-dn	300–1	300–1	200–½
Meadow Int	RIC VOR (final)	Direct	600	C-dn	500–1	500–1	500–1½
New Kent Int	RIC VOR	Direct	1900	S-dn–24	400–1	400–1	400–1
5-mile radar fix	RIC VOR (final)	Direct	600	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of final approach crs, 075° Outbnd, 255° Inbnd, 1900′ within 10 miles. Do not descend below 1900′ until passing Meadow Int, or 5-mile radar fix.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, breakoff point to approach end of Runway 24, 243°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb on R–255 to 2000′ within 10 miles, return to RIC VOR. Hold SW 220° Outbnd, 040° Inbnd, 1-minute right turn.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–360°—2100′.

City, Richmond; State, Va.; Airport Name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. Ter VOR–24, Admt. 4; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 3; Dated, 31 Aug. 63

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300–1	300–1	200–½
Hopewell VOR	RIC VOR	Direct	1700	C-dn	600–1	600–1	600–1½
Manakin RBn	RIC VOR	Direct	2000	S-dn–33	600–1	600–1	600–1
Brown Int	RIC VOR (final)	Direct	600	A-dn	800–2	800–2	800–2
5-mile radar fix	RIC VOR (final)	Direct	600	If aircraft is equipped with VOR and ADF receivers and Brown Int or 5-mile radar fix received, the following minimums apply:			
				S-dn–33	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 138° Outbnd, 318° Inbnd, 1700′ within 10 miles.
Minimum altitude over Brown Int on final approach crs, 800′; over facility, 600′.
Crs and distance, breakoff point to approach end of runway, 334°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 2000′ on R–318 of RIC VOR within 10 miles, return to RIC VOR. Hold SW 220° Outbnd, 040° Inbnd, 1-minute right turns.
NOTE: 5-mile radar fix may be used in lieu of Brown Int for 400–1 minimums.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–360°—2100′.

City, Richmond; State, Va.; Airport Name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. Ter VOR–33, Amdt. 9; Eff. Date 14 Nov. 64; Sup. Amdt. No. 8; Dated, 7 Mar. 64

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

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10-mile fix R-350	0-mile fix R-350 (final)	Direct	5000	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-17	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 5500′ within 10 miles.
Minimum altitude over facility on final approach crs, 5000′.
Crs and distance, facility to airport, 170°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing VOR or 3.4-mile DME fix R-170, climb to 5500′ on R-170 within 20 miles.
CAUTION: 4300′ TV tower located 2.3 miles NE of airport.
When authorized by ATC, DME may be used within 10 miles at 5500′ to position aircraft on final approach with the elimination of a procedure turn.
MSA within 25 miles of facility: 000°–090°—5400′; 090°–180°—5000′; 180°–270°—5500′; 270°–360°—5000′.

City, Dalhart; State, Tex.; Airport Name, Dalhart Municipal; Elev., 3989′; Fac. Class., BVORTAC; Ident., DHT; Procedure No. 1, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 17 Oct. 64

LAF VOR	Mulberry Int	128°—21 miles	2300	T-dn	300–1	300–1	NA
EPT VOR	Mulberry Int	Direct	2300	C-d	600–1½	600–1½	NA
				C-n	600–2	600–2	NA
				A-dn	NA	NA	NA

Procedure turn E side of crs, 128° Outbnd, 308° Inbnd, 2300′ within 10 miles of Mulberry Int.
Minimum altitude over Mulberry Int on final approach crs, 2100′.
Crs and distance, Mulberry Int to airport, 308°—5.5 miles.
If visual contact not established at 15.5-mile DME fix R-128, make right turn climb to 2300′ and return to Mulberry Int. Hold SE, Inbnd crs 308°, right turns.
CAUTION: 1305′ tower 2 miles W.
NOTE: No weather available.
MSA within 25 miles of facility: 000°–360°—2300′.

City, Lafayette; State, Ind.; Airport Name, Halsmer; Elev., 664′; Fac. Class., BVORTAC; Ident., LAF; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Nov. 64

18-mile DME fix PHX R-052 (Lake Int)	9-mile DME fix PHX R-052 (Falcon Int).	Direct	6000	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
9-mile DME fix PHX R-052 (Falcon Int)	PHX VOR (final)	Direct	2700	S-dn-26L	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn, Teardrop, 032° Outbnd, turn right, intercept 232° Inbnd, 4500′ within 10 miles.
Minimum altitude over VOR on final approach crs, 2700′; over R-256/3-mile fix, 1900′.
Crs and distance, VOR to airport, 256°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing PHX VOR, climb to 4000′ on R-258 within 20 miles or, when directed by ATC, climb to 3000′ on R-258, make a right climbing turn and return to VOR at 4500′.
NOTE: When authorized by ATC, DME may be used from 9 to 15 miles at 7000′ from PHX R-325 CW to PHX R-147 to position aircraft for a straight-in approach with the elimination of the procedure turn. Initial approach MEA, except MCA V-16 4500′ eastbound.
CAUTION: Hills and tower 2987′ 6 miles SSW of airport. 3312′ terrain 15 miles ENE of airport.
MSA within 25 miles of facility: 000°–090°—6100′; 090°–180°—5200′; 180°–360°—5600′.

City, Phoenix; State, Ariz.; Airport Name, Phoenix Sky Harbor Municipal; Elev., 1122′; Fac. Class, H-BVORTAC; Indent., PHS; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 1; Dated, 29 Aug. 64

7-mile fix R-318	STL VOR	Direct	2400	T-dn	300–1	300–1	200–½
STL VOR	4-mile fix R-138	Direct	1400	C-d	500–1	500–1½	500–1½
				C-n	500–2	500–2	500–2
				S-dn-12R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transitions to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′; minimum altitude over 4-mile DME fix 1400′.
Crs and distance, facility to airport, 138°—8.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8-mile DME fix R-138 make right turn, climb to 2400′ direct to LAQ RBn or, when directed by ATC, make left turn, climb to 1900′ direct to ST LOM.
NOTES: 1. Aircraft executing missed approach may be radar controlled after radar identification. 2. When authorized by ATC, DME may be used via 7-mile DME arc at 2400′ altitude between STL R-229 clockwise to STL R-057 to position aircraft for final approach with elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—2600′; 180°–270°—2100′; 270°–360°—2200′.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis; Elev., 571′; Fac. Class, BVORTAC; Ident., STL; Procedure No. VOR/DME 1, Amdt. Orig; Eff. Date, 14 Nov. 64

YK LFR	YAK VOR	Direct	1200	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-d-02*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 200° Outbnd, 020° Inbnd, 1200′ within 10 miles.
Descend to 700′ after 8-mile DME fix. Descend to 400′ after 4-mile DME fix.
Crs and distance, breakoff point to approach end of Runway 02, 020°—1.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR climb to 1200′ on YAK VOR R-200 within 20 miles.
NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 1200′ between radials 110° clockwise to 268° within 10 miles with the elimination of procedure turn. Within 30 miles of YAK-VOR when on airways, descent to 1200′ authorized.
*Night straight-in not authorized.

City, Yakutat; State, Alaska; Airport Name, Yakutat; Elev., 37′; Fac. Class., BVORTAC; Ident., YAK; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 31 Aug. 63

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
BC LFR	LOM	Direct	2400	T-dn	300–1	300–1	200–½
BFL VOR	LOM	Direct	2400	C-dn	500–1	500–1	500–1½
Maricopa Int	LOM	Direct	3000	S-dn-30R#	200–½	200–½	200–½
River Int	LOM	Direct	2400	A-dn	600–2	600–2	600–2
Arvin Int	LOM (final)	Direct	**2000				
Lamont Int	Arvin Int	Direct	6500				

Procedure turn S* side SE crs, 119° Outbnd, 299° Inbnd, 2400′ within 10 miles of OM. Beyond 10 miles not authorized.
Minimum altitude at glide slope. Int Inbnd, 2000′. **Descent to 1985′ at LOM authorized after glide slope intercept on localizer crs.
Altitude of glide slope and distance to approach end of runway at OM, 1985′—4.5 miles; at MM, 713′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on NW crs ILS within 20 miles or, when directed by ATC, (1) climb to 3000′ on R–227 BFL within 15 miles; (2) climb to 3000′ on SW crs BC LFR within 15 miles; (3) climb to 3000′ on NW crs BC LFR within 20 miles.
*All turns S side of crs, high terrain N.
#400–¾ required with glide slope inoperative.

City, Bakersfield; State, Calif; Airport Name, Meadows Field; Elev., 488′; Fac. Class., ILS; Ident., I–BFL; Procedure No. ILS–30R, Amdt. 15; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 14; Dated, 30 May 64

Lofall Int	PAE LOM	Direct	3000	T-dn#	300–1	300–1	200–½
Bainbridge LF Int	PAE LOM	Direct	3000	C-dn	600–2	600–2	600–2
PAE VOR	PAE LOM	Direct	3000	S-dn-16*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar vectoring authorized utilizing Seattle center radar in accordance with approved patterns.
Procedure turn E side of crs, 338° Outbnd, 158° Inbnd, 3000′ within 10 miles of PAE LOM.
Minimum altitude at glide slope interception Inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at OM, 2693′—7.9 miles; at MM, 821′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 2000′ on R–275 of PAE VOR within 10 miles, or when directed by ATC, turn right, climb to 3000′, direct PAE LOM.
CAUTION: Numerous jet aircraft activities from airport and in immediate surrounding area.
#Takeoff minimums 200–½ authorized only for Runways 16 and 34.
*400–1 required when glide slope not used. 400–½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights. 400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Everett; State, Wash.; Airport Name, Paine Field; Elev., 603′; Fac. Class., ILS; Ident., I–PAE; Procedure No. ILS–16, Amdt. 2; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 1; Dated, 8 Aug. 64

Tiverton VOR	LOM	Direct	2900	T-dn	300–1	300–1	200–½
Mansfield VOR	LOM	Direct	2500	C-dn	500–1	500–1	500–1½
				S-dn-32#	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2500′—4.0 miles; at MM, 1510′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on NW crs ILS, turn right and return to Mansfield LOM. Hold SE Mansfield LOM, right turns, 1-minute, 320° Inbnd.
#400–¾ required with glide slope inoperative.

City, Mansfield; State, Ohio; Airport Name, Mansfield Municipal; Elev., 1296′; Fac. Class., ILS; Ident., I–MFD; Procedure No. ILS–32, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 26 Oct. 63

Carmel Int	LOM	Direct	4000	T-dn%*	300–1	300–1	300–¾
Salinas VOR	LOM	Direct	3000	C-d	700–2	700–2	700–2
Salinas VOR	Marina Int	Direct	2000	C-n	700–3	700–3	700–3
Marina Int	LOM	Direct	2000	S-dn-10#	300–¾	300–¾	300–¾
Shark Int	Seal Int	Direct	4000	A-d	700–2	700–2	700–2
Seal Int	LOM (final)	Direct	1700	A-n	700–3	700–3	700–3

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2000′ within 10 miles of OM. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1630′—4.3 miles; at MM, 370′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate left climbing turn, proceed direct to LOM climbing to 2000′ in a 1-minute holding pattern, 096′ Inbnd, right turns.
CAUTION: High terrain SW through SE of airport. All maneuvering for circling approaches must be accomplished N of Runway 10/28.
AIR CARRIER NOTE: Reductions in visibility by sliding scale or local conditions not authorized, except for takeoff on Runway 28.
*500–1 required for takeoff on Runway 6. *1000–1 required for takeoff on Runway 24.
*700–1 required for takeoff on Runway 10 and left turn must be started within 1 mile of airport.
%Southbound IFR departures must comply with published Monterey SID's.
#400–1 required with any component of the ILS inoperative except that 700–1½ required with glide slope inoperative.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class, ILS; Ident., I–MRY; Procedure No. ILS–10, Amdt. 11; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 10; Dated, 11 Apr. 64

Nantucket VOR	AC LOM	Direct	1700	T-dn**	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-24*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar vectoring by Otis RAPCON authorized in accordance with approved patterns.
Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 1600′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1515′—4.4 miles, at MM, 266′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn to 1600′ and return to AC LOM. Hold NE of AC LOM, 240° Inbnd, 1-minute right turns.
NOTE: Tower operates 0700–2300.
*400–1 required when glide slope inoperative. 400–½ authorized in lieu of 400–1, except for turbojet aircraft, with operative ALS and high-intensity lights.
*400–1 required during hours when tower facility not in operation.
**CAUTION: 342′ tower (2.6 miles W of airport)—652′ Loran antenna (3.0 miles ESE of airport).

City, Nantucket; State, Mass.; Airport Name, Nantucket Memorial; Elev., 47′; Fac. Class, ILS; Ident., I–ACK; Procedure No. ILS–24, Amdt. 4; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 3; Dated, 18 July 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int SW crs Allentown LFR and S crs ILS	LOM	Direct	2500	T-dn*	300–1	300–1	200–½
Honeybrook Int	LOM (final)	Direct	#2100	C-dn	600–2	800–2	800–2
Rienholds Int	LOM	Direct	2700	S-dn-36**	400–1	400–1	400–1
				A-dn	1000–2	1000–2	1000–2

Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 2100′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 1631′—3.9 miles, at MM, 541′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on crs of 001° from the RDG LOM to intercept the 322° radial of the Pottstown VOR direct to Hamburg Int## and hold SW on R–255 ABE VOR, 1-minute pattern, left turns.
AIR CARRIER NOTE: Neither sliding scale nor any reduction in takeoff minimums authorized on Runways 31 or 36.
*300–1 required for takeoff on Runways 31 and 36; takeoff on Runways 18 and 13, make right turn as soon as practical, to avoid towers 1236′ mean sea level and high terrain 2.6 miles SE of airport.
**600–1 required with glide slope inoperative.
#After interception of localizer crs Inbnd, descent on glide slope to cross outer marker at 1631′ on final approach is authorized.
##Hamburg Int: Int of PTW VOR R–322 and ABE VOR R–255.

City, Reading; State, Pa.; Airport Name, General Carl A. Spaatz Field; Elev., 343′; Fac. Class., ILS; Ident., I–RDG; Procedure No. ILS–36, Amdt. 9; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 8; Dated, 13 Oct. 62

SFO VOR	Sunnyvale Int# (final)	Direct	2000	T-dn*	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-12R$	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring using Moffett radar authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must (1) proceed from SFO VOR, or (2) be radar vectored to final approach crs.
Minimum altitude over Sunnyvale Int# on final approach crs, 2000′.
Crs and distance, Sunnyvale Int# to airport, 122°—5.6 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing Sunnyvale Int#, make a left climbing turn, climb to 2000′ on the NW crs of SJC ILS within 15 miles.
AIR CARRIER NOTE: Reduction in visibility by sliding scale or local condition not authorized for takeoff on Runways 12 R and L.
#Sunnyvale Int: Int NW crs SJC ILS and OSI R–062.
*400–1 required for takeoff on Runways 12 L and R.
$400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56′; Fac. Class., ILS; Ident., I–SJC; Procedure No. ILS–12R, Amdt. 4; Eff. date, 14 Nov. 64; Sup. Amdt. No. 3; Dated, 19 Sept. 64

SJC VOR	Lick Int **	Direct	4000	T-dn*	300–1	300–1	200–½
Morgan Int	Lick Int **	Direct	4000	C-dn	600–1	600–1	600–1½
				S-dn-30L#	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 122° Outbnd, 302° Inbnd, 4000′ within 10 miles of Lick Int.**
Minimum altitude at glide slope interception Inbnd, 3700′.
Altitude of glide slope and distance to approach end of runway at OM, 1734′—5.1 miles; at MM 292′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on NW crs of SJC ILS within 15 miles.
AIR CARRIER NOTES: 1. Reduction in visibility by sliding scale not authorized for landing. 2. Reduction in visibility by sliding scale or local condition not authorized for takeoff on Runways 12 R and L.
*400–1 required for takeoff on Runways 12 R and L.
700–1 required if glide slope not utilized.
**Lick Int: Int R–332 SNS VOR and E crs SJC ILS or R–120 SJC VOR.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56′; Fac. Class, ILS; Ident., I–SJC; Procedure No. ILS–30L, Amdt. 4; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 3; Dated, 19 Sept. 64

Long Lake Int	Elkhart Int	Via GSH R–018 and E crs ILS.	2400	T-dn	300–1	300–1	200–½
				C-dn	*400–1	500–1	500–1½
North Liberty Int	LOM	Direct	2900	S-dn-27*	200–½	200–½	200–½
South Bend VOR	LOM	Direct	2400	A-dn	600–2	600–2	600–2
Bristol Int	Elkhart Int	Via E crs ILS	2400				
Goshen RBn	Elkhart Int	Via 325° bearing from GSH RBn.	2400				
Elkhart Int	LOM (final)	Direct	2000				
Goshen VOR	Norman Int	Via R–345 GSH–VOR.	2400				
Norman Int	LOM (final)	Direct	2000				

Procedure turn N side of final approach crs, 089° Outbnd, 269° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1900′—3.8 miles; at MM, 975′—0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 2000′ and proceed direct to the SBN VOR or make climbing right turn to 2200′ and proceed direct to SB LOM.
CAUTION: 1918′ tower 5.6 miles S of LOM.
NOTE: When authorized by ATC, DME, may be used to position aircraft on final approach crs at 2200′ via 14-mile DME arc, 075° clockwise to 138° from SBN VOR with the elimination of the procedure turn.
*500–1 required when glide slope inoperative.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., ILS; Ident., I–SBN; Procedure No. ILS–27, Amdt. 18; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 17; Dated, 10 Oct. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bradley Int	DL LMM	Direct	2700	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-24#*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 058° Outbnd, 238° Inbnd, 2700′ within 13 miles of DL LMM, but NE of Thompson Int.**
Minimum altitude crossing Thompson Int** on final approach crs, 1900′.
Crs and distance, Thompson Int** to airport, 238°—5.0 miles.
No glide slope. No outer marker or middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Thompson Int,** climb straight ahead to 2500′ direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute left turns.
NOTE: Procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
CAUTION: Unlighted hills 2.4 miles NW of airport, approximately 768′.
*Descent to published minimums authorized after passing Thompson Int** on final approach.
**Thompson Int: Int NE crs BDL/ILS and BAF/VOR R–163, or 5-mile radar fix.
#400–¾ authorized (except for turbojet aircraft) with operative high-intensity runway lights.

City, Windsor Locks: State, Conn.; Airport Name, Bradley Field; Elev., 173′; Fac. Class., ILS; Ident., I–BDL; Procedure No. ILS–24, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 7 Sept. 63

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

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within		Precision approach			
058°	090°	20 miles	2500				
All other sectors	Radar site	20 miles	2000	S-dn-4*	200–½	200–½	200–½
				A-dn-4¢	600–2	600–2	600–2
				Surveillance approach			
				T-dn#	300–1	300–1	200–½
				C-dn%¢	600–1	600–1	600–1½
				C-dn-4¢	600–1	600–1	600–1½
				C-dn-22¢	900–1	900–1	900–1½
				S-dn%$	600–1	600–1	600–1
				S-dn-22	900–1	900–1	900–1
				A-dn%¢	800–2	800–2	800–2
				A-dn-22	900–2	900–2	900–2
				¢The following minimums apply to turbojet aircraft when circling west of Runway 4/22 centerlines extended.			
				C-dn	900–2	900–2	900–2
				A-dn	900–2	900–2	900–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 4: Climb to 2000′ on 037° crs from EW LOM to interception of LGA VOR R–292, make left turn, proceed to Morristown VHF Int at 2000′, hold SW, 1-minute left turns, 061° Inbnd.
Runway 22: Climb to 2000′ on crs 217° from AR LOM to intercept ARD R–069, then make right turn, proceed to Kilmer Int at 2000′. Hold SW 1-minute right turns, Inbnd crs 069°.
Runway 29: Climb straight ahead to 2000′, proceed direct to CAT RBn. Hold NE of CAT RBn 1-minute right turns, Inbnd crs 241°.
Runway 11: Make right climbing turn to 2000′, proceed direct to EW LOM. Thence via 217° bearing to intercept ARD R–069. Then proceed to Kilmer Int at 2000′. Hold SW, 1-minute right turns, Inbnd crs 069°.
CAUTION: Building 598′ 2.2 miles N of airport.
%Runways 11 and 29.
*Runway 4 only—200–½ or runway visual range of 2000′; provided, that approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high-intensity runway lights shall be in normal operation and (2) descent below the authorized landing minimum altitude of 218′ shall not be made unless (a) visual contact with the approach lights has been established or (b) the aircraft is clear of clouds. (3) Both compass locators required to be operative for RVR 2000′.
#Runway 4 only—runway visual range of 2000′ may be utilized in lieu of 200–½ when 200–½ is authorized.
$Runway 11 only—maintain 700′ until passing the 2.5-mile radar fix.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class. and Ident., Newark Radar; Procedure No. 1, Amdt. 14; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 13; Dated, 28 Mar. 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
012°	038°	5 miles	1800				
238°	012°	5 miles	2200	T-dn	300-1	300-1	200-½
012°	192°	10 miles	2000	C-dn	400-1	500-1	500-1½
192°	238°	10 miles	2500	S-dn-1, 33, 19 and 24.*	400-1	400-1	400-1
238°	012°	10 miles	2700	A-dn	800-2	800-2	800-2
012°	058°	15 miles	2200				
058°	148°	15 miles	2600				
148°	238°	15 miles	2500				
238°	012°	15 miles	3000				
012°	148°	20 miles	2700				
148°	238°	20 miles	2500				
238°	012°	20 miles	3200				
012°	148°	25 miles	2700				
148°	238°	25 miles	2500				
238°	012°	25 miles	3300				
012°	148°	30 miles	2700				
148°	238°	30 miles	2500				
238°	012°	30 miles	3600				
012°	058°	35 miles	2800				
058°	148°	35 miles	2700				
148°	192°	35 miles	2500				
192°	238°	35 miles	2600				
238°	328°	35 miles	4100				
328°	012°	35 miles	3800				
All directions		50 miles	5300				

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 1 and 33: Make a climbing left turn to 2500′ direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute left turns.
Runway 19: Make a climbing right turn to 2500′ direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute left turns.
Runway 24: Climb straight ahead to 2500′ direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute left turns.
CAUTION: Unlighted hills 2.4 miles NW of airport approximately 768′.
*400-¾ authorized for Runway 24 (except turbojet aircraft) with operative high-intensity runway lights.

City, Windsor Locks; State, Conn.; Airport Name, Bradley Field; Elev., 173′; Fac. Class. and Ident., Bradley Radar; Procedure No. 1, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 7 Sept. 63

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 8, 1964.

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

[F.R. Doc. 64-10549; Filed, Nov. 18, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

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

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

FUMIGATION DURING INSPECTION

The Raisin Administrative Committee has unanimously recommended that § 989.158(a)(8) of the Subpart—Administrative Rules and Regulations be amended so as to allow handlers a maximum of five, instead of the present two, business days to fumigate incoming lots of natural condition raisins during the inspection and certification process. The Committee is established under, and the rules and regulations are effective pursuant to, the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 29 F.R. 9482, 9560), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Section 989.158(a)(8) provides that the inspection and certification of any incoming lot of natural condition raisins at a handler's inspection point may, upon the request of the handler, be suspended for a maximum of two business days (excluding intervening non-work days) to permit the handler to fumigate the raisins. This provision, which has worked smoothly, has improved plant sanitation and permitted many lots of raisins to be certified initially as standard raisins rather than as off-grade. Such initial certification as standard raisins tends to reduce costs to handlers, the Committee, and the inspection service by eliminating the record-keeping, surveillance, and additional inspection and certification which would otherwise be required if the raisins were first certified as off-grade and later fumigated and inspected and certified as standard raisins. Certain handlers have found, however, the two business days allowed for fumigation to be insufficient and do not fumigate some lots of raisins during the inspection and certification process for that reason. Extending the time allowed to five business days should provide an adequate period and, thus, permit more raisins to be fumigated before they are initially certified. As a consequence, the extension will encourage additional improvement in sanitation and further reduce costs. Thus, the declared policy of the act will tend to be effectuated.

Therefore, it is ordered, That in § 989.158(a) of Subpart —— Administrative Rules and Regulations (7 CFR 989.101 to 989.176), subparagraph (8) is amended by changing "two" to read "five". As so amended, subparagraph (8) reads as follows:

§ 989.158 Natural condition raisins.

(a) * * *

(8) With respect to any lot of natural condition raisins being received and inspected at a handler's inspection point pursuant to subparagraph (3) of this paragraph, the inspector shall, upon the request of the handler, afford such handler an opportunity to fumigate the lot during the inspection and certification process. Such lot of raisins shall remain under the supervision of the inspector during the fumigation. The inspection certificate shall not be issued until the fumigation is completed: *Provided,* That the inspection certificate shall be issued, whether or not the fumigation is completed, not later than five business days, excluding intervening non-work days, after the date the inspection and certification process is suspended by the inspector to permit fumigation. The certification shall be on the basis of inspection information and data then

available to the inspector and his determinations with respect thereto.

* * * * *

It is hereby found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) This amendatory action relieves restrictions and does not impose any new restrictions; (2) it was unanimously recommended by the Committee which includes representatives of producers, dehydrators, and handlers in its membership; and (3) handlers need no additional time in order to operate under the less restrictive regulation.

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

Dated November 16, 1964, to become effective upon publication in the FEDERAL REGISTER.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–11825; Filed, Nov. 18, 1964; 8:49 a.m.]

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

[Milk Order 101]

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Knoxville, Tennessee, marketing area (7 CFR Part 1101), it is hereby found and determined that:

(a) In § 1101.12 the provision of the order which reads "(a) Any day during the months of March through August, or (b) on not more than 10 days during the month in any other months of the year," no longer tends to effectuate the declared policy of the Act for the period of December 1964 through February 1965:

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order is necessary to enable handlers to divert unlimited excess milk supplies during the effective period to manufacturing outlets without causing any dairy farmer to lose his producer status under the order or to lose credit in the computation of his base on his milk deliveries during such period.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (29 F.R. 14933). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective December 1, 1964.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period December 1964 through February 1965.

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

Effective date: December 1, 1964.

Signed at Washington, D.C., on November 16, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–11826; Filed, Nov. 18, 1964; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AND AFRICAN SWINE FEVER: PROHIBITED AND RESTRICTED IMPORTATIONS

Statements of Authority

The statement of authority for the provisions in 9 CFR Part 91, set forth following the table of contents in said Part 91, is hereby amended to read:

AUTHORITY: The provisions of this Part 91 issued under secs. 4, 5, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, sec. 10, 26 Stat. 417, sec. 1, 26 Stat. 833, as amended, 34 Stat. 1263, 41 Stat. 241, secs. 2, 3, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 80–82, 86, 96, 105, 112, 113, 120, 121, 134a, 134b, 134f, 46 U.S.C. 466a; and 19 F.R. 74, as amended.

The statement of authority for the provisions in 9 CFR Part 92, as amended, set forth following the table of contents in said Part 92, is hereby amended to read:

AUTHORITY: The provisions of this Part 92 issued under secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306, 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134f; and 19 F.R. 74, as amended.

The statement of authority for the provisions in 9 CFR Part 94, as amended, set forth following the table of contents in said Part 94, is hereby amended to read:

AUTHORITY: The provisions of this Part 94 issued under sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f; and 19 F.R. 74, as amended.

These amendments are for the purpose of bringing up to date the citation of authorities for the provisions in Parts 91, 92 and 94 of Title 9, Code of Federal Regulations, and impose no new requirements on persons subject to such provisions. They should be made effective immediately to reflect the fullest legal bases available for such provisions. Public rule-making on these amendments would not make additional relevant information available to this Department. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure on the amendments are unnecessary and impracticable and good cause is found for making the amendments effective less than 30 days after publication hereof in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of November 1964.

B. T. SHAW,
Administrator, Agricultural Research Service.

[F.R. Doc. 64–11832; Filed, Nov. 18, 1964; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–854]

PART 13—PROHIBITED TRADE PRACTICES

Superior Garment Co. et al.

Subpart—Invoicing products falsely: § *13.1108 Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § *13.1185 Composition:* 13.1185–30 Fur Products Labeling Act; 13.1185–90 Wool Products Labeling Act; § *13.1212 Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosures: § *13.1845 Composition:* 13.1845–30 Fur Products Labeling Act; § *13.1852 Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–80 Wool Products Labeling Act; § *13.1865 Manufacture or preparation:* 13.1865–40 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Hyman Cohn et al. trading as Superior

Garment Company, New York, N.Y., Docket C–854, Nov. 4, 1964]

In the Matter of Superior Garment Company, a Partnership, and Hyman Cohn, Lillian Cohn, and Albert Cohn, Individually and as Copartners Trading as Superior Garment Company

Consent order requiring New York City manufacturers of fur and wool products to cease violating the Fur Products Labeling Act by failing to use the term "natural" in labeling, invoicing and advertising to describe fur products which were not artificially colored; failing to set forth required item numbers on labels and invoices; and failing to show the true animal name of fur and to set forth the term "Persian Lamb" as required, on labels; and to cease violating the Wool Products Labeling Act by tagging woolen coats with conflicting information with regard to the fiber content and failing to disclose on certain coat labels the percentage of the total fiber weight of the various fibers present.

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

It is ordered, That respondents Superior Garment Company, a partnership, and Hyman Cohn, Lillian Cohn, and Albert Cohn, individually and as copartners trading as Superior Garment Company or under any other trade name or names and respondents, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, and in the manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".

3. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artifically colored.

It is further ordered, That respondents Superior Garment Company, a partnership, and Hyman Cohn, Lillian Cohn and Albert Cohn, individually and as copartners trading as Superior Garment Company, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool coats or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

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

Issued: November 4, 1964.

By the Commission.

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

[F.R. Doc. 64–11784; Filed, Nov. 18, 1964; 8:45 a.m.]

[Docket No. C–855]

PART 13—PROHIBITED TRADE PRACTICES

Timed Energy, Inc.

Subpart—Advertising falsely or misleadingly: § *13.20 Comparative data or merits;* § *13.170 Qualities or properties of product or service:* 13.170–53 Medicinal, therapeutic, healthful, etc.; § *13.205 Scientific or other relevant facts;* § *13.280 Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Timed Energy Inc., New York, N.Y., Docket C–855, Nov. 5, 1964]

Consent order requiring New York City distributors of drug and food products to cease—in circular letters and pamphlets advertising their prolonged release of "timed" vitamin-mineral preparations designated "Potencaps" and "Vita-Timed Capsules"—falsely claiming unique qualities, and misrepresenting the comparative merits, effectiveness and general need for the products.

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

PART I

It is ordered, That respondent Timed Energy, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any vitamin, or vitamin-mineral preparation do forthwith cease and desist from, directly or indirectly, disseminating, or causing the dissemination of, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that vitamin, or vitamin-mineral preparations which release their contents over a prolonged period of time when being digested in the human body are in any way superior, because of this feature, to other preparations of similar content which do not have this feature.

PART II

It is further ordered, That respondent Timed Energy, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Potencaps" or "Vita-Timed Capsules", or any other preparation of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from, directly or indirectly, disseminating, or causing the dissemination of, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

1. That "Potencaps" or "Vita-Timed Capsules", or both of them together, constitute the only prolonged release vitamin or vitamin-mineral combination preparations available to consumers.

2. That "Potencaps" will provide sufficient energy to a person to enable him to complete his daily tasks.

3. That men or women have a special need at suppertime for vitamins or minerals as supplied by "Potencaps".

4. That during the day a person's body needs a constantly replenished supply

of the vitamins or minerals contained in "Potencaps".

5. That "Potencaps" rapidly supplies new energy to the human body, or continues to provide new energy for 24 hours; or which misrepresents in any manner the time in which said preparation may produce such an effect.

6. That the preparation "Potencaps" or any ingredient supplied thereby, will be of benefit in the treatment and relief of tiredness, exhaustion, or irritability, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms are due to a deficiency of Thiamine Chloride (Vitamin B_1), Riboflavin (Vitamin B_2), Ascorbic Acid (Vitamin C), or Niacinamide, and, further, unless the advertisement clearly and conspicuously reveals the facts that in the great majority of persons, and of any age, sex or other class or group thereof, who experience tiredness, exhaustion or irritability, such symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation and that in such persons the preparation will not be of benefit.

7. That the use of "Vita-Timed Capsules," or any ingredient supplied thereby, will be of benefit in the treatment or relief of a lack of energy, strength, vitality or vigor or run-down feeling, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms are due to a deficiency of Thiamine Chloride (Vitamin B_1), Riboflavin (Vitamin B_2), Ascorbic Acid (Vitamin C), or Niacinamide, and, further, unless the advertisement clearly and conspicuously reveals the facts that in the great majority of persons, or of any age, sex or other class or group thereof, who experience tiredness, exhaustion or irritability, lack of energy, strength, vitality and vigor or run-down feeling, such symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation, and that in such persons the preparation will not be of benefit.

PART III

It is further ordered, That respondent Timed Energy, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any vitamin or vitamin-mineral preparation do forthwith cease and desist from directly or indirectly, disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's preparations, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in, or which fails to comply with any of the affirmative requirements of, Part I or II hereof.

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

Issued: November 5, 1964.

By the Commission.

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

[F.R. Doc. 64-11785; Filed, Nov. 18, 1964; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56306]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry

On or about December 1, 1964, new border inspection facilities will be completed at Wild Horse and Willow Creek, Montana. The border inspection station at Havre, Montana, will be closed and new inspection stations at Wild Horse and Willow Creek will be opened simultaneously with the completion of the new facilities.

Accordingly, effective December 1, 1964, the designation of Havre, Montana, as a customs station is being revoked. Effective December 1, 1964, new customs stations at Wild Horse and Willow Creek are being designated. These new stations are being placed under the supervision of the customs port of entry at Great Falls, Montana.

Section 1.2(d) of the Customs Regulations is amended to conform to these changes as follows: In District No. 33 delete "Havre, Montana," from the column headed "Customs Station" and substitute therefor "Wild Horse, Montana." Also, in District No. 33, in the column headed "Customs Station" add "Willow Creek, Montana," and on the same line in the column headed "Port of entry having supervision" add "Great Falls."

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623; 5 U.S.C. 22, 19 U.S.C. 1, 2)

[SEAL] LESTER D. JOHNSON, *Acting Commissioner of Customs.*

Approved: November 12, 1964.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 64-11803; Filed, Nov. 18, 1964; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1940–1950)

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–———)

Miscellaneous Amendments

The following amendments to Chapter III of Title 20 are for the purpose of correcting certain cross-references in Part 404 to sections of Subparts B and D, which subparts were recently revised and the sections therein renumbered, to make certain other editorial corrections in various sections of Part 404, and to provide for the decodification of Part 403—Federal Old-Age and Survivors Insurance (1940–1950). Part 403 (Regulations No. 3 of the Social Security Administration) relates to the provisions of title II of the Social Security Act as in effect prior to January 1951. The regulations in Part 403 (Regulations No. 3) are generally obsolete with respect to current claims for benefits under title II of the Social Security Act and have been superseded by Part 404 (Regulations No. 4 of the Social Security Administration) of Chapter III, Title 20, CFR. The discontinuance of publication of Regulations No. 3 of the Social Security Administration in codified form as Part 403 of Chapter III, Title 20, CFR, shall not, however, operate as a revocation of Regulations No. 3 and such regulations shall continue in effect as provided in § 404.3(a) of Part 404. Chapter III, Title 20 is, therefore, amended as follows:

1. Part 403—Federal Old-Age and Survivors Insurance, 1940–1950 (§ 403.1 et seq., as amended), is hereby decodified.

§ 404.2 [Amended]

2. Section 404.2(a)(11) is amended by substituting "(20 CFR, 1961 ed., Part 403)" in lieu of "(Part 403 of this chapter)."

3. Section 404.3(a) is amended to read as follows:

§ 404.3 **General provisions.**

(a) *Extent to which Regulations No. 3 (20 CFR, 1961 ed., Part 403) remain in effect.* Regulations No. 3 of the Social Security Administration (20 CFR, 1961 ed., Part 403) continue in effect with respect to old-age and survivors insurance benefits under title II of the Act for months prior to September 1950 (except with respect to additional deductions from such benefits under section 203(g) of the Act in effect prior to the Social Security Act Amendments of 1950); with respect to lump-sum death payments under title II of the Act where death occurred after 1939 and before September 1950; and with respect to determinations as to whether, under title II of the Act, services performed before 1951 constitute employment and remuneration paid before 1951 constitutes wages. Except as provided in this paragraph or as specifically incorporated into this Part 404 by reference, Regulations No. 3 of the Social Security Administration (20 CFR, 1961 ed., Part 403) are superseded by the regulations in this Part 404.

* * * * *

§ 404.103 [Amended]

4. Section 404.103(e)(2), the last sentence, is amended by substituting "404.355(b)" in lieu of "404.338(b)."

§ 404.201 [Amended]

5. Section 404.201 is amended by substituting "(see § 403.402 of Regulations No. 3 (20 CFR, 1961 ed., Part 403))" in lieu of "(see § 403.402 of this chapter (Regulations 3))" in the second sentence, and by substituting "(see Subpart D)"

in lieu of "(see § 404.343)" in the third sentence thereof.

§ 404.202 [Amended]

6. Section 404.202 is amended by deleting the cross-reference "(see § 404.104)" from where it appears in the first sentence of paragraph (a)(1) and in the first sentence of paragraph (b) preceding subparagraph (1).

§ 404.204 [Amended]

7. Section 404.204 is amended as follows:

(a) In the first sentence of paragraph (a) preceding subparagraph (1) substitute "(see § 403.301 of Regulations No. 3 (20 CFR, 1961 ed., Part 403))" in lieu of "(see § 403.301 of this chapter (Regulations 3))";

(b) In the first sentence of paragraph (a)(2) substitute "(§ 403.304 of Regulations No. 3 (20 CFR, 1961 ed., Part 403))" in lieu of "(§ 403.304 of this chapter (Regulations 3))";

(c) In paragraph (b) substitute "(see § 403.301 et seq. of Regulations No. 3 (20 CFR, 1961 ed., Part 403))" in lieu of "(see § 403.301 et seq. of this chapter (Regulations 3))"; and

(d) In paragraph (c)(3) substitute "(§ 403.301 of Regulations No. 3 (20 CFR, 1961 ed., Part 403))" in lieu of "(§ 403.301 of this chapter (Regulations 3))."

§ 404.209 [Amended]

8. Section 404.209 is amended by substituting "(see § 404.111(a)(1) and (a)(2))" in lieu of "(see § 404.108)" in the sentence following paragraph (c).

§ 404.235 [Amended]

9. Section 404.235(c) is amended by substituting "§ 404.111(a)(3)" in lieu of "§ 404.107(b)" each place it appears therein.

§ 404.275 [Amended]

10. Section 404.275(c) is amended by substituting "(§ 404.363)" in lieu of "(§ 404.343)" in the last sentence thereof.

§ 404.315 [Amended]

11. Section 404.315 is amended by substituting "'in her care'" in lieu of "in 'her care'" in the second sentence.

12. Section 404.318 is amended by deleting from the heading the phrase "rate of benefits"; so that the heading reads as follows:

§ 404.318 Husband's insurance benefits; rate of benefit.

13. Section 404.329(b)(1) is amended by substituting the word "is" in lieu of the word "if" at the first place it appears in the material preceding clause (i), so that such opening sentence reads as follows:

§ 404.329 Widow's insurance benefits; duration of entitlement.

* * * * *

(b) *When remarriage will not terminate entitlement.* (1) A woman's entitlement to widow's insurance benefits is not terminated by her remarriage if the man she marries:

* * * * *

§ 404.341 [Amended]

14. Section 404.341(b)(1) is amended by substituting "date" in lieu of the word "death" at the second place it appears therein.

§ 404.402 [Amended]

15. Section 404.402(c) is amended by substituting "(see § 404.353(d))" in lieu of "(see § 404.334)."

§ 404.406 [Amended]

16. Section 404.406 is amended by deleting the heading "(a) *Increases to the next multiple of ten cents*" and by deleting paragraph (b) in its entirety.

§ 404.503 [Amended]

17. Section 404.503 is amended by substituting "§ 404.360" in lieu of "§ 404.340" in paragraph (c); and by substituting "§ 404.361" in lieu of "§ 404.341" in paragraph (d).

§ 404.603 [Amended]

18. Section 404.603(d) is amended by substituting "§ 404.361" in lieu of "§ 404.341."

§ 404.605 [Amended]

19. Section 404.605 is amended by substituting "§ 404.362" in lieu of "§ 404.342" in the last sentence.

§ 404.608 [Amended]

20. Section 404.608(a)(4) is amended by substituting "(see § 404.320)" in lieu of "(see § 404.312)", "(see § 404.328)" in lieu of "(see § 404.319)", "(see § 404.335)" in lieu of "(see § 404.325)", and "(see § 404.338)" in lieu of "(see § 404.328)."

§ 404.609 [Amended]

21. Section 404.609 is amended by substituting "(see § 404.355(b))" in lieu of "(see § 404.338(b))" in that part of the first sentence preceding paragraph (a), and by substituting "(see § 404.360)" in lieu of "(see § 404.340)" at the end of paragraph (b).

§ 404.611a [Amended]

22. Section 404.611a is amended by substituting "(see § 404.320)" in lieu of "(see § 404.312)", "(see § 404.328)" in lieu of "(see § 404.319)", "(see § 404.335)" in lieu of "(see § 404.325)", and "(see § 404.338)" in lieu of "(see § 404.328)."

§ 404.612 [Amended]

23. Section 404.612(a) is amended by substituting "(see § 404.355)" in lieu of "(see § 404.338)", and "(see §§ 404.319(c), 404.334(c), and 404.341(b))" in lieu of "(see §§ 404.309, 404.322, and 404.328)."

§ 404.616 [Amended]

24. Section 404.616 is amended by substituting "§ 404.316(a)(4), § 404.331(a)(6), or § 404.338(a)(6)" in lieu of "§ 404.309(e), § 404.322(f), or § 404.328(c)"; and "§ 404.355(b)" in lieu of "§ 404.338(b)."

§ 404.617 [Amended]

25. Section 404.617(a) is amended by substituting in the material preceding paragraph (1): "§ 404.316(a)(4), § 404.331(a)(6), or § 404.341(b)" in lieu of "§ 404.309(e), § 404.322(f), or § 404.328(c)"; and "§ 404.355(b)" in lieu of "§ 404.338(b)."

§ 404.717 [Amended]

26. Section 404.717 is amended by substituting "(see § 404.350)" in lieu of "(see § 404.332)" in the first sentence and by substituting "§ 404.319" in lieu of "section 202(c)(1)(C) of the Act" in the second sentence.

§ 404.718 [Amended]

27. Section 404.718 is amended by substituting "(see § 404.350)" in lieu of "(see § 404.332)" in the first sentence and by substituting "§ 404.334" in lieu of "section 202(f)(1)(D) of the Act" in the second sentence.

§ 404.719 [Amended]

28. Section 404.719 is amended by substituting "(see § 404.350)" in lieu of "(see § 404.332)" and "§ 404.335(b)(8)" in lieu of "section 202(g)(1)(F) of the Act" in that part of the first sentence preceding paragraph (a).

§ 404.720 [Amended]

29. Section 404.720 is amended by substituting "(see § 404.350)" in lieu of "(see § 404.332)" in the first sentence and by substituting "§ 404.341" in lieu of "section 202(h)(1)(B)(i) of the Act" in the second sentence.

§ 404.720a [Amended]

30. Section 404.720a is amended by substituting in the first sentence, "§§ 404.319, 404.334, 404.341 and 404.355" in lieu of "sections 202(c)(1)(C), 202(f)(1)(D), 202(h)(1)(B)(ii), and 202(i) of the Act."

§§ 404.721, 404.722, 404.723, 404.724 [Amended]

31. Sections 404.721, 404.722 preceding paragraph (a), 404.723 preceding paragraph (a), and 404.724 (a)(1) and (b) are amended by substituting "§ 404.323" in lieu of "section 202(d)(1)(C) of the Act."

§ 404.809 [Amended]

32. Section 404.809 is amended by inserting the word "individual's" before the word "survivor."

§ 404.810 [Amended]

33. Section 404.810 is amended by deleting the words "of this chapter" from the first sentence.

§ 404.1002 [Amended]

34. Section 404.1002, the last sentence, is amended by substituting "Regulations No. 3 (20 CFR, 1961 ed., Part 403)" in lieu of "Part 403 of this chapter (Regulations 3)."

§ 404.1026 [Amended]

35. Section 404.1026(a)(1), the last sentence, is amended by substituting "Regulations No. 3 (20 CFR, 1961 ed., Part 403)" in lieu of "Part 403 of this chapter (Regulations 3)."

§§ 404.1250, 404.1255 [Amended]

36. Sections 404.1250(a), the last sentence, and 404.1255(a), the first sentence, are amended by substituing "Baltimore,

Maryland 21235" in lieu of "Baltimore 35, Maryland."

37. *Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405 and 1302)

Dated: November 6, 1964.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: November 10, 1964.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 64-11805; Filed, Nov. 18, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

3,5-DINITROBENZAMIDE, ACETYL-(*p*-NITROPHENYL) SULFANILAMIDE

1. The Commissioner of Food and Drugs, having evaluated the data submitted in the petition (FAP 671) filed by Dr. Salsbury's Laboratories, Charles City, Iowa, and other relevant data, has concluded that the food additive regulations should be amended to provide the conditions under which 3,5-dinitrobenzamide and acetyl-(*p*-nitrophenyl) sulfanilamide may be safely used in chicken feed for prevention of coccidiosis. 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 by adding to Subpart C two new sections, as follows:

§ 121.263 3,5-Dinitrobenzamide.

3,5-Dinitrobenzamide may be safely used in the treatment of chickens in accordance with the following prescribed conditions:

(a) The additive is the chemical 3,5-dinitrobenzamide ($C_7H_5N_3O_5$) conforming to the specifications prescribed in this paragraph:

(1) Melting-point range: 180° C. to 184° C.

(2) Assay (by total nitrogen determination): 95.0 to 100 percent.

(3) Glycol-mono-3,5-dinitrobenzoate: 0 to 5 percent.

(4) Molecular weight: 211.13.

(5) Moisture content: 0.0–2.0 percent.

(6) An intense purple color is developed when 25 milligrams of the compound is dissolved in a solution of 5 milliliters of dimethyl sulfoxide plus 1 milliliter of diethylamine.

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

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
3,5-Dinitrobenzamide.	227 (0.025%)	Acetyl-(*p*-nitrophenyl)sulfanilamide.	272 (0.030%)	For chickens, not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premixes containing not more than 25% 3,5-dinitrobenzamide and 30% acetyl-(*p*-nitrophenyl) sulfanilamide.	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix* and *E. acervulina*.

(c) To assure safe use, the label and labeling of the additive or additives, any combination of additives, and any feed additive premix, feed additive concentrate, feed additive supplement, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

§ 121.264 Acetyl-(*p*-nitrophenyl)sulfanilamide.

Acetyl-(*p*-nitrophenyl(sulfanilamide may be safely used in the treatment of chickens in accordance with the following prescribed conditions:

(a) The additive is the chemical acetyl-(*p*-nitrophenyl) sulfanilamide ($C_{14}H_{13}N_3O_5S$) conforming to the specifications prescribed in this paragraph:

(1) Melting-point range: 260° C. to 261° C.

(2) Assay (by sodium nitrite titration): 97 to 100.5 percent.

(3) Moisture (method No. 5.96, "Official Methods of Analysis of the Association of Official Agricultural Chemists," 8th edition, 1955, page 64): 0.0 to 2.0 percent.

(4) Molecular weight: 335.34.

(5) Soluble in 0.1*N* sodium hydroxide, reprecipitating unchanged on acidification.

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

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
Acetyl-(*p*-nitrophenyl)sulfanilamide.	272 (0.030%)	3,5-Dinitrobenzamide.	227 (0.025%)	For chickens, not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premixes containing not more than 25% 3,5-dinitrobenzamide and 30% acetyl-(*p*-nitrophenyl) sulfanilamide.	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix* and *E. acervulina*.

(c) To assure safe use, the label and the labeling of the additive or additives, any combination of additives, and any feed additive premix, feed additive concentrate, feed additive supplement, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner has concluded that where chickens have been fed with combinations of 3,5-dinitrobenzamide and acetyl-(*p*-nitrophenyl) sulfanilamide in accordance with §§ 121.263 and 121.264, tolerance limitations are required to assure that the edible products of chickens are safe for consumption. Therefore, Part 121 is amended by adding to Subpart D two new sections, as follows:

§ 121.1168 3,5-Dinitrobenzamide.

A tolerance of zero is established for residues of 3,5-dinitrobenzamide and its metabolites in the edible tissues and by-products of chickens.

§ 121.1169 Acetyl-(*p*-nitrophenyl)sulfanilamide.

A tolerance of zero is established for residues of acetyl-(*p*-nitrophenyl) sulfanilamide and its metabolites in the edible tissues and byproducts of chickens.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order

deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

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

Dated: November 12, 1964.

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

[F.R. Doc. 64-11806; Filed, Nov. 18, 1964; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PETROLATUM

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1021) filed by American Petroleum Institute, 1271 Avenue of the Americas, New York 20, New York, and other relevant material, has concluded that food additive regulations should issue to prescribe the safe use of petrolatum. 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 by adding three new sections and by amending §§ 121.2526 and 121.2553 as hereinafter set forth:

1. A new section is added to Subpart C, as follows:

§ 121.261 Petrolatum.

Petrolatum may be safely used in or on animal feed, subject to the following prescribed conditions:

(a) Petrolatum complies with the specifications set forth in the U.S. Pharmacopeia XVI for white petrolatum or in The National Formulary XI for yellow petrolatum.

(b) Petrolatum meets the following ultraviolet absorbance limits when subjected to the analytical procedure described in § 121.1156(b).

Ultraviolet absorbance per centimeter path length:

Millimicrons:	*Maximum*
280–289	0.25
290–299	.20
300–359	.14
360–400	.04

(c) It is used in animal feed for the following purposes:

(1) To reduce dustiness of feeds or mineral supplements.

(2) To serve as a lubricant in the preparation of pellets, cubes, or blocks, and to improve resistance to moisture of such pellets, cubes, or blocks.

(d) The quantity of petrolatum present in animal feeds from the uses specified in paragraph (c) of this section shall not exceed 3.0 percent in mineral supplements nor shall it exceed 0.06 percent of the total ration when present in feed or feed concentrates.

(e) When used in combination with technical white mineral oil for the uses described in paragraph (c) of this section, the total quantity of combined petrolatum and technical white mineral oil shall not exceed the limits prescribed in paragraph (d) of this section.

(f) Petrolatum may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount not greater than that required to produce its intended effect.

2. A new section is added to Subpart D, as follows:

§ 121.1166 Petrolatum.

Petrolatum may be safely used in food, subject to the provisions of this section.

(a) Petrolatum complies with the specifications set forth in the U.S. Pharmacopeia XVI for white petrolatum or in The National Formulary XI for yellow petrolatum.

(b) Petrolatum meets the following ultraviolet absorbance limits when subjected to the analytical procedure described in § 121.1156(b):

Ultraviolet absorbance per centimeter path length:

Millimicrons:	*Maximum*
280–289	0.25
290–299	.20
300–359	.14
360–400	.04

(c) Petrolatum is used or intended for use as follows:

Use	*Limitation (inclusive of all petroleum hydrocarbons that may be used in combination with petrolatum)*
In bakery products; as release agent and lubricant.	With white mineral oil, not to exceed 0.15 percent of bakery product.
In dehydrated fruits and vegetables; as release agent.	Not to exceed 0.02 percent of dehydrated fruits and vegetables.
In egg white solids; as release agent	Not to exceed 0.10 percent of egg white solids.
On raw fruits and vegetables; as protective coating.	In an amount not to exceed good manufacturing practice.
In beet sugar and yeast; as defoaming agent	As prescribed in § 121.1099.

(d) Petrolatum may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount not greater than that required to produce its intended effect.

3. A new section is added to Subpart F, as follows:

§ 121.2588 Petrolatum.

Petrolatum may be safely used as a component of nonfood articles in contact with food, in accordance with the following conditions:

(a) Petrolatum complies with the specifications set forth in the U.S. Pharmacopeia XVI for white petrolatum or in The National Formulary XI for yellow petrolatum.

(b) Petrolatum meets the following ultraviolet absorbance limits when subjected to the analytical procedure described in § 121.1156(b):

Ultraviolet absorbance per centimeter path length:

Millimicrons:	*Maximum*
280–289	0.25
290–299	.20
300–359	.14
360–400	.04

(c) It is used or intended for use as a protective coating of the surfaces of metal or wood tanks used in fermentation process, in an amount not in excess of that required to produce its intended effect.

(d) Petrolatum as defined by this section may be used for the functions described and within the limitations prescribed by specific regulations in Subpart F which prescribe uses of petrolatum. For the purpose of cross-reference, such specific regulations include: §§ 121.2514, 121.2519, 121.2520, 121.2526, 121.2535, 121.2553, 121.2557, 121.2562, and 121.2577.

(e) Petrolatum may contain any antioxidant permitted in food by regulations issued pursuant to section 409 of the act, in an amount not greater than that required to produce its intended effect.

4. Section 121.2526(b) is amended by adding to subparagraph (2), in alphabetical sequence, a new item, as follows:

§ 121.2526 Resinous and polymeric coatings for paper and paperboard.

* * * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
Petrolatum	Complying with § 121.2588.
* * *	* * *

* * * * * *

5. Section 121.2553(a) is amended by adding to subparagraph (3), in alphabetical sequence, a new item, as follows:

§ 121.2553 Lubricants with incidental food contact.

* * * * * *

(a) * * *

(3) * * *

List of substances	*Limitations*
* * *	* * *
Petrolatum	Complying with § 121.2588. Addition to food not to exceed 10 parts per million.
* * *	* * *

* * * * * *

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), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 9, 1964.

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

[F.R. Doc. 64-11808; Filed, Nov. 18, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

UNSATURATED POLYESTER-STYRENE COPOLYMER RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1514) filed by Atlas Chemical Industries, Inc., Wilmington, Del., 19899, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of silicon dioxide in unsaturated polyester-styrene copolymer resins. 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), § 121.2576(b) is amended by adding alphabetically a new substance to item 2 of the table, reading as follows:

§ 121.2576 **Unsaturated polyester-styrene copolymer resins.**

* * * * * *

(b) * * *

List of substances	*Limitations (limits of addition expressed as percent by weight of finished resin)*
* * *	* * *
Silicon dioxide	
* * *	* * *

* * * * * *

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), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1964.

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

[F.R. Doc. 64-11807; Filed Nov. 18, 1964; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER J—PROCUREMENT

PART 116—PROCEDURES FOR PURCHASING

Deletion of Certain Sections

CROSS REFERENCE: For the deletion of §§ 116.01-10 to 116.01-19 of Part 116, see Chapter 11 of Title 41 in the Rules and Regulations section of the issue of the FEDERAL REGISTER for Wednesday, November 18, 1964 (F.R. Doc. 64-11731, 29 F.R. 15411).

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

USE OF CERTAIN STANDARD FORMS

The revision of the Federal Procurement Regulations (29 F.R. 10102) prescribed the use, among others, of the June 1964 editions of Standard Forms 24, 25, 25A, 25B, 34, 35, and 44. Due to delays in the availability of sufficient stocks of some of the revised bond forms for distribution to the surety companies, use is hereby authorized of the 1950 editions of Standard Forms 24, 25, 25A, 27, 27A, 27B, 34, and 35 in invitations for bids and requests for proposals issued prior to March 1, 1965. In view of the substantial stocks of the 1954 edition of Standard Form 44 which some agencies still have on hand, use is hereby authorized of the 1954 edition of Standard Form 44 until stocks of that edition of the form have been exhausted.

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

Effective date. This regulation is effective November 20, 1964.

Dated: November 16, 1964.

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

[F.R. Doc. 64-11884; Filed, Nov. 18, 1964; 8:50 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES AND STUDENT LOANS

Subpart D—Nursing Student Loans

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart D—Nursing Student Loans, which relates solely to assistance to public and nonprofit private schools of nursing for the establishment and operation of student loan funds under Public Law 88-581 (42 U.S.C. 297 et seq.).

These regulations will become effective on the date of publication in the FEDERAL REGISTER. Part 57 is amended by adding a new Subpart D as follows:

Sec.

57.301 Policy and purpose of the Nursing Student Loan Program.
57.302 Definitions.
57.303 Institutional application to participate in the Nursing Student Loan Program.
57.304 Federal institutional loan agreements.
57.305 Allotment, allocation and payment of Federal capital contributions.
57.306 Eligibility and selection of student loan recipients.
57.307 Advancement and repayment of student loans.
57.308 Provisions for student loan cancellations.
57.309 Fiscal.
57.310 Compliance by institutions.
57.311 Preceding provisions not exhaustive of jurisdiction of the Surgeon General.

AUTHORITY: The provisions of this Subpart D issued under Rev. Stat. § 161, 5 U.S.C. § 22. Interpret or apply secs. 822-828 of the Public Health Service Act as amended, 78 Stat. 908-919, 42 U.S.C. 297b-297h.

§ 57.301 Policy and purpose of the Nursing Student Loan Program.

Part B of Title VIII of the Public Health Service Act, as amended by the Nurse Training Act of 1964, authorizes the Nursing Student Loan Program. Under this program Nursing Student Loan Funds will be established at participating schools of nursing in a State.

The purpose of these Funds is to make long-term, low interest loans to qualified students who are in need of such financial assistance in order to pursue a full-time course of study leading to a baccalaureate or associate degree in nursing or an equivalent degree or a diploma in nursing, or to a graduate degree in nursing.

§ 57.302 Definitions.

All terms not defined herein shall have the same meaning as given them in the Act. As used in this subpart:

(a) "The Act" means the Public Health Service Act, as amended (42 U.S.C. 201 et seq.).

(b) "The Surgeon General" means the Surgeon General of the Public Health Service or an official of the Public Health Service to whom the Surgeon General has delegated authority to act in his behalf to carry out the purposes of Part B, Title VIII, of the Act.

(c) "The Commissioner" means the Commissioner of Education or an official within the Office of Education to whom the Commissioner has delegated authority to act in his behalf with respect to the provisions of subsection 843(f) of the Act.

(d) "Institution" (except as used in section 823(b)(3) of the Act) means a school of nursing as defined in section 843 of the Act.

(e) "Institutional application to participate in the Nursing Student Loan Program" means:

(1) A proposed agreement between the Surgeon General and the institution pursuant to section 822 of the Act for payment of Federal capital contributions into a Nursing Student Loan Fund at such institution;

(2) An application in such form as the Surgeon General may require for a Federal capital contribution pursuant to section 825 of the Act; and

(3) If the institution's capital contribution is to be financed in whole or in part through a Federal institutional loan under section 827 of the Act, an application in such form as the Surgeon General may require, for a Federal institutional loan.

(f) "Nursing Student Loan Fund" or "Fund" means the Fund established pursuant to section 822 of the Act at an institution with which the Surgeon General has executed an agreement, such Fund being composed of Federal capital contributions, institutional capital contributions, repayment of capital and interest and any other earnings of the Fund.

(g) "Federal capital contribution" means the capital portion contributed by the Surgeon General to a Nursing Student Loan Fund pursuant to section 825 of the Act.

(h) "Federal institutional loan" means a loan made by the Federal Government pursuant to section 827 of the Act to an institution, the proceeds of which are to be deposited by such institution in its Nursing Student Loan Fund.

(i) "Institutional capital contribution" means the money provided by and deposited in a Nursing Student Loan Fund by the institution in an amount not less than one-ninth of the Federal capital contributions thereto.

(j) "Student Loan; total student loan; total loan." A "student loan" means the actual amount of money advanced to a student borrower from the Fund under a single, properly executed promissory note. For repayment purposes all student loans made to a student borrower shall be combined into one principal sum which will be identified as the total student loan or total loan.

(k) "National of the United States" means (1) a citizen of the United States or (2) a person who though not a citizen of the United States owes permanent allegiance to the United States (8 U.S.C. § 1101(a)(22)).

(l) "Course of study" means the curriculum offered by a school of nursing, satisfactory completion of which entitles a student to receive a baccalaureate or associate degree in nursing or an equivalent degree or a diploma in nursing, or a graduate degree in nursing.

(m) "Full-time course of study" means that portion of the course of study in which a student is expected to be engaged at any point in time in order to complete the course of study within no more than the number of semesters or academic terms, or other period of time normally required therefor at the institution in which he is enrolled.

(n) "Enrolled" means carried on the roster of a school of nursing, or otherwise identified by such school, as a full-time student of the school in accordance with its standards and practices.

(o) "Full-time student" means a student who is enrolled in and is pursuing a full-time course of study.

(p) "Ceasing to pursue a full-time course of study". A student borrower shall be considered to have ceased to pursue a full-time course of study upon the first day of the month which is nearest to the date upon which he ceases to be a full-time student as defined herein: *Provided, however,* That when a borrower, within a one-year period, reenters the same or another institution as a full-time student as defined herein the date upon which interest accrual and the repayment period begins shall be related to and determined by the date he last ceases to attend the institution as a full-time student.

(q) "Good standing" means the eligibility of a student to continue in attendance at the institution where he is enrolled as a full-time student in accordance with the institution's standards and practices.

(r) "Academic year" means the traditional, approximately nine-month September to June annual session. For the purposes of computing academic year equivalents for students who, during a twelve-month period, attend for a longer period than the traditional academic year, the academic year will be considered to be of nine-month duration.

(s) "Fiscal year" means the Federal fiscal year commencing on the first day of July and ending on the 30th day of June.

(t) "Permanently and totally disabled" means unable to engage in any substantial gainful activity because of medically determinable impairment, which impairment is expected to continue for a long and indefinite period of time, or to result in death, such disability to be determined on the basis of the report of a physician on such forms as the Surgeon General may prescribe.

§ 57.303 Institutional application to participate in the Nursing Student Loan Program.

(a) *Applications for Federal capital contributions.* (1) Applications for Federal capital contributions shall be filed by institutions in such form and manner and at such times as may be prescribed by the Surgeon General pursuant to section 825(b)(1) of the Act.

(2) The amount requested in each application for a Federal capital contribution shall be reviewed in the light of the demands which may reasonably be expected to be made upon the Fund during the period covered by the application after taking into consideration the balance in the Fund. When necessary to this end the Surgeon General may require the submittal of additional data.

(b) *Application for Federal institutional loan.* (1) Each application for a Federal institutional loan shall include a statement of supporting data on which there shall be provided such information as the Surgeon General may require (including information relative to the terms and conditions under which such funds are available from non-Federal sources) in order to make the necessary determinations under section 827 of the Act.

(2) The amount requested in each application for a Federal institutional loan shall be reviewed and approved by the Surgeon General in the light of the requirements of section 827 of the Act, the amount of Federal funds available, and the amount of the Federal capital contribution allocated to the school.

(c) *Agreement for Federal capital contributions.* (1) The institutional application to participate in the Nursing Student Loan Program shall include a proposed agreement in accordance with section 822 of the Act, signed by an authorized representative of the applicant institution, which shall be submitted for consideration and acceptance by the Surgeon General.

(2) No application for a Federal capital contribution or for a Federal institutional loan shall be approved unless there is in effect between the Surgeon General and the applicant institution an agreement pursuant to section 822 of the Act.

§ 57.304 Federal institutional loan agreements.

Federal institutional loans shall be made subject to the terms of a note which shall be executed by an official who is duly authorized to execute such notes on behalf of the borrowing institution. Such loans shall be used only for institutional capital contributions to the borrower's Nursing Student Loan Fund. Each note shall include such terms with respect to the payment of interest and repayment of capital as are consistent with section 827 of the Act and shall include such other terms as the Surgeon

General finds necessary to protect the financial interests of the United States and to promote the purposes of the Act.

§ 57.305 Allotment, allocation and payment of Federal capital contributions.

(a) *In general.* All allotments, reallotments, allocations, and payments of Federal capital contributions shall be made in accordance with the provisions of section 825 of the Act. In estimating the number of students enrolled full-time in public or nonprofit private schools of nursing, only those students who are enrolled as defined in this Subpart shall be considered.

(b) *Insufficient institutional capital contributions.* In the event that an institution which has applied for a Federal capital contribution is unable to secure the necessary amount of funds as may be required in order to make the necessary institutional capital contribution, the amount of the Federal capital contribution which could have been offered to such institution pursuant to section 825 of the Act shall be reduced to an amount equal to not more than nine times the amount of whatever capital contribution the institution is able to make to the Fund.

§ 57.306 Eligibility and selection of student loan recipients.

(a) *Eligibility—In general.* Loans shall be made only to a student who (1) is a national of the United States or is in a State for other than a temporary purpose and intends to become a permanent resident of the United States; (2) is in need of the amount of the loan to pursue a full-time course of study at the institution; and (3) has been accepted for enrollment in the school as a full-time student to pursue a full-time course of study, or, in the case of a student already enrolled in such institution and pursuing such full-time course of study, is in good standing.

(b) *Determination of need.* All determinations of need shall be made in accordance with policies and procedures established by the institution. In determining a student's need for a loan from the Fund, the institution shall take into consideration (1) the income, assets and resources of the applicant, (2) the income, assets, and resources of the applicant's family, and (3) the cost reasonably necessary for the student's attendance at the institution, including any special needs and obligations which directly affect the student's financial ability to attend such institution on a full-time basis.

(c) *Limitations governing maximum amount of loans.* The total of the loans from any Fund or Funds for any academic year to any student may not exceed $1,000 or the amount of such student's financial need, whichever is lesser. However, when a student during a twelve-month period pursues the course of study for a longer period than an academic year, he may borrow more than $1,000 on an acadamic year equivalent basis.

(d) *Order of selection.* In the event applications exceed available funds, the order of selection shall be made on the basis of objective criteria which are established by the institution and made a part of the agreement for Federal capital contributions.

(e) *Nondiscrimination.* No eligible applicant shall be denied a student loan from the Fund on account of sex or creed. Attention is further called to the requirements of Title VI of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 252; P.L. 88-352). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore assistance provided pursuant to the regulations set forth in this subpart is subject to this provision and to such applicable rules, regulations or orders as may be issued with the approval of the President to effectuate the provisions of section 601.

(f) *Preference to persons entering as first-year students after September 4, 1964.* In the selection of students to receive loans from the Fund, preference shall be given to persons who enter a school as first-year students after September 4, 1964. Such preference is not limited to the first year of attendance but extends throughout the period of eligible attendance at the school first entered or at any other school to which the student may transfer.

(g) *Records of approval or disapproval.* The records of the institution shall indicate the basis of approval or disapproval of all or any part of each student application for a loan.

§ 57.307 Advancement and repayment of student loans.

(a) *Evidence of indebtedness—Note.* (1) The note which shall be executed by a student-borrower shall be in such form as shall be approved by the Surgeon General. Except for a provision reflecting an institution's election to require security or endorsement in cases permitted under section 823(b)(6) of the Act, any substantive deviations from the promissory note form so approved shall be made only pursuant to approval by the Surgeon General prior to the making of any loans to be evidenced thereby. Each promissory note shall set forth the annual interest rate which is to be borne by the loan during the period the loan is repayable. Such interest rate shall be three percent per year or the "going Federal rate" as defined in section 823(b)(5) of the Act, whichever rate is the higher. Prior to the beginning of each Federal fiscal year, the Surgeon General shall advise each participating school of the amount of the going Federal rate of interest for the fiscal year.

(2) Each promissory note shall also contain a provision whereby the borrower agrees (i) that, for repayment purposes, all student loans made to him shall be combined into a total loan, (ii) that the principal sum of the total loan shall bear interest during the ten-year repayment period at a rate equivalent to the interest rates shown on each promissory note weighted by the amounts advanced to him under each note and (iii) that each payment made by him shall be applied first to the accrued interest, and the balance to the principal sum of the total loan.

(3) A copy of every executed note shall be supplied to the student maker thereof.

(b) *Repayment.* The total loan to a student-borrower shall be repayable in accordance with the provisions of section 823(b) of the Act. Each student-borrower may choose (from those in use by the institution and approved by the Surgeon General) the repayment schedule which he prefers but a student-borrower may at his option and without penalty prepay all or part of the principal and accrued interest at any time.

§ 57.308 Provisions for student loan cancellations.

(a) *Full-time employment as a professional nurse.* The determination as to whether a student-borrower is entitled to have any portion of his loan cancelled for full-time employment as a professional nurse, in accordance with section 823(b)(3) of the Act, shall be made by the institution to whose Fund such loan is payable, upon receipt and evaluation of an application for cancellation from such student-borrower.

(b) *Permanent and total disability.* The determination (based on medical evidence supplied by the borrower) as to whether a student is entitled to a cancellation of indebtedness in accordance with section 823(b)(4) of the Act on the basis of permanent and total disability shall be made by the Surgeon General after considering the recommendations of the institution to whose Fund the borrower is indebted.

(c) *Death.* The determination as to whether a student is entitled to a cancellation of indebtedness in accordance with section 823(b)(4) of the Act because of death of the borrower shall be made by the institution to whose Fund the borrower is indebted on the basis of a certificate of death or such other official proof as is conclusive under State law.

§ 57.309 Fiscal.

(a) *In general.* The Fund shall be deposited and carried in a special account of the institution, which shall be used only for loans to student, for capital distributions as provided in section 826 of the Act or as agreed to by the institution and the Surgeon General, and for the cost of litigation arising in connection with the collection of any obligation to the Fund and interest thereon. There shall be in the Fund at all times monies representing the institutional capital contribution equal to at least one-ninth of the amount of the balance of the Federal capital contributions in such Fund.

(b) *Advancement of student loans.* (1) Advances from the Fund shall be made to student-borrowers in such installments as are deemed appropriate by the institution, except that no borrower may receive more, during a given semester, term, quarter, or academic year than he needs for such period.

(2) No monies shall be advanced to any student-borrower from the Fund unless at the time of such advancement he is a student pursuing a full-time course of study as provided in § 57.306(a)(3).

(3) Upon failure of the student-borrower to maintain good standing, the institution shall withhold any or all further installments of his loan as may be appropriate.

(c) *Collection of student loans.* Each institution at which a Fund is established shall exercise due diligence in the collection of all loans due the Fund.

(d) *Records and reports.* (1) Each institution shall keep adequate records reflecting all transactions with respect to the Fund. Federal capital contributions and institutional capital contributions shall be separately recorded. Each transaction shall be recorded so as to afford ready identification of each borrower's account and the status thereof. If a fiscal agent is utilized by the institution, its functions must be limited solely to the performance of ministerial acts. The responsibilities of the institution to make determinations relative to the making and collection of loans shall not be delegated.

(2) Institutions shall submit such reports and information as the Surgeon General may reasonably require in connection with the administration of the Act and shall comply with such provisions as he may find necessary to insure the correctness and verification of such reports. Annual reports of Fund status and transactions shall be forwarded to the Surgeon General by each institution within 30 days of the close of each fiscal year.

§ 57.310 Compliance by institutions.

If, at any time, after notice and opportunity for hearing, the Surgeon General determines (a) that the requirements for an institution's participation in the student loan program are no longer met or (b) that any monies in the Fund or to be deposited therein have been expended for purposes for which the Fund is legally unavailable and such diversions have not been restored, no further Federal capital contributions shall be made to such Fund and no further expenditures (except as may be specifically approved by the Surgeon General) shall be permitted to be made from such Fund until there is no longer any failure of such compliance.

§ 57.311 Preceding provisions not exhaustive of jurisdiction of the Surgeon General.

No provision of this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Surgeon General under the Act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

Dated: November 10, 1964.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 64-11819; Filed, Nov. 18, 1964; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

Group 2200—Disposition

[Circular 2176]

PART 2230—SPECIAL USES

Subpart 2234—Rights-of-Way

TRAMROADS AND LOGGING ROADS

To expand the acceptable bond requirements to permit the use of cash or negotiable securities in connection with use of existing roads used under the authority vested in the Secretary of the Interior by the Act of January 21, 1895 (28 Stat. 635; 43 U.S.C. 956), the following regulation is amended to read as set forth below. In addition several minor printing errors are being corrected. Since the proposed amendments merely expand an existing regulation, and correct printing errors, notice and public procedure thereon have been deemed unnecessary, and the amendment shall become effective on the date of publication in the FEDERAL REGISTER.

Sections 2234.2-3(b) (6)(i)(a), (7)(iv), (17), (18)(i), and (19)(i)(a) are amended to read as follows:

§ 2234.2-3 For tramroads and logging roads.

* * * * *

(b) *Over O. and C. and Coos Bay revested lands.* * * *

(6) *Applications*—(i) *Filing.* (a) An application for a permit for a right-of-way over the O. and C. lands must be submitted in duplicate on a form prescribed by the Director and filed in the appropriate district office. Application forms will be furnished upon request.

* * * * *

(7) *Right-of-way and road use agreement; recordation.* * * *

(iv) Any grant of rights to the United States under this section shall be executed on a form prescribed by the Director which shall constitute and form a part of any permit issued upon the application involved. The applicant shall record such agreement in the office of land records of the county or counties in which the roads, rights-of-way, or lands, subject to the agreement are located, and submit evidence of such recordation to the appropriate district manager.

* * * * *

(17) *Bond on connection with existing roads.* An applicant for permit or a permittee desiring to use an existing road owned or controlled by the United States, shall prior to such use post a bond on a form prescribed by the Director. The amount of the bond shall be determined by the authorized officer but in no event less than five hundred dollars ($500) per mile or fraction thereof. The bond shall be executed by an approved corporate surety, or the permittee may deposit an equivalent amount in cash or negotiable securities of the United States and the bond shall be conditioned upon compliance with § 2234.2-3(b)(1)—(24) and the terms and conditions of the permit.

(18) *Approval of permit.* (i) Upon the applicant's compliance with the appropriate provisions of this paragraph and if it is determined that the approval of the application will be in the public interest, the authorized officer may, in his discretion, issue an appropriate permit, upon a form prescribed by the Director.

* * * * *

(19) *Terms and conditions of permit.* (i) As to all permits: Every permittee shall agree:

(a) To comply with the applicable regulations in effect as of the time when the permit is issued and, as to the permittee's roads as to which the United States has received rights under subparagraph (7) of this paragraph with such additional regulations as may be issued from time to time relating to the use of roads for the purpose of access by properly licensed hunters and fishermen and by other recreationalists to lands of the United States in the O. and C. area which are suitable for such recreational purposes, where such use will not unreasonably interfere with the use of the road by the permittee for the transportation of forest products or unduly enhance the risk of fire, collision, or other hazards on such road and on lands in the vicinity thereof. If, notwithstanding the request of the authorized officer that the permittee allow use of a road in conformity with such additional regulations, the permittee shall unreasonably withhold his assent, the authorized officer shall refer the disagreement through the proper channels to the Director of the Bureau for his consideration, and, if the Director concurs in the conclusion of the authorized officer and if the matter is still in dispute, he shall refer the matter to the Secretary of the Interior for his consideration. In the event of the Secretary's concurrence in the conclusions of the authorized officer, and if the permittee nevertheless unreasonably withholds such assent, the United States may institute such judicial proceedings as may be appropriate to enforce said regulations.

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STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 12, 1964.

[F.R. Doc. 64-11796; Filed, Nov. 18, 1964; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14867; FCC 64-1037]

PART 1—PRACTICE AND PROCEDURE

Substantial and Significant Changes in Information Furnished by Applicants to Commission

Report and order. 1. On November 30, 1962, the Commission issued a notice

of proposed rule making looking towards the adoption of a rule which would make express the implicit obligation of applicants to keep the Commission informed as to material changes in the information set forth in applications and in any other significant circumstances which might affect the Commission's decision.[1] Although prior notice of rule making was not required by law, since the proposed rule is procedural in nature and merely restates well established Commission policy, we believe it appropriate to afford interested persons an opportunity to submit constructive suggestions and comments with respect to the detailed provisions which such a rule should contain, and the procedural implications.

2. Comments have been received from Meredith Broadcasting Company (Meredith), the law firm of Dow, Lohnes and Albertson (Dow, Lohnes), the American Broadcasting Company (ABC), and Westinghouse Broadcasting Company (Westinghouse). With the exception of Meredith, all those commenting favor the proposed rule in principle but urge that the wording is ambiguous in the various respects discussed below. Meredith asserts that the implicit obligation is so clear that there is no need for an explicit provision in the Commission's rules of practice and procedure. However, since the rule making proposal was occasioned by a number of recent cases where applicants have failed to apprise the Commission of material changes in the status of an application,[2] it is our judgment that an express statement of the applicant's responsibility will be helpful in avoiding future incidents of this nature. There would appear to be considerable merit, however, in Meredith's suggestion that the duty to keep information up-to-date should be stated on the application forms themselves. Accordingly, in addition to the rule adopted herein, we shall give careful consideration to such a requirement when the forms are next revised.[3]

3. The principal objection stated in the comments is that the proposed rule does not set forth a clear and precise standard to guide applicants as to exactly what changes should be reported. The proposed rule reads in pertinent part as follows:

> The applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving the pending application. Whenever it appears to any applicant that the information furnished in his pending application is no longer accurate and complete in all material respects, he shall promptly amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate. Whenever it appears to any applicant that there has been a material change as to any matter of decisional significance in a Commission proceeding involving the pending application, he shall promptly submit a statement furnishing such additional or corrected information as may be appropriate.

The commenting parties point to the fact that every statement in an application is "material" and assert further that an applicant is not in a position to know what is a "matter of decisional significance" among the many matters which may be involved in a proceeding on an application. They express a fear that the result of the rule may be either overcompliance by cautious applicants reporting a welter of minute details or the imposition of a penalty under section 502 of the Act, 47 U.S.C. 502, for an honest mistake in judgment.

4. Since it is impossible to catalogue or even foresee in advance the precise information which may be material to differing applications or the myriad changed circumstances which may arise, a rule of this nature must necessarily state the applicant's responsibility in general terms. However, in view of the objections expressed in the comments, we will undertake to clarify the intent of the rule and the general character of the information to be reported. In addition, we have also made two revisions in the wording of the rule in an effort to avoid the reporting of unimportant minute details of little or no significance to the public interest judgment. The second sentence in the rule has been revised by substituting "the information furnished in the pending application is no longer substantially accurate and complete in all significant respects" in place of the proposed language reading "the information furnished in his pending application is no longer accurate and complete in all material respects." In the third sentence, the words "there has been a substantial change as to any other matter which may be of decisional significance" have replaced the words "there has been a material change as to any matter of decisional significance."

5. The rule is thus intended to apply (i) where there has been a substantial change and (ii) where that substantial change may be significant to the Commission's consideration of an application and determination of the public interest. The information contained in the application itself is definite and the obligation to keep it substantially accurate and complete is akin to the duty of avoiding an initial misrepresentation or lack of candor. Moreover, the public interest factors pertinent to consideration of applications are either fairly well established or should be obvious in the case of a particular application involving special or novel circumstances. While appreciative of the fact that an applicant cannot always predict the exact basis of a Commission decision or the weight to be accorded any particular factor by the Commission, we do not anticipate that applicants will experience difficulty in recognizing the kinds of matters which may be decisionally significant. Indeed, most applicants are already complying with obligation here made express by rule.

6. As requested by Dow, Lohnes, we will give a series of examples to illustrate the intended application of the rule. Such examples have been selected at random; they are not to be viewed as exhaustive or as raising any implication that other changes need not be reported. In general, applicants should report any substantial change in circumstances pertaining to basic qualifications (legal, technical, financial, character), matters affecting service to the public or the nature of the proposed operations and factors urged as a basis for a grant or a comparative preference. In broadcast cases, for example, it is clear that an applicant should report any substantial change in ownership or legal status, such as a corporate merger (Huntington-Montauk, 24 R.R. 195); the death of a principal who is important to an application either as a ground for preference (Southland Television Co. v. Federal Communications Commission, 266 F. 2d 686, 687 (C.A.D.C.); Tidewater Teleradio, Inc., 24 Pike & Fischer, R.R. 653) or as a basis for demerit (Fleming v. Federal Communications Commission, 225 F. 2d 523 (C.A.D.C.)); a substantial change in plans as to program proposals, studio facilities or integration of ownership with management (Butterfield Theatres, Inc. v. Federal Communications Commission, 237 F. 2d 552 (C.A.D.C.); Tidewater Teleradio, Inc., 24 Pike and Fischer, R.R. 653); or a change of circumstances affecting the diversification factor or sufficiently altering the financial status of an applicant as to be pertinent to financial qualifications (Enterprise Company v. Federal Communications Commission, 231 F. 2d 708 (C.A.D.C.)).

7. The rule is not intended to require the reporting of minor changes which would have no significance in the Commission's consideration of an application under the public interest standard. We recognize that some material matters may normally fluctuate on a day-by-day basis, such as the financial position of an applicant, the current business interests of its principals, etc. The rule does not contemplate the reporting of normal, foreseeable everyday changes unless they are substantial and might have a significant impact on the status of an application. The changes to be reported are those which are major or out of the ordinary—those which may make a difference from the standpoint of the public interest, and those which the Commission should be aware of in order to reach a realistic decision. See Eugene Ketring, 1 Pike & Fischer, R.R. 2d 71; Walter Gaines, 17 Pike & Fischer, R.R. 163.[4]

8. Where the change is with respect to material set forth in the application, it should be reported by means of an amendment to, or request to amend, the application. Any other pertinent change should be reported by submission of a statement. As stated in the notice of

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[1] FCC 62-1247 (Mimeo No. 27753), published in the FEDERAL REGISTER December 5, 1962, 27 F.R. 11999.

[2] See, e.g., Huntington-Montauk, 24 Pike & Fischer, R.R. 195; Tidewater Teleradio, Inc., 24 Pike & Fischer, R.R. 653.

[3] It would not suffice merely to include a statement on the application forms since the proposed rule goes to changes in other material circumstances which may affect the Commission's decision on an application as well as to changes in the information actually set forth in the application itself.

[4] In view of the foregoing discussion (and see particularly par. 5) we do not believe that there is any merit to the argument advanced that penalties will be imposed under section 502 for honest mistakes in judgment as to the applicability of this rule.

proposed rule making, by requiring the filing of a request to amend an application in hearing status to reflect a changed circumstance with respect to material contained in the application, we are not in any way indicating whether such request will be granted. Our determination as to grant or denial would, of course, depend on the facts of the particular case. The proposed rule does not affect the rules governing amendment of applications in hearing status and is not intended as a means for applicants to improve their comparative positions vis-a-vis other applicants.

9. Meredith asserts that there is no need to require service of a statement furnishing additional or corrected information upon other parties of record to the proceeding, since the rules already require service of any petition to amend an application. We have decided to retain the service requirement because the statement might concern matters not set forth in the application. Where the report is in the form of a petition to amend the application, service of the petition will suffice to meet the service requirement.

10. Nor do we find substance in Meredith's objection that the requirement for service on the Commission's General Counsel where the matter is before any court for review constitutes an encroachment on the judicial jurisdiction. Service on the General Counsel does not affect the jurisdiction of the reviewing court or alter the record on appeal. Where the Commission believes that a changed circumstance affects the validity of a decision on appeal or should be incorporated in the certified record, it will seek a remand for this purpose or file some other appropriate pleading with the court. See Ford Motor Co. v. N.L.R.B., 305 U.S. 364, 373–374.

11. Westinghouse challenges as ambiguous the provision for amending or requesting amendment "promptly" and urges substitution of a fixed time period, such as thirty days after knowledge of the change. We think the suggestion has merit and have accordingly provided in the rule that amendments, requests for amendments and statements shall be filed within thirty days unless good cause is shown. However, it is expected that changes will be reported as promptly as possible, and that applicants will not await the full thirty-day period where time is of the essence and the change is of a nature which can and should be reported without delay, particularly where a grant or denial of an application is about to become final.

12. The notice of proposed rule making looked toward the addition of this rule as paragraph (c) of § 1.304 (now § 1.514). Section 1.514 applies only to broadcast application proceedings. Since the obligation to apprise the Commission as to changed circumstances pertains to all applicants and not merely to applicants for broadcast facilities, we consider it more appropriate to add the new provision as § 1.65, under the heading, "General Application Procedures."

In view of the foregoing and pursuant to authority contained in sections 4(i), 303(r) and 308 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 303(r) and 308: *It is ordered,* Effective December 22, 1964, That Part 1, rules of practice and procedure, is amended as set forth below.

(Secs. 4(i), 303(r), 308, 48 Stat. 1066, 1082, 1084, as amended; 47 U.S.C. 154(i), 303(r), 308).

Adopted: November 12, 1964.

Released: November 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

Section 1.65 is added to read as follows:

§ 1.65 Substantial and significant changes in information furnished by applicants to the Commission.

Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application. Whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate. Whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, submit a statement furnishing such additional or corrected information as may be appropriate, which shall be served upon parties of record in accordance with § 1.47. Where the matter is before any court for review, statements and requests to amend shall in addition be served upon the Commission's General Counsel. For the purposes of this section, an application is "pending" before the Commission from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court.

[F.R. Doc. 64–11837; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket No. 13854; FCC 64–1054]

PART 73—RADIO BROADCAST SERVICES

Frequency Monitors

Report and order. 1. On November 22, 1960, the Commission adopted a notice of rule making (FCC 60–1408) proposing to make the following changes in our rules concerning the operation of frequency monitors at TV broadcast stations:

(a) Delete the requirement that a type approved monitor be kept in continuous operation during all periods when the TV broadcast transmitter is operating.

(b) Delete the requirement that the frequency of the transmitter as shown by the monitor be logged every 30 minutes.

(c) Delete the requirements for type approval of frequency monitors.

(d) Require that the operating frequency of the visual and aural transmitter be checked with the frequency monitor, or other suitable reference frequency source at sufficiently frequent intervals and in any event at least once every day to insure that the operating frequencies of the station are kept within the prescribed tolerance at all times.

(e) Require that the frequency monitor or other reference frequency source be checked against the standard frequency transmissions of WWV or WWVH at sufficiently frequent intervals to insure that its accuracy is adequate to insure that when it is used to check the operating frequency of the visual or aural transmitter it will reveal departures in excess of the prescribed tolerance.

(f) Require that the frequency monitor or other combination of devices that may be used to measure the transmitter frequencies be capable of indicating the relationship of the transmitter frequency to the reference frequency to within 10 percent of the prescribed frequency tolerance. It would not be necessary to determine whether the deviation of the operating frequency is above or below the assigned frequency.

2. A number of comments filed merely endorsed the proposed amendment. Most of these parties also requested clarification of the rules with respect to continued use of present frequency monitors. Detailed comments were filed by the National Association of Broadcasters (NAB); WHP, Inc., Westinghouse Broadcasting Company, Inc. (WBC); Hammett and Edison, Consulting Engineers; General Radio Company, manufacturer of TV frequency monitors; and, Northwest Monitoring Service, a commercial frequency measuring service.

3. NAB stated that they welcomed the proposal as recognition by the Commission of the inherent stability of modern TV transmitters but were concerned with the proposal that the stability of the apparatus used to check the operating frequency must be at least 10 percent of the frequency tolerance prescribed for TV stations. This, they pointed out, would make present type approved frequency monitors unsuitable or at least require that they be calibrated against WWV every day. They suggested that the stability not be required to be better than 50 percent of the prescribed tolerance. WHP, Inc. stated that the cost of daily frequency checks which would be needed to maintain the 10 percent stability would be $8.00 each and that such cost would be prohibitive. Westinghouse Broadcasting Company, Inc., noted its general agreement with the proposal but feared that it would not accomplish the intended purpose. They state that the 10 percent stability requirement would automatically exclude all existing frequency monitors and all stations would have to either obtain

[5] Commissioners Lee and Ford absent.

frequency measurements from a commercial frequency measuring service or set up their own frequency measuring equipment. They point out that such frequency measuring equipment would necessarily rely upon the standard frequency transmissions of WWV and that daily reception of WWV in all parts of the United States might not be possible. They recommended that we retain the requirement for a continuously operating frequency monitor meeting the specifications now set forth for type approval, that the monitor accuracy be checked against a reference signal with known accuracy within plus or minus 100 cycles, at least once each 30 days for VFH stations and once each 10 days for UHF stations, and that the present requirement of monitor readings each half hour be changed to require monitor readings at the beginning and end of each broadcast day and at such times as the monitor is checked against an external frequency source. KING Broadcasting Company, KLIX Corporation, and Kern County Broadcasting Company, support the proposal generally but argue that a mandatory requirement of a daily frequency check is not justified unless it can be shown to be more reliable, less expensive, or both. They claim that frequency measuring equipment which can be checked against WWV would cost at least $3,000.

4. Hammett and Edison contend that although present rules place undue reliance on the long-term stability of frequency monitors, a requirement of daily frequency checks would place an unreasonable requirement on television stations. They recommend that we retain the requirement for a continuously operating frequency monitor, that it be read every hour, that the type approval requirements be changed to require a guaranteed stability of 1,000 cycles per second for 30 days, that the transmitter frequencies and monitor be checked against an external frequency source accurate to within 100 cycles per second at least once every six months and, that such external check be required each time the monitor indicates a carrier frequency deviation beyond the prescribed frequency tolerance, and that neither the transmitter frequency nor the calibrating frequency be intentionally altered without a simultaneous calibration against an external frequency source of known accuracy.

5. General Radio Company contends that reception of WWV may be highly unreliable because of the vagaries of skywave propagation and that even when received its accuracy may be affected by Doppler-shift to as much as 5 parts per million and that on the upper UHF channels this is greater than 10 percent of the prescribed frequency tolerance for TV stations. They point out that our proposal to permit the check of the transmitter operating frequency to be made at a multiple or sub-multiple of the actual operating frequency, could result in oversight of malfunctioning of subsequent stages or mistuning. General wonders whether this method will be acceptable for modulation monitoring since past practice has been to combine circuits for frequency, modulation, fidelity, and noise monitoring in a single instrument connected to the output of the TV transmitter. General also claims that the proposed amendment will not result in any substantial savings to TV stations since a TV station must still have modulation, fidelity and noise measuring equipment and elimination of the frequency monitoring feature from present instruments would not save enough to pay for separate frequency measuring equipment. General also believes that without the combination monitors such as those now used, there will be a deterioration of signal quality. They urge that we continue the requirement for continuous frequency monitoring on the grounds that such a decision would stimulate development of more stable frequency monitors and would remove the uncertainty which has up to this time, deterred instrument manufacturers from risking large investments in such development.

6. Northwest Monitoring Service opposes the proposal as unnecessary and impractical on the grounds that the costly investment by TV stations in suitable monitoring equipment would not improve the quality of TV service to the public. They note that present frequency monitors include a means for checking the frequency relation between the visual and aural carriers and that this is more important to the public than the individual carrier frequencies. They argue that the stability requirement is unrealistic and cannot be accurately checked against WWV because of Doppler-shift.

7. This proceeding was initiated for the purpose of modernizing our rules relating to frequency monitors and measurements at TV broadcast stations, in the light of the present state of the art. We have carefully reviewed the comments filed in this proceeding and conclude that the rules should be amended but that our notice of rule making was complicated by an attempt to spell out in unnecessary detail the procedure that must be followed to insure that the station stays within the prescribed frequency tolerance. Our objective was to stress the point that it is the responsibility of the licensee to maintain visual and aural carrier frequencies of its TV station within the prescribed tolerance at all times. The use of a continuously indicating frequency monitor is only one of several ways of keeping a check on the operating frequencies of a TV station. We believe that a licensee should be permitted to choose among the various methods the one most suited to his convenience. Individual experience will dictate how often the transmitter frequencies need be checked to insure that they are within the prescribed tolerance at all times. However, in our opinion good operating practice dictates that a determination should be made at least once each day.

8. Many licensees will continue to rely upon some locally generated reference signal such as a continuously operating frequency monitor, frequency counter, or other combination of apparatus for the daily (or more frequent) tolerance check. Although such devices may be highly refined they are not primary frequency standards and must be compared with a frequency source of known accuracy at frequent intervals. Standard frequency stations operated by the National Bureau of Standards provide a convenient source of standard frequency transmissions which may be used. Such stations operating in the VLF (very low frequency) and LF (low frequency) portions of the spectrum are not as prone to errors introduced by propagation phenomena as the higher frequency stations. However, the transmissions should be observed over a sufficiently long period of time to detect phase differences which may amount to cycles or kilocycles when multiplied up to TV broadcast bands. A phase difference of only 10 degrees at 18 kc/s would amount to more than the allowable tolerance for TV broadcast stations operating in the upper portion of the UHF television broadcast band. Two Standard Frequency Stations are known to be in operation. WWVL on 20 kc/s and WWVB on 60 kc/s both operated by the National Bureau of Standards at Boulder, Colorado. If suitable receiving equipment is employed, the signals of these stations may be received in any part of the United States. The standard frequency transmissions of WWV and WWVH, operated by the National Bureau of Standards, are well known to the broadcasting industry.

9. Experience with a particular piece of equipment or combination of apparatus will indicate how often the frequency should be compared with a source of standard frequency transmissions. As a matter of good operating practice any apparatus should be checked at intervals of no more than one month. In the rules adopted herein, we require that the operating frequencies of the transmitter be actually measured at intervals of no more than one month. Whether this is done by accurately adjusting the frequency monitor or other reference signal source to the standard frequency transmissions of one of the aforementioned standard frequency stations and then determining the relationship of the TV transmitter frequencies thereto, or by direct measurement of the transmitter frequencies, is left to the discretion of the licensee. If the latter practice is followed, the frequency monitor or other local reference signal source should be adjusted to bear the correct frequency relationship to the measured transmitter frequencies. Although we will no longer require the use of a type-approved frequency monitor, we are continuing the provision for type approval of frequency monitors which meet certain basic specifications. While this does not guarantee the performance of individual monitors, it will indicate that type-approved monitors are capable of meeting those specifications. Regardless of the method used to check the operating frequencies of the transmitter, the licensee is expected to maintain the operating frequencies of the stations within the prescribed tolerance at all times.

10. Therefore, in the rules adopted herein we have simplified the language

to merely require that the licensee take adequate precautions to insure that the transmissions stay within their assigned frequency space and observe good operating practices without spelling out in unnecessary detail how this shall be done. Although we are primarily concerned with the actual output frequencies of the transmitter it is well known that the output frequency may be determined by measuring some multiple or sub-multiple thereof and where this is more convenient and where adequate recognition is given to the need for greater accuracy at sub-multiples of the output frequency, such a measurement is completely acceptable.

11. A few comments suggested that it might be impossible to receive WWV in some places and that the standard frequency transmissions are not always accurate when received because of Doppler-shift effects. It would be a rare occasion when WWV could not be received on one of its 6 operating frequencies between 2.5 and 25 MC/s, at some time of the day. Should this occur, the standard frequency transmissions of WWVH or at least one of the other standard frequency stations mentioned in paragraph 8 should be available. If Doppler-shift errors are suspected a safety factor may be used or the VLF or LF stations may be used for a more accurate determination. In any event, the rules adopted herein do not require the degree of precision that would be markedly affected by Doppler-shift except perhaps under extremely unusual conditions.

12. *Accordingly, it is ordered,* That effective December 22, 1964, Subpart E of Part 73 of our rules is amended as set forth below.

13. Authority for the amendments adopted herein is contained in sections 4(i), 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: November 12, 1964.

Released: November 16, 1964.

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

1. Section 73.672(c) is amended to read as follows:

§ 73.672 Maintenance log.

* * * * *

(c) An entry describing the method used and the results obtained in determining the operating frequency of the transmitter:

(1) Whenever the frequency check required by § 73.690(a) is made.

(2) Whenever the frequency measurement required by § 73.690(c) is made.

* * * * *

2. Section 73.690 is amended to read as follows:

§ 73.690 Frequency measurements.

(a) The visual carrier frequency and the difference between the visual carrier frequency and the center frequency of the aural transmitter shall be checked as often as necessary to ensure that they are kept at all times within the prescribed tolerance. At least one such check shall be made each day.

(b) The daily frequency checks need not be an exact measurement of the actual operating frequencies but merely a determination that the transmitters are operating within the prescribed frequency tolerance. The choice of method for performing the daily frequency checks is left to the discretion of the licensee. However, whatever method used, it shall be capable of sufficient accuracy to reveal deviations of the operating frequencies in excess of the prescribed tolerance.

(c) The visual carrier frequency and the difference between the visual carrier frequency and the center frequency of the aural transmitter shall be measured as often as is necessary to ensure that they are maintained within the prescribed tolerance. The interval between successive measurements shall never be more than one month.

(d) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of stations WWV, WWVB, WWVH, and WWVL of the National Bureau of Standards.

3. Section 73.691(a) is amended to read as follows:

§ 73.691 Modulation monitors.

(a) The licensee of each television broadcast station shall have in operation at the transmitter an approved modulation monitor for the aural transmitter. There shall also be employed sufficient monitoring equipment for the visual signal to determine that the signal complies with the requirements of this subpart.

NOTE: Approved aural modulation monitors are included on the Commission's "Radio Equipment List, Part A, Television Broadcast Equipment." Copies of this list are available for inspection at the Commission's office in Washington, D.C., and at each of its field offices.

* * * * *

[F.R. Doc. 64-11839; Filed, Nov. 18, 1964; 8:50 a.m.]

[1] Commissioners Lee, Ford, and Cox absent.

[Docket No. 15424; FCC 64-1053]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments

In the matter of amendment of § 73.202 Table of Assignments, FM Broadcast Stations, (Elgin and Glen Ellyn, Ill.; Paintsville, Ky.; London, Ohio; Clarksburg and Morgantown, W. Va.; Marshfield, Merrill, Middletown, Port Washington, Waupaca and Wisconsin Rapids, Wisconsin); Docket No. 15424, RM-567, RM-569, RM-570, RM-575, RM-556.

Memorandum opinion and order. 1. On July 7, 1964 (FCC 64-616) the Commission issued a Report and Order in the above-entitled matter which, among other things, deleted the assignment of FM Channel, 280A from Elgin, Illinois and denied the request of Mr. James C. French for the assignment of this channel to Carpentersville, Illinois. The Commission pointed out that Channel 280A at Elgin was short-spaced to two Chicago stations and that this assignment at Carpentersville appeared to be short-spaced to adjacent channel Station WTOS(FM) on Channel 279 at Wauwatosa, Wisconsin. While Mr. French stated that sites were available which would meet the required spacing to Chicago no showing was made at that time that such sites were available which would meet all the required separations. The Report and Order further stated that "In the event Mr. French or any other interested party wishes to petition for rule making to assign Channel 280A to a community in this area from which all the spacings, including that to WTOS, can be met, the Commission will entertain such a petition when it is filed".

2. The Commission has before it for consideration a petition for reconsideration of the Report and Order in this proceeding insofar as it did not assign Channel 280A to the Carpentersville-Dundee area. Mr. French submits an engineering showing depicting an area from which all the spacings can be met, including that to WTOS(FM), and from which the required signal for the principal community can be placed over the entire city. He urges that action on his request for reconsideration rather than on a new petition for rule making would expedite matters and save time and expense for all parties concerned. Mr. French bases his showing on the "Carpentersville-Dundee" area and requests that assignment for Dundee whereas he formerly requested the assignment be made to Carpentersville.

3. On reconsideration of this matter of assigning Channel 280A and after consideration of the facts submitted by Mr. French, we are of the view that Channel 280A should be assigned to a community in this area and that this would serve the public interest. However, we believe the assignment should go to Carpentersville rather than to Dundee, the former having a population of 17,424 while the total population of East and West Dundee is only 4,751. Since these communities are all within 25 miles of each other and presently have no assignments, interested parties may file for any of them under our rules.

4. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered,* That effective December 21, 1964, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended insofar as the community named is concerned as follows:

Add the following entry:

City	Channel No.
Carpentersville, Ill	280A

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: November 12, 1964.

Released: November 16, 1964.

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

[F.R. Doc. 64-11840; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket No. 15329; FCC 64-1055]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Automatic Relay Stations With Remote Pickup Broadcast Stations

Report and order. 1. On February 5, 1964, the Commission adopted a notice of proposed rule making in the above-entitled matter and invited interested persons to comment thereon on or before March 20, 1964, and to reply to such comments on or before March 30, 1964.

2. A number of comments by individual broadcast station licensees merely endorsed the proposed provision and urged its adoption. Among those so commenting were KSEN, Shelby, Montana; KKJO, St. Joseph, Missouri; KDNT and KDNT-FM, Denton, Texas; KIMM, Denver, Colorado; WHDH, Boston, Massachusetts; KSGM, Ste. Genevieve, Missouri; KJCF, Festus, Missouri; KCLE, Cleburne, Texas; and the American Broadcasting Company. ABC added the comment that the technical provisions appeared feasible. More detailed comments were received from Marti Electronics, manufacturer of remote pickup equipment; J. Ned Richardson, licensee of KPAY, Chico, California; Columbia Broadcasting System, Inc.; and Radio Specialist Company, Denver, Colorado, engaged in sales, engineering and maintenance of equipment similar to that used in the remote pickup service. The petitioner, New Mexico Broadcasting Company, Inc. also filed comments incorporating by reference the material submitted in the original petition.

3. Marti Electronics stated that they could build suitable equipment to meet all of the proposed technical requirements including the "lock-out" device and the coded actuating signals. They stressed the need for the proposed service and urged adoption of the proposal.

4. J. Ned Richardson supported the proposal to provide for automatic relaying but urged certain modifications in the proposed rules. He voiced the opinion that propagation characteristics of frequencies in the 450 Mc/s region of the spectrum made them unsatisfactory in unusual terrain and asked that frequencies in the lower remote pickup bands be made available upon a showing of need. He also urged that a single licensee be allowed to use two frequencies for automatic relay operation and described the advantages that might accrue from such a provision. The need for a second channel could arise if the broadcast station engaged in a remote broadcast needed to communicate with the remote pickup unit without interrupting the program in progress. A second channel would be needed to "set up" for a succeeding remote broadcast to follow one that is in progress. A second channel would also be needed so that a news-gathering mobile unit could relay important news items to the broadcast station while a remote was in progress without interrupting the remote broadcast.

5. The second channel would also provide a means for actually monitoring the other automatic mobile relay channel prior to actuating the transmitter so that in cases where there was a momentary pause in a relay in progress or a circuit was being established to do a remote broadcast by another licensee sharing the frequency and the "lock-out" device was not activated, accidental interference to the other user could be avoided. Such a monitoring arrangement would also allow the licensee of an automatic relay station upon discovering that his transmitter was "locked-out" on one channel to go to the other channel and monitor the transmissions on the first channel to determine their nature, or if no signals were using the channel, to discover malfunctioning of the automatic equipment. Finally, by having a choice of two channels, a licensee could switch to the second channel if the first channel were in use by some other licensee. It was also suggested that one of the two channels be treated as a "high priority" channel and the other principally as a "monitoring" channel. This would leave the "monitoring" channel normally available for use to determine the nature of the activity on the other channel. The desirability of having still another channel for control of the automatic repeater was mentioned.

6. Columbia Broadcasting System, Inc. (CBS) recommended that licensees be permitted to use two frequencies for automatic relaying. It was pointed out that with shared used of frequencies one might be in use by another licensee and a second available channel would provide a second choice. The circumstance where a station may want to "set up" for one remote broadcast while another is in progress was also discussed. CBS also suggested that a more effective method of avoiding accidental actuation of the automatic relay stations than the coded actuating signal proposed, would be the transmission of a continuous superaudible or subaudible tone, superimposed on the material being transmitted for relay. Merely using a coded signal to actuate the transmitter would not prevent a stronger signal from "capturing" the relay transmitter whereas if a continuous actuating tone is transmitted a stronger signal would mask the actuating tone and the relay transmitter would cease operating. They request that the rules make the use of such a continuous tone permissive.

7. CBS also called attention to some portions of the proposed rules that needed clarification. For example, the definition proposed in § 74.401 implied that relaying could only be from mobile unit via the relay. While the definition proposed referred to "mobile communications," (and this is intended to include two-way communication between base and mobile stations as well as between mobile stations) we have revised the definition of automatic mobile relay station to make this clear. CBS also referred to § 74.464(a) which relates to identification displays at unattended automatic relay stations and required that the display be visible to a person standing on the ground. CBS reminded us that some installations might be made on the roofs of buildings and it would be sufficient to have the display visible to a person standing on the roof. This change has been made. CBS misinterpreted the provisions of § 74.465 by assuming that all of the requirements apply to automatic mobile relay stations. Only the first two sentences of paragraph (b) are intended to apply to automatic mobile relay stations and the remainder of the paragraph are related to an earlier provision for the use of low-power hand carried transmitters operating through a mobile unit. In order to eliminate any possible confusion, we are separating the requirements for the two types of relay operation into different paragraphs.

8. Radio Specialists Company which deals principally with private mobile communication systems in the non-broadcast services, suggested the use of techniques such as frequency "pairing" which is used in the non-broadcast services to eliminate the need for the coded actuating signals, "lock-out" devices, etc. The effective use of frequency "pairing" relies heavily upon the assignment of exclusive channels to individual licensees. This is not practical in the remote pickup broadcast service. Broadcasters are required to share the remote pickup frequencies and by close cooperation are able to meet their more urgent needs. If this were not so, the remote pickup service would require many times the small amount of spectrum space now allocated to this service. As the manufacturer of a small hand-carried transmitter which operates in the 450 Mc/s portion of the spectrum, Radio Specialists Company is concerned with the added weight and costs which would be involved if it were required to include protective devices in its transmitter. The use of such small transmitters in connection with the automatic mobile relay operation treated herein would be expected to be very limited and of not sufficient importance to dilute the protective measures contained in these rules.

9. Other comments by Radio Specialists Company were concerned with the limit to 1 watt of power for small hand-carried transmitters which appears in § 74.437 of our present rules. This is outside the scope of the subject rule making proceeding.

10. The comments filed in this proceeding have been most helpful. We are impressed with the statements showing

[1] Commissioners Lee, Ford, and Cox absent.

a need by individual licensees for two channels to be used for automatic mobile relay purposes and have modified the rules adopted herein to provide for that. The added advantage in using the second channel for monitoring purposes has merit and provision has been made for such use. The normal brevity of such observations should not create a "loading" problem on the channels. We have also included a provision whereby remote pickup stations operated by one licensee may communicate with remote pickup stations operated by another licensee for the purpose of resolving conflicts arising out of the shared use of a frequency. While it is true that such communications could be carried on by landline telephone this may not be as effective as direct communication between users via the facilities involved. It should be clearly understood that no licensee has the authority to order another licensee to desist in the use of a frequency. If conflicts cannot be resolved by mutual agreement (§ 74.403 (a)) the matter may be reported to the Commission for appropriate action.

11. We are not persuaded that automatic mobile relay stations should be permitted to operate on the lower frequency remote pickup bands. The problem that these stations are intended to solve is that where mobile units at the scene of an event to be broadcast may be unfavorably situated for transmitting directly to the broadcast station studio or transmitter site. By locating the automatic relay station at a place where reception of mobile units is favored and from which direct transmission to and from the broadcast station transmitter or studio site is also favored, the problem is substantially minimized. The mobile units may use the lower remote pickup frequencies for longer range for the most important phase of their operation, i.e., sending program material back to the broadcast station. Reception of the "talk-back" circuit from the automatic relay station in the 450 Mc/s region of the spectrum may not be possible at all locations. However, the use of an elevated site with local problems taken into account in the choice of the site, should provide a high degree of reliability. Our decision does not rest entirely on technical considerations. The lower frequency bands are much more heavily loaded than the 450 Mc/s and 455 Mc/s bands and the use of these frequencies by the mobile units makes direct communication possible in many cases thus eliminating the need for a relay station. Adding automatic relay stations to these loaded bands and thereby creating a need for more automatic relay stations by stations forced to go to the higher frequency bands would not be good frequency management. Therefore, we adhere to our original proposal to confine the operation of automatic mobile relay stations to the 450–451 Mc/s and 455–456 Mc/s bands.

12. The suggestion that we provide still another frequency for "control" of the automatic relay station has no merit. Automatic relay stations are intended to be actuated automatically and with the safeguards provided in the rules adopted herein there appears to be no valid need for a radio control circuit. If the suggestion is for use of radio control in lieu of automatic operation it is beyond the scope of this proceeding. As a matter of fact, the adoption of these rules should substantially reduce the need for relay stations controlled from a remote location which is manned by a qualified operator. The provision for remote control which has been in our rules for many years did not originally contemplate the location of the transmitter so far from the control point as to require the use of a radio circuit. It was originally designed to permit a licensee to locate the remote pickup transmitter on his broadcast tower or the roof of the studio or transmitter building and control it from the broadcast station or studio control room. This would allow the broadcast station operator to operate the remote pickup equipment. While some remote pickup authorizations involving control over several miles have been granted in the past, the provision for automatic relay stations should eliminate the need for such radical departures from the basic remote control concept.

13. We are not adopting the suggestion that channels used for automatic relay stations be designated as "high priority" and "low priority". Circumstances unique to a given location may dictate the choice of channels and this does not lend itself to a general rule. Individual licensees sharing the same channels may work out a system of priorities by mutual agreement.

14. In the light of the foregoing and under the authority contained in sections 4(i) and 303(a), (b), (c), (e) and (r) of the Communications Act of 1934, as amended: *It is ordered*, That effective December 22, 1964, Part 74 Subpart D of the Commission rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended: 47 U.S.C. 303)

Adopted: November 12, 1964.

Released: November 16, 1964.

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

1. Amend § 74.401 by inserting the following new definition in the appropriate alphabetical sequence:

§ 74.401 Definitions.

* * * * *

Automatic mobile relay station. A remote pickup broadcast base station actuated by automatic means and used to relay communications between base and mobile stations, between mobile stations, and from mobile stations licensed under the rules of this subpart, to broadcast stations.

* * * * *

2. Amend § 74.431 by adding the following new paragraphs (i) and (j):

§ 74.431 Permissible service.

* * * * *

(i) Automatic mobile relay stations may be used to relay any authorized transmissions of other remote pickup base and mobile stations except other automatic relay stations operating on any authorized remote pickup frequency. Normally such transmissions will originate from remote pickup broadcast stations operated by the licensee of the automatic relay station. However, transmissions of remote pickup broadcast stations operated by other licensees on a frequency occupied by an automatic mobile relay station may be relayed for monitoring purposes to avoid interference which might be caused by actuating the automatic mobile relay station when the channel on which it operates is occupied. Operation of the automatic mobile relay station for monitoring observations shall be confined to the brief period necessary to determine whether the monitored frequency is in use.

(j) Remote pickup broadcast base and mobile stations operated by one licensee may communicate with remote pickup broadcast base and mobile stations operated by another licensee either directly or via an automatic mobile relay station, for the purpose of scheduling the use of shared remote pickup frequencies, in order to minimize the hazard of mutual interference.

3. Amend § 74.432(d) by adding the following new subparagraph (5):

§ 74.432 Licensing requirements.

* * * * *

(d) * * *

(5) Base stations may be authorized at suitable locations to operate as automatic mobile relay stations. Such operation will be authorized only on frequencies listed in Group N of § 74.402(a). A single licensee may be authorized to operate more than one automatic mobile relay station. However, each licensee will be limited to the use of not more than two frequencies for automatic mobile relay operation in any given area. The priorities of § 74.403(b) apply to the operation of automatic mobile relay stations. Base stations operated as automatic mobile relay stations shall comply with the requirements of § 74.438.

4. Add a new § 74.438 to read as follows:

§ 74.438 Special requirements for automatic relay stations.

An automatic mobile relay station installation shall include a monitor receiver, a control unit, and one or more relay receivers.

(a) Monitor receiver: A receiver tuned to the frequency assigned to the automatic mobile relay station and connected to the transmitting antenna used by the automatic mobile relay station shall be in operation at the automatic mobile relay station site at all times when the relay transmitter is capable of being turned on automatically. The monitor receiver shall comply with the following requirements:

(1) The receiver shall be equipped with a control circuit which will prevent the relay transmitter from being turned on automatically whenever a

[1] Commissioners Lee, Ford, and Cox absent.

signal other than the signal of the relay transmitter is being received.

(2) The sensitivity of the monitor receiver shall be such that a signal of 2 microvolts or more across the antenna input terminals will actuate the "lock-out" control which prevents the transmitter from being turned on automatically.

(3) The "lock-out" control shall be so designed that if the Monitor Receiver is inoperative the relay transmitter cannot be turned on automatically.

(b) Control unit: The control unit may be an integral part of the relay receiver or may be a separate unit into which the output of one or more relay receivers is fed. The control unit shall meet the following requirements:

(1) The control unit shall be so designed that it will turn the relay transmitter on only upon receipt of a predetermined coded signal consisting of at least two tones which may be transmitted either simultaneously or sequentially, or a series of at least three dissimilar pulse combinations transmitted sequentially. In lieu of the coded signal, the control unit may be designed so that the transmitter will remain operative only when receiving a continuous single tone superimposed on the material being relayed.

(2) The control unit shall be capable of turning the transmitter off upon receipt of an appropriate signal. The complexity of the signal used to turn off the relay transmitter is left to the discretion of the licensee.

(3) The control unit shall also be designed so that the absence of a signal from the relay receiver either due to cessation of operation of the station being relayed or failure of the relay receiver or control unit, will automatically place the relay transmitter in an inoperative condition. A suitable time-delay factor may be incorporated to prevent actuation of the automatic cut-off due to momentary failures of the incoming signals.

(c) Relay receiver: One or more receivers tuned to frequencies used by the stations which are to be relayed by the automatic mobile relay station, may be installed at the automatic mobile relay station site. The receivers shall be installed so that they will turn the relay transmitter on and off only through the control unit. The choice of receivers and receiving antennas is left to the discretion of the licensee.

(d) The automatic mobile relay station may accomplish the retransmission of the incoming signals by simple heterodyne frequency conversion or by modulating the transmitter with aural signals obtained by demodulation of the incoming signal. If the relay transmitter is to be modulated with such aural signals the transmitter or the receiver or both shall be equipped with automatic controls which will prevent overmodulation of the relay transmitter.

(e) The transmitting apparatus and control equipment shall be adequately protected against tampering by unauthorized persons.

(f) An application for authority to construct an automatic mobile relay station shall include a satisfactory showing as to the manner of compliance with the requirements of this section.

5. Amend § 74.464 by adding a new paragraph (a) (3) to read as follows:

§ 74.464 Station and operator licenses; posting of.

(a) * * *

(3) If the station is authorized to operate as an automatic relay station and is operated at an unattended site, the call sign and location of the associated broadcast station together with the legend "Automatic Relay Station" shall be displayed at the relay transmitter site on the transmitter housing or antenna supporting structure so as to be visible to a person standing on the ground at the transmitter site or if installed on the roof of a building, so as to be visible to a person standing on the roof. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee. The original of the station license and any other instrument of authorization or individual order, shall be kept in the files of the associated broadcast station so as to be available for inspection upon request of any authorized representative of the Commission.

* * * * *

6. Amend § 74.465 (a), (c), and (d) and add a new paragraph (e) to read as follows:

§ 74.465 Operator requirements.

(a) Except as provided in paragraphs (b) and (c) of this section, an operator holding a valid radiotelephone first-class or second-class operator license or a valid radio-telegraph first-class or second-class operator license or a valid restricted radiotelephone operator permit shall be on duty at the place where the transmitting apparatus is located or at a remote control point established pursuant to the provisions of §74.434, and in actual charge of the operation at all times when the transmitter is operating.

* * * * *

(c) Automatic mobile relay stations authorized pursuant to the provisions of § 74.432(d)(5) may be operated unattended.

(d) The operator on duty and in charge of the operation of a remote pickup broadcast station may, at the discretion of the station licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator license held and the rules and regulations governing such other stations. However, such extra duties shall in no way interfere with the duties connected with the operation of the remote pickup station.

(e) Further provisions and restrictions concerning the operator's authority are contained in Part 13 of this chapter.

7. Amend § 74.482 to read as follows:

§ 74.482 Station identification.

(a) Except for stations licensed pursuant to the provisions of § 74.437, each remote pickup broadcast base and mobile station will be assigned an individual call sign. This call sign shall be transmitted over the transmitter to which it is assigned, at the beginning and end of each period of operation. A period of operation may consist of a single continuous transmission or a series of intermittent transmissions related to the broadcast of a single event.

(b) In cases where a period of operation is of more than one hour duration, identification of the remote pickup stations participating in the operation shall be accomplished either by the transmission of the call signs assigned to the individual transmitters or identification of the associated broadcast station.

(c) In cases where an automatic mobile relay station is a part of the circuit, the call sign of the relay transmitter may be transmitted automatically the relay transmitter or by the remote pickup broadcast base or mobile station that actuates the automatic mobile relay station.

[F.R. Doc. 64-11841; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket No. 14894; FCC 64-1036]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

Miscellaneous Amendments

In the matter of amendment of Parts 74 and 91 (formerly Parts 4 and 11) of the Commission's rules to permit the use of television broadcast auxiliary stations to transmit program material to closed circuit educational TV systems and the use of microwave facilities of closed circuit educational TV systems to transmit program material to noncommercial educational television broadcast stations; Docket No. 14894, RM-329, FCC 64-1036.

Report and order. 1. On December 14, 1962, the Commission issued a notice of proposed rule making in the above-entitled matter. Interested parties were invited to comment by January 21, 1963, and to reply to such comments by January 31, 1963. Comments were received from Lloyd P. Morris, President of the Board of Education, Elmwood Park, Illinois; University of Texas; National Educational Television and Radio Center (NET); National Committee for Utilities Radio (NCUR); Sarkes Tarzian, Inc., a manufacturer of microwave equipment; Henry F. Hoppe, Chairman of the Tri-County ETV Council of Chicago; and the Detroit Board of Education, licensee of WDTR, Detroit, Michigan. Reply comments were filed by WGBH Educational Foundation, licensee of WGBH, Boston, Massachusetts. All except NCUR supported the basic proposal, but objected to the proposed limit on the percentage of time that could be devoted to the alternate use. NCUR opposed the use of private educational microwave facilities, licensed under Part 91, for the transmission of broadcast program material.

2. Under current rules, the frequency bands 1990–2110 Mc/s, 6875–7125 Mc/s, and 12,700–13,200 Mc/s are allocated for use by (1) TV pickup stations which may

be taken to the scene of an event to be broadcast and are used to transmit the visual part of the event back to the TV broadcast station for broadcast; (2) studio-transmitter links which are used to transmit visual programs originating in a studio to the TV transmitter; and (3) inter-city relay stations which are used to relay visual programs between TV broadcast stations. These TV auxiliary stations may or may not also transmit the accompanying aural portion of the program. Other microwave frequency bands are available in the Business Radio Service to educational institutions for private closed circuit educational television systems. Thus, under existing allocations, frequencies allocated to the Business Radio Service may not be used for broadcast purposes and frequencies allocated to broadcasting may not be used for nonbroadcast private communications.

3. As indicated above, all those who supported our basic proposal for alternate reciprocal use of broadcast auxiliary and educational closed circuit systems opposed the proposed time limitation for the alternate use (that is, no more than 20 percent). Some suggested that we permit access to either the Business Radio Service or the TV Broadcast Auxiliary Service, at the discretion of the applicant. The University of Texas argues that limiting the alternate use of a system to 20 percent of the time would defeat the basic purpose of our proposal (elimination of duplicate parallel systems), because a licensee so limited would need, in most cases, an additional parallel system to meet his relay requirements.

4. The instant proceeding was initiated because the strict application of our allocations principle, in cases where an educational organization operates both "closed circuit" and broadcasting facilities, would require the establishment of parallel facilities, licensed in two different services and occupying two different frequency bands. This would be costly to the licensee and wasteful of spectrum space. Thus, it appeared that the public interest would be served by permitting licensees in one service to use their stations to carry programs in the other service, provided they were not operated exclusively for such secondary use more than 20 percent of the total operating time. However, on review, it is evident that the 20 percent limitation contained in our original proposal is unduly restrictive. In fact, we are aware of situations which now require such use more than 20 percent of the time. We have concluded, therefore, that the public interest would be served by permitting licensees in one service to use their stations to carry programs in the other service, provided that the stations are not operated exclusively for such secondary use 50 percent or more of the operating time. Thus, for example, we would permit a system authorized to an educational institution in the Business Radio Service to be operated exclusively, so long at it is less than 50 percent of its operating time, to carry program material for use by an educational broadcast station. The system would be permitted, without time limitation, to carry program material for simultaneous use by its own units and by educational broadcast stations. This would permit flexibility in the use of relay systems by educators; it would materially reduce the necessity of licensing an additional parallel system; and it would preserve the basic structure of our frequency allocations.

5. To give meaning to the limitations on the alternate use, it must refer to a definite period of time. We think that each year of the license term is an appropriate period. This would allow much flexibility in the use of the system and would provide a reasonable reference for the enforcement of the limitations. Thus, we are providing that alternate use of a system during each year of the license term shall be less than 50 percent of the total usage during each such year. Moreover, the limitation in each year is to be figured solely on the basis of that year's usage, and no "carry-over" of unused permissible secondary usage from one year to the next will be allowed. Licensees will be required to show a basic need in the service for which an original application is filed and thereafter submit a report with their renewal applications showing the breakdown of usage in terms of primary and alternate uses, during each year of the license term.

6. The National Educational Television and Radio Center (NET) suggested that the prohibition against making a charge for service rendered over the facilities which would be licensed pursuant to the proposed rules was too restrictive and should be modified to allow the licensee to recover the costs of operating the system. WGBH Educational Foundation in reply comments, supports NET. Stations licensed under Parts 74 and 91 are authorized to fulfill a communications need of the licensee. The limited sharing of facilities permitted under the rules adopted herein is based on the assumption that the system to be shared was established to provide a communication service to the licensee, and that the system has some capacity for the secondary use also. To permit an educational or commercial licensee to charge for the secondary uses of the system or to permit sharing the costs between educational and commercial interests would negate the private character of the system involved. Thus, we conclude that no charge will be permitted, either directly or indirectly, for the secondary use of a system.

7. We now turn to the comments of the National Committee for Utilities Radio (NCUR) which opposed the proposed amendment. NCUR expresses concern that removal of the restriction on the transmission of material intended for broadcasting over stations licensed in the non-broadcast radio services may result in increased usage of the bands which are shared by the Power Radio Service and other non-broadcast users, thereby limiting the availability of these channels for non-broadcast users. NCUR suggests that transmission of material for broadcast use should be conducted in those bands allocated for broadcast auxiliaries. NCUR does not suggest that the non-broadcast uses by educational organizations be conducted on the broadcast auxiliary bands. What is adopted here does not change present eligibility requirements. An applicant, to become a licensee in the Business Radio Service, must have a legitimate need for a private system unrelated to any broadcast operation and must use the facilities so licensed for non-broadcast purposes. A broadcast station licensee having a primary need for a broadcast auxiliary operation is not eligible to use the non-broadcast frequencies. The educational field is somewhat unique because the same educational group may operate broadcast stations and closed circuit educational systems. Under the present rules, the educational group would apply for facilities in the Business Radio Service for its closed circuit operations and additional facilities in the broadcast auxiliary service for its broadcast operations. It is possible that one or the other of the bands would be occupied unnecessarily. What we are providing here would eliminate duplicate systems. Furthermore, we are permitting alternate usage of systems licensed either in the Broadcast Auxiliary or in the Business Radio Service. We believe that our proposal herein will not appreciably increase the use of frequencies available for private closed circuit systems. The reciprocal nature of the new usage permitted here should result in no net increase in the use of the frequencies available to either service. Actually, the net result should be reduction of the total demand for frequencies.

8. In view of the foregoing: *It is hereby ordered,* That effective December 22, 1964, Parts 74 and 91 of the Commission's rules and regulations are amended, as set forth below.

9. Authority for the amendments adopted herein is contained in sections 4(i) and 303 (b) and (f) of the Communications Act of 1934, as amended.

10. *It is further ordered,* That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: November 12, 1964.

Released: November 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

1. Section 74.631 is amended by revising the text of paragraph (e) and adding a new paragraph (f) to read as follows:

§ 74.631 Permissible service.

* * * * *

(e) Except as provided in paragraphs (a) and (f) of this section, all program material transmitted over a television pickup, STL, or intercity relay station shall be used by or intended for use by a television broadcast station owned by or under the common control of the licensee of the television pickup, STL, or intercity relay station. Program material transmitted over a television pickup, STL, or intercity relay station and so used by the licensee of such facility may, with the permission of the licensee of the broadcast auxiliary facility, be used by other television broadcast sta-

[1] Commissioner Ford absent.

tions and by non-broadcast closed circuit educational television systems operated by educational institutions.

(f) A television broadcast pickup, STL, or intercity relay station may, at times when it is not transmitting program material to its associated television broadcast station, be used for the transmission of program material to non-broadcast closed circuit educational television systems operated by educational institutions, provided that such use is less than 50 percent of the total use of the broadcast auxiliary facility during any one year of the license period. Use of the broadcast auxiliary facility for this purpose is subject to the condition that no harmful interference is caused to broadcast auxiliary stations operating in accordance with the basic frequency allocation. No charge either direct or indirect shall be made for this use. Licensees shall submit reports with their applications for renewals showing the breakdown of usage in terms of primary and alternate uses, during each year of the license term.

2. Section 91.2 is amended to read as follows:

§ 91.2 General limitations on use.

(a) The radio facilities authorized under this part shall not be used for any of the following purposes:

(1) Rendition of a communications common carrier service.

(2) Transmission of program material for use in connection with broadcasting, except as provided in paragraph (b) of this section.

(b) The facilities of closed circuit educational television systems that have been licensed to educational institutions in the Business Radio Service may be utilized for the transmission of program material to non-commercial educational television broadcast stations, provided that the use of the facilities exclusively for carrying such program material shall be less than 50 percent of their total use during any one year of the license period. No charge either direct or indirect shall be made for such use. Licensees shall submit reports with their applications for renewals showing the breakdown of usage in terms of primary and alternate uses, during each year of the license term.

[F.R. Doc. 64–11842; Filed, Nov. 18, 1964; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1032, 1062, 1067]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders; Correction

7 CFR Part	Docket No.	Marketing area
1032	A0-313-A3 and A0-313-A3-R02.	Suburban St. Louis.
1062	A0-10-A29	St. Louis, Mo.
1067	A0-222-A13	Ozarks.

In the decision on proposed amendments to the tentative marketing agreements and to orders issued on November 5, 1964 and published in the FEDERAL REGISTER on November 10, 1964 (29 F.R. 15130; F.R. Doc. 64-11450), the following corrections are made:

In § 1032.51 the proviso which is included at the end of the first paragraph is changed to appear at the end of subparagraph (1) of paragraph (a). The corrected section reads as follows:

§ 1032.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler f.o.b. his plant for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* (1) The Class I price for plants located in the Base Zone shall be the basic formula price for the preceding month plus $1.50 during each of the months of August through November; plus $1.10 during each of the months of March through June and plus $1.30 during all other months. Such price shall be increased or decreased respectively, by whatever amounts the Class I prices computed pursuant to Part 1030 (Chicago) and Part 1062 (St. Louis, Missouri) are increased or decreased by the supply-demand adjustors computed for such month under such Parts: *Provided,* That the price so determined shall be increased 15 cents per hundredweight from the effective date of this amended order through March 31, 1965; and

(2) The Class I price at plants in the Northern Zone shall be five cents less than the price computed pursuant to subparagraph (1) of this paragraph;

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

Signed at Washington, D.C., on November 16, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-11827; Filed, Nov. 18, 1964; 8:49 a.m]

[7 CFR Part 1046]

[Docket No. AO-123-A28]

MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Louisville - Lexington - Evansville marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Louisville, Kentucky, on July 14-16, 1964, pursuant to notice thereof which was issued June 22, 1964 (29 F.R. 8146).

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

1. Expansion of the marketing area to include several additional counties and deletion of Montgomery County, Kentucky from the marketing area.
2. Diversion of producer milk from one pool plant to another;
3. Revision of definition of "route";
4. Provision for two accounting periods per month;
5. Classification of "waste" milk, and butterfat in dumped milk, as Class II milk;
6. Modification of shrinkage allowance with respect to interplant transfers of cream in bulk;
7. Classification of skim milk used by handler in "pancake mix" as Class II milk; and
8. Differential pricing of Class I milk and producer milk receipts at plants located in certain western Indiana counties of the marketing area and at Madisonville, Kentucky, (or, as an alternative, reduction of the Class I price differential at all regulated plants).

The notice of hearing included a proposal (No. 10) to revise the minimum marketing area route delivery performance requirements for a city plant to be fully regulated under Order No. 46. No evidence was offered on this proposal and therefore no further reference is made to the proposal and it is denied.

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

1. *Revision of the Marketing Area.* The marketing area should be expanded to include 16 additional Kentucky counties. Counties which should be added to the marketing area are Logan, Butler, Edmonson, Hart, Green, Washington, Marion, Taylor, Adair, Cumberland, Casey, Russell, Clinton, Lincoln, Pulaski, and Wayne. Montgomery County, Kentucky, should be deleted from the marketing area. The handling of milk in the proposed expanded marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

Kyana Milk Producers Association proposed adding the new territory referred to above plus Trimble County, Kentucky and the counties of Scott, Jennings and Jefferson in Indiana. Proponent contended that enlargement of the marketing area as they recommended would more nearly encompass the current sales territories of handlers in the market and is needed to insure uniform pricing on milk distributed throughout such area in the interests of both producers and handlers.

The expansion should include those areas which constitute primary distribution areas for handlers covered by the order. Distribution by Louisville-Lexington-Evansville handlers in relation to that of unregulated distributors and handlers under other Federal orders, and reasonable correspondence in quality and sanitation requirements, assist in defining the area which should be included in the marketing area.

The counties which should be added are located in central and southern Kentucky, generally between the present marketing area and the Nashville, Tennessee marketing area under Federal Order No. 98. Milk is distributed throughout this entire area by Louisville-Lexington-Evansville (Order 46) regulated handlers. In Butler, Edmonson, Marion, Washington, Lincoln and Pulaski Counties, Kentucky they supply a substantial majority of the milk sold through stores. Over 70 percent of the milk sold through such outlets (the most important distribution outlets for milk in the area) in each of these six counties is supplied by Order 46 regulated handlers. In four other counties (Russell, Casey, Green and Logan) their sales accounted for approximately 50 percent of the milk sold through stores. Remaining sales in the above counties are made by Nashville regulated handlers, par-

tially regulated handlers under Order No. 46, or local unregulated handlers.

Such 10-county area in Kentucky thus is a major sales area for Louisville-Lexington-Evansville regulated handlers. The marketing area should be extended to cover these counties in order to assure such handlers that as to their primary areas of distribution currently unregulated competitors will not be afforded significant price advantage on milk for fluid distribution there. It is expected that including the 10 counties in the marketing area would bring under full regulation as a pool handler a now partially regulated handler from Campbellsville, Kentucky (Taylor County) and a Monticello, Kentucky distributor (Wayne County) currently unregulated. There is also an unregulated distributor at Lebanon, Kentucky (Marion County) who sells milk in this 10-county area. The record evidence is not clear, however, whether this operator is a producer-distributor making no purchases from other producers.

At present no supervised classified pricing plan prevails in the 10-county area. Unregulated and partially regulated handlers have opportunity to buy milk for sale there in fluid form at prices considerably below the Class I prices paid by regulated handlers. One instance of price advantage involves the partially regulated handler from Campbellsville, Kentucky. For example, for the first five months of 1964 (the months for which price information was submitted at the hearing), this handler purchased milk, without regard to utilization, at a price approximating the Louisville-Lexington-Evansville blended price. Dairy farmers selling milk to this handler have not consistently supplied his full plant needs and supplemental milk has been bought regularly from the Louisville-Lexington-Evansville market. A high utilization of his regular dairy farmer supply is maintained at the plant, exceeding that of the average handler in the Louisville-Lexington-Evansville market. Payment on the basis of the Order 46 blended price (which reflected an average Class I use of 73 percent of producer receipts for the first 5 months of 1964) in this circumstance on milk sold in these counties provides a significant price advantage for this distributor over Louisville-Lexington-Evansville regulated handlers.

Supplemental milk for both the Campbellsville partially regulated handler and the unregulated Monticello, Kentucky distributor has been supplied by the Kyana Milk Producers Association of Louisville. The availability of such supplies enables such distributors to avoid surplus disposal problems which are inevitable when a full year-round dairy farmer supply is maintained to fill all bottling needs and to provide an adequate reserve to meet daily and seasonal fluctuations in demand. Regulation of these distributors will enable producers who have provided a portion of the reserve supplies for them to share regularly in their Class I sales at the minimum Class I price. This is appropriate since they bear the burden of the lower prices associated with the surplus disposition of the milk when such distributors do not require it for fluid use.

Hart, Adair, Cumberland, Clinton, Wayne and Taylor Counties also should be added to the marketing area. These counties are primary sales areas of presently regulated handlers and of handlers who will become fully regulated by their sales in the other 10 counties to be added to the marketing area. Store sales of presently regulated Louisville-Lexington-Evansville handlers plus those of the Campbellsville partially regulated handler and the Monticello distributor, both of whom would become fully regulated, are not less than 57 percent of the total in any of these counties. In two of the counties their proportions of such sales amount to over 90 percent of the total. A presently unregulated Taylor County distributor sells milk in this area also. This unregulated distributor's plant, like that of the previously mentioned partially regulated handler, is located in Campbellsville. It is expected that such distributor would become fully regulated with the inclusion of his home county in the marketing area.

Order 46 handlers, or handlers who will become fully regulated by their sales in other counties to be added to the marketing area, therefore are the dominant sellers in the six-county area. Expansion of the marketing area to cover these counties is necessary to assure such handlers that unregulated distributors will not have a price advantage in purchasing milk for distribution in their primary sales area. Orderly marketing will be promoted by inclusion of these counties since all competing distributors selling milk in such areas will be placed on a uniform minimum price basis in milk procurement, and the producers supplying milk for such counties will have opportunity to share proportionately in the proceeds from Class I sales.

The enlarged marketing area described above would more nearly encompass the primary sales areas of regulated handlers. All sales of such regulated handlers would not be covered on an in-area basis, of course, since some of their routes extend even beyond this expanded marketing area. All producer milk at such regulated plants should be subject to classification pricing under the order, however, regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" milk is classified, priced and pooled, a handler with sales outside the marketing area could assign any value he chose to such sales and thereby reduce the average cost of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such a handler is subject to classification pricing under the order he would not, in fact, be subject to effective price regulation at all. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the marketing area and lead to a complete breakdown of the order.

As noted in the June 19, 1964, decision covering the Washington regional hearing on compensatory payments (29 F.R. 9002), there is no way to treat milk disposed of in the marketing area by an unregulated handler equally with producer milk other than to classify, pool and price it in a comparable manner. In the case of plants having insufficient association with the market to meet pool plant requirements, it was concluded that the inequalities resulting from pricing only the small percentage of the milk at such plants which was disposed of in the marketing area would not be serious enough to jeopardize marketing conditions within the marketing area.

However, in the case of plants which have sufficient association with the market to meet the pool plant requirements, permitting them to dispose of a portion of their receipts outside the marketing area completely free of regulation would, because of the volume of milk they dispose of in the marketing area, disrupt orderly marketing processes within the marketing area and render ineffective the classification and pricing provisions of the order. With a handler free to value a portion of his milk at any price he chose (zero if he desired) it would be impossible to enforce uniform prices to all regulated handlers on a uniform basis of payments to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Other proposed counties (Jefferson, Jennings and Scott Counties, Indiana, and Trimble County, Kentucky) should not be added to the marketing area. Distribution in these counties by Order 46 handlers is quite small in relation to total county sales. On the other hand, milk distribution from other nearby regulated markets tends to be of major significance. In Scott County, Indiana, for example, Louisville-Lexington-Evansville regulated handlers sell only about 16 percent of the milk while other handlers from other Federal order markets account for most of the remainder. A similar relationship exists in the other proposed counties where sales by handlers from other regulated markets exceed those of Order 46 handlers by a considerable margin. Such areas may not be considered an integral part of the primary distribution area for Order No. 46 handlers since distributors from other markets are the dominant sellers.

Only one handler selling milk in this four-county area is not fully regulated by some Federal order. This is a Madison, Indiana distributor who is partially regulated by the Louisville-Lexington-Evansville order. About three percent of this handler's milk is distributed in the present Order No. 46 marketing area. By contrast, 60 percent of his sales are in the proposed counties where other order handlers are the dominant distributors. An expansion to include these counties thus would fully regulate under Order No. 46 the partially regulated Madison, Indiana handler whose primary

competition is from other regulated markets.

Should the partially regulated handler significantly further expand his sales in the Louisville-Lexington-Evansville marketing area to any great extent he would lose his status as a partially regulated handler and automatically become fully regulated. Order No. 46 handlers thus have assurance that they will not be selling milk at a disadvantage to this handler in their own primary distribution areas. In view of the foregoing, Jefferson, Jennings and Scott Counties, Indiana and Trimble County, Kentucky should not be added to the marketing area at this time.

A proposal to delete Montgomery County, Kentucky, located on the eastern edge of the marketing area, from the marketing area, was submitted by a Morehead, Kentucky handler who is currently partially regulated under the order because of his Montgomery County sales. The Morehead handler maintains that the high price he must pay to hold his producer milk supply plus the additional cost of partial regulation make it difficult for him to compete in Montgomery County and that deletion of the county is necessary to place him on reasonable price terms with regulated handlers.

Milk for this handler's plant, located between the Louisville-Lexington-Evansville and the Tri-State order marketing areas, is supplied by producers in Fleming, Bath, Montgomery and Rowan Counties. Many producers in this general area sell milk to Tri-State order regulated handlers. Because of competition from these handlers for milk, the Morehead handler has had to pay the Tri-State order blend price for the Huntington district (Charleston-Huntington district effective April 1, 1963) in order to maintain a supply of milk for his plant.

Payment of this price, plus his obligation under Order No. 46 as a partially regulated handler, has increased his cost of milk to a level considerably higher than that of his Louisville-Lexington-Evansville competitors in Montgomery County for much of the year. During 1963, for example, the Tri-State order blend price for the Charleston-Huntington district averaged slightly higher than the Louisville-Lexington-Evansville Class I price. In this connection official notice is taken of the uniform price announcements of the market administrator of the Tri-State order for 1963. At times the price paid by the handler to his producers for all milk has been as much as 50 cents higher than the Order No. 46 Class I price. Partial regulation under the order further increased his costs.

With the handler's cost of producer milk at this level there is no indication that regulation of Montgomery County is necessary to insure reasonably competitive conditions in the county. There was no showing in the record that the fully regulated handlers selling in Montgomery County would be competitively disadvantaged by deletion of the county. None of the such regulated handlers appeared to oppose its deletion. In view of the foregoing, Montgomery County, Kentucky should be deleted from the marketing area.

The redefinition of the marketing area requires no change in the three-cent per hundredweight maximum rate of administrative assessment now provided in the order. Although three or four handlers will become regulated with the inclusion of the 16 additional counties, there will not be a large increase in the amount of milk priced and pooled under the order. The additional milk involved should not on the average alter the cost of administering the order. The rate of administrative assessment is subject to review, of course, and may be reduced from the three-cent per hundredweight maximum if at any time it appears that a lower rate will cover administrative expenses.

2. *Diversion of producer milk between pool plants.* A proposal to amend the order to provide for diversions of producer milk between pool plants should be adopted. When the Louisville-Lexington and Ohio Valley orders were merged to the present Louisville-Lexington-Evansville order, the provisions of those orders which permitted such inter-plant diversions were not included in the present order. This resulted in loss of flexibility in handler operations and reduced efficiency in the allocation of milk among plants in the market. To regain the efficiencies it was proposed that the provision be placed in the order at this time.

Frequently, it is convenient and economical to move milk directly from the farm to another pool plant on a temporary basis, and yet permit the producers to remain on the payroll of the plant where their milk normally is received. In most instances, operating and accounting advantages are achieved by this procedure. In the absence of provision for inter-pool plant diversions, however, such milk must be physically received at one pool plant and then transferred to the other in order for it to remain producer milk at the plant where it is customarily received. Such transfers result in additional handling and hauling expense which in no way benefits producers or handlers.

Because of the considerable variation in the types of facilities available at pool plants in the Louisville-Lexington-Evansville market, both for fluid and nonfluid uses, milk supplies must be allocated among the plants. Providing for diversion of producer milk to other pool plants on any number of days during the month would enable handlers to move all milk surplus to bottling needs to other pool plants for bottling or manufacturing without loss of identification with the pool plant of primary association. Such a provision would minimize handling and hauling costs and permit maximum flexibility in handler operations. For these reasons, provision for diversions between pool plants should be included in the order.

3. *Revision of the route definition.* The definition of "route" should be revised to make it clear that deliveries of packaged milk through distribution points to wholesale or retail outlets are to be considered route disposition under the order. It also should be specified in the order that such deliveries are to be attributed to the plant from which the Class I milk was moved through the distribution points to wholesale or retail outlets without intermediate movement to another milk plant. The wording of the present definition of route has caused some confusion concerning sales through distribution points. The revision described above will clarify the meaning of the order in this respect without changing substantively the route definition.

A further clarification of the present route definition should be made to delete that part of the definition which excludes from route disposition any milk sales to a food processing plant which uses the milk for other than fluid consumption. Such disposition is Class II milk under the classification provisions of the order. Thus, no specific exclusion is necessary under the route definition which relates only to fluid milk products in Class I milk.

4. *Provision for two accounting periods per month.* The proposal to permit handlers to elect two accounting periods within a month should not be adopted.

Two accounting periods were proposed by a regulated handler for the purpose of reducing the cost (insofar as the classification and pricing provisions of the order determine such cost) of importing other source milk at times when producer milk becomes short for a portion of the month. It was alleged, for example, that producer milk supplies might be adequate for Class I bottling requirements at the beginning of the month but inadequate later in the month. Multiple accounting periods were proposed to permit greater amounts of other source milk to be allocated to Class I at such times of short local supply.

Prior to August 1 the allocation provisions called for "down-allocation" to Class II milk of receipts of other source milk, i.e., producer milk received by handlers was given high priority in Class I and other source milk was assigned in sequence beginning with Class II (lower-valued class) to the extent use in such class was available to absorb it. Such allocation provisions often resulted in the down-allocation of fluid milk products which had been classified and priced as Class I milk under another Federal order. Consequently, it was possible that in certain circumstances more milk could be priced as Class I than was actually so used. For example, under the provisions for down-allocation formerly included in the Louisville-Lexington-Evansville order other source milk was assigned to any available Class II milk at the plant in the following sequence: Unpriced other source milk and any other order milk priced as as surplus under an other Federal order were first assigned to Class II. Next, five percent of producer milk was assigned to the surplus class. Lastly, both packaged (except certain sour cream and dietary products) and Class I bulk milk from other order plants were assigned to any remaining Class II milk at the plant. Under these provisions some producer milk which ac-

tually was put to surplus use in the early part of the month might be allocated to Class I even though it was not available for Class I use at the particular time during the month when producer supplies became short. Use of two accounting periods could reduce appreciably the impact of such Class II allocation on the cost of receiving other source milk purchased as Class I milk under another order.

Three decisions, all issued June 19, 1964, by the Assistant Secretary and effective August 1, 1964, official notice of which are taken, revised and integrated the allocation provisions of most milk orders. These new provisions are adopted in the Louisville-Lexington-Evansville order. Under the new provisions, a handler supplementing his producer milk supplies with packaged Class I milk from a plant under another Federal order would have 98 percent of such milk allocated to Class I and two percent to Class II. This will provide the receiving handler essentially the same classification and pricing treatment of such milk as is applied to any quantities which might move from another regulated market into this market for direct route disposition without further obligation under this order.

As to bulk fluid milk products imported from another federally regulated market, the August 1 amendments to the various orders provide generally for proration of the transferred quantity based on the marketwide utilization of milk in the receiving market.[1] Also, the transferor market order accepts the classification assignment, or allocation, of the receiving market order. Thus, the same amount of milk will be priced in the shipping market as Class I and Class II as is assigned to these classes in the receiving market. No milk will be assigned to Class II in the receiving market which is required to be paid for as Class I in the shipping market. Moreover, the quantities of bulk milk transferred between regulated markets which will be assigned to Class II are greatly reduced as compared with the prior provisions for down-allocation to the full extent of the receiving handler's Class II use.

Under such marketwide proration, the maximum quantity of bulk imports from another regulated market to meet an Order No. 46 handler's fluid requirements which would be allocated to Class II ordinarily would not exceed 30 percent of the quantity imported since the marketwide Class II use has exceeded this percentage in only three of the last 17 months (through May 1964). During the fall months when producer supplies are at the seasonal low, the Class II use of producer receipts for the market averages only about 20 percent. Marketwide proration in this manner would apply, of course, for each period if multiple accounting periods were employed. Since the same proration would apply whether there was one or more than one accounting period within the month, providing for more than one accounting period would serve little purpose with regard to receipts of milk from other order plants.

It would virtually never be necessary for a handler to go outside the Federal order system to obtain supplies necessary to meet a temporary shortage of local producer milk. Milk received by a handler but not subject to classification pricing under any Federal order, as pointed out in the June 19 decisions, presents a danger to the Federal order unless such milk is properly allocated, along with producer milk, to the total available utilization at the regulated plant, and is subject to an appropriate rate of payment to the producer-settlement fund when it is allocated to Class I. When such milk from unregulated plants is sold for fluid use in a Federal order market in competition with milk classified and priced under the order, means for integrating it into the regulatory scheme must be provided.

Such means was provided by the June 19 decision and subsequent order amendments. Having adopted provisions in various orders which give appropriate treatment to milk from unregulated sources throughout the order system, there is no apparent need to give further accommodation to it by adopting additional provisions to the disadvantage (in classification) of producer milk. Adoption of multiple accounting periods with respect to such milk holds open this possibility.

It may be noted in this connection that in the unlikely event a handler must obtain milk from a plant not regulated under any Federal order to supplement producer supplies, such milk would receive a classification on a pro rata basis with all milk from regulated sources received at the plant if the receiving handler has Class I utilization of at least 80 percent for the month. In the circumstance of short producer milk supply cited by proponent, this would permit assignment of a major portion of any such imported milk directly to Class I milk even with the monthly accounting plan. The obligation to the pool on such milk in Class I is computed at the difference between the Class I price and blend price for producer milk. It is therefore concluded that no additional provisions are appropriate further to reduce order obligations on handlers with respect to supplemental supplies of other source milk received from handlers regulated by another order or from unregulated handlers. The provision for two accounting periods should not be adopted.

5. *Classification of butterfat in fluid milk products dumped.* Butterfat in fluid milk products which are dumped should be Class II milk.

A handler proposed that the order (1) permit butterfat in fluid milk products dumped to be accounted for as so disposed of and therefore to be classified as Class II milk, and (2) to include in Class II milk also any wasted product resulting from broken containers, in addition to the shrinkage of fluid milk products up to a maximum two percent which is now assignable to Class II milk.

It is concluded that butterfat in fluid milk products dumped should be Class II milk. In the case of route returns of certain fluid milk products, such as homogenized milk and milk products or chocolate milk, it is difficult and impractical to salvage the butterfat for further use unless the plant can dispose of it as livestock feed (also a Class II use). Most of the regulated plants, particularly small plants, have no facilities for the further processing of route returns into manufactured products.

Skim milk in products dumped presently may be classified as Class II milk if the market administrator has been notified in advance of the contemplated dumping action and afforded an opportunity to verify it. Likewise, the dumping of butterfat in fluid milk products should be made only on advance notification to the market administrator with opportunity given for him to verify it. With the safeguard of verification provided, there was no objection to the proposal and it is adopted on such basis.

The proposal to classify as Class II milk any "waste" milk or milk product resulting from broken containers either in the plant or on routes over and above the quantities thereof permissible as Class II under the present shrinkage allowance and dumping provisions should not be adopted.

Although handlers suffer losses when containers are broken, it is not reasonable to pass back to the producer this cost of operating a milk plant. To grant the proposal would assess against the producer a cost brought about not by lack of efficiency or responsibility on his part but by lack of efficiency or responsibility of persons or equipment over which only the handler has control. The proposal would not encourage maximum efficiency in milk handling. The handler has bought the milk on delivery to his plant. It is his problem to handle it efficiently. Moreover, it would be impracticable for the market administrator to verify each loss resulting from a container broken either in a plant or on a route.

6. *Revision of the shrinkage allowance on bulk cream.* The amount of allowable shrinkage in Class II milk with respect to interplant transfers of bulk cream should be modified.

The present order allows only 0.5 percent shrinkage in Class II milk at the transferor plant on all fluid milk products transferred in bulk to another plant, pool or nonpool. A handler proposed to limit such 0.5 percent Class II shrinkage allowance (in the first plant) to bulk transfers of fluid whole milk between pool plants. Under this proposal, transfers of other fluid milk products, either in cans or in bulk to another pool plant, would not be subject to such limitation of 0.5 percent in the transferor plant and therefore the maximum two percent allowance in Class II would be applied thereto.

Proponent witness stated that while his company is able to operate within such 0.5 percent shrinkage allowance on transfers of whole milk to other pool

[1] In some instances the transferee-handler's percentage of Class II use may be higher than the market percentage, in which case his percentage is used. In any case, the amount allocated to Class II may not exceed the transferee-handler's volume in such class.

plants, cream frequently accrues at its pool plant and must be moved to a nonpool butter, or ice cream manufacturing, plant for processing. When this occurs, the 0.5 percent allowance is not adequate to cover the original separation of the cream in the transferor pool plant, causing "excess" losses of butterfat in most months and a resulting Class I classification of the excess amounts.

Another handler suggested a modification of the above proposal to limit the 0.5 percent shrinkage allowance on any transfers of fluid whole milk in bulk to nonpool plants as well as to other pool plants. While this provision would allow shrinkage up to two percent on bulk cream transferred to other plants, pool or nonpool, the 0.5 percent limitation would continue to apply to transfers of fluid whole milk to both pool and nonpool plants as under the present order.

Normally, a greater shrinkage is experienced in the processing operation than in the single function of receiving. The proposal for division of shrinkage between plants recognizes the separate receiving and processing functions, giving only a minor portion of the shrinkage allowance to the plant where the milk is received and without processing is shipped to other plants, and assigning the larger portion of the allowance to the plant where the milk is actually processed.

Such division of shrinkage continues to be appropriate. However, an exception should be made when the handler receives and separates the milk in the first plant and transfers the resulting cream to other plants. In such case the handler should be permitted the additional 1.5 percent allowance at the transferor-plant inasmuch as the principal processing function, as well as the receiving function, would have been performed there with respect to the milk represented by the bulk cream transfers. The record does not indicate that similar exception should apply, however, with respect to any fluid milk product other than bulk cream, and therefore the amendment adopted applies only to transfers of bulk cream.

7. *Classification of fluid milk products used in pancake mix.* Fluid milk products utilized in pancake mix should be reclassified from Class I to Class II milk.

One handler in recent months introduced to the market a product distributed under the label "pancake mix". This product, processed in the handler's regulated plant, consists principally of skim milk and commercial bakery mix (flour, yeast, sugar, etc., as indicated on the container) prepared by a large food company in the ratio of 120 pounds of fluid skim milk to each 100 pounds of bakery mix. It has a thick consistency although it will pour from its container. The handler claimed the use of such skim milk in this product, processed in his pool plant, to be a "surplus" use, and proposed that the skim milk so utilized be reclassified from Class I to Class II milk to be priced equivalent to other surplus uses.

The use of skim milk in such product is not comparable with the fluid uses of milk and skim milk which are disposed of in "fluid milk products". Once mixed the skim milk cannot be recovered from the product to be reused in fluid form. Use in the handler's plant is appropriately compared with similar product use by commercial food processors not in the business of handling fluid milk. Similar use of skim milk in pancake mix is Class II milk under the present order when prepared by a commercial bakery or similar food processing establishment using fluid skim milk received by transfer from a regulated handler's plant. There was no opposition to the reclassification requested.

It is concluded, therefore, that the fluid milk product definition should be modified to exclude pancake mix (fluid or frozen), thus effecting the reclassification of any skim milk or butterfat used therein to Class II milk.

8. *Class I price proposals.* The proposals to reduce the Class I and uniform prices at plants located in the western portion of the marketing area should not be adopted. Also, an alternative proposal to reduce the Class I price by 25 cents on a marketwide basis should not be adopted.

Two handlers at Evansville, Indiana, joined in proposals having the principal objective of reducing the Class I and blend prices at plants in Evansville, Indiana, and in other western portions of the marketing area, by 25 cents per hundredweight. One proposal would do this by making price adjustments based on plant location. An alternative method suggested would change the stated Class I differential (over the basic formula price) in the order from $1.29 to $1.04 per hundredweight, with the effect of an across-the-board decrease in Class I prices of 25 cents at all regulated plants irrespective of location.

Another handler at Holland, Indiana, proposed that the Class I and blend prices for milk delivered to plants located at Tell City, Indiana, and at other Indiana locations within the marketing area lying west of Indiana State Highway No. 37 be reduced by 15 cents per hundredweight, as an adjustment for location.

a. *Reduction in Class I price differential.* The separate proponents had similar objectives, i.e., closer alignment of the Class I prices at their plant locations with minimum Class I prices effective under the Suburban St. Louis market order, particularly for plant locations in southeastern and southern Illinois. Proponents distribute 50 percent or more of their bottled milk throughout the western portion of the Louisville-Lexington-Evansville (Order No. 46) marketing area where certain southern Illinois handlers also distribute milk.

Proponents testified to important and growing competition for fluid milk sales within the western portion (particularly the Indiana counties) of the marketing area from Illinois handlers with milk priced under the Suburban St. Louis order. They pointed to the difference in the minimum Class I price levels applicable under the Suburban St. Louis and Louisville-Lexington-Evansville orders, contending that Suburban St. Louis handlers can purchase milk at minimum prices which proponents deem duly out of line with minimum prices under the Louisville-Lexington-Evansville order. Because there is a seasonal differential of 40 cents from high to low in the Suburban St. Louis order Class I price and the Louisville-Lexington-Evansville order provides a "flat" Class I price differential throughout the year, there are certain months when Suburban St. Louis handlers enjoy a significantly lower price relative to Louisville-Lexington-Evansville handlers. Proponents testified that Suburban St. Louis handlers take advantage of this price difference to obtain new store accounts during the months of seasonally low prices. This, they contend, has resulted in the loss of some local wholesale accounts which were being served by proponents. They claim also that in meeting the competitive price level to hold other accounts their resale prices in the Indiana counties have been reduced.

The supply-demand adjustor in Order No. 46 reflects the relationship between producer receipts and Class I sales of handlers regulated under the order so as to increase the Class I price when sales increase relative to receipts and decrease the price when receipts increase relative to sales. This provides a price incentive to attract an adequate supply of milk for Class I use by handlers regulated under the order. The supply-demand adjustments have been substantially on the plus side since September 1962. During 1963 they averaged 19 cents per hundredweight and in the first seven months of 1964 they averaged 20 cents per hundredweight.

For the 12 months ending with June 1964 producer receipts increased 6.17 percent over the 12 months ending with June 1963 while Class I use of producer milk increased 7.47 percent for the same period. Class I utilization for the market for the 12 months immediately preceding the hearing amounted to 74.8 percent of producer receipts. Thus, it does not appear that the Class I price provisions, inclusive of the plus supply-demand adjustments since 1962, have resulted in a price level which may be considered unreasonably high in terms of attracting an adequate supply of milk for the market as a whole, including the necessary reserves to meet sales fluctuations. Such supply-sales conditions also indicate that any reduction in the Class I price level in a portion of the marketing area might necessitate an offsetting price increase in the remaining portion of the market to maintain producer returns and thus assure an adequate supply of milk on a marketwide basis. To reduce the Class I differential by 25 cents on a marketwide basis would not be appropriate in these circumstances.

b. *Location pricing.* The Class I price structure should be one which will assure that sufficient milk will be moved to the more populous centers of this elongated marketing area to meet Class I needs. Thus, the Class I price at Evansville should be at a level which will attract a supply of milk to fulfill Class I needs at plants in that location. The proponent handlers at Evansville

have expanded their sales in other areas, particularly to the south in competition with handlers regulated under the Nashville order. While inter-order competition has resulted in sales shifts it was not shown that there is a reduced need for milk for Class I use at proponents' plants because of the competition from milk under the Suburban St. Louis order. Since supplies produced close to Evansville are not adequate to meet the requirements of Evansville plants, a Class I price at that location which is somewhat higher than that applicable in the adjacent rural area of southeastern Illinois is reasonable in view of the need to attract the substantial quantities of milk needed for this urban community.

Evansville handlers receive milk from approximately 350 producers. About 200 of these producers have farms in nearby southwestern Indiana counties and the farms of about 40 producers are located about 75 miles north of Evansville in the State of Illinois. The remaining producers have their farms in Kentucky. approximately 75 of the farms of the Kentucky producers supplying the Evansville handlers are located in Logan, Edmonson and Grayson Counties which are 80–100 miles south of Evansville.

About one-fifth of the producers now shipping milk to Evansville handlers, mainly those located in the south-central Kentucky counties of Logan, Edmonson and Grayson, are located as near or nearer to Nashville or Louisville than to Evansville. Evansville handlers thus compete for about 20 percent of their supplies of milk in production areas which are closer to other plants under the Louisville-Lexington-Evansville and Nashville orders, at which Class I or blend price levels would not be affected by proponents proposed change in location adjustments. It is reasonable to expect that these producers would ship their milk to such other outlets where prices would be higher in the event the price at Evansville were lowered appreciably. Since Evansville handlers indicated a Class I utilization higher than the market average, it must be presumed that any significant loss of such producers because of an uncompetitive blend price level would require them to seek other supplies.

The Evansville handlers did not demonstrate, however, that other supplies of milk were available to them at lower prices. The only evidence of the cost of alternative supplies was a reference to two loads of milk brought into the market from Wisconsin during October 1963. The net cost of this milk was stated to be 40 cents per hundredweight above the Order No. 46 Class I price (including a plus 27-cents supply-demand adjustment). It should be pointed out in this connection, however, that the seasonal Class I differential under the Chicago order (the supply source) is at its highest seasonal level in October. There was no evidence that there is milk available to them at lower cost from the nearby Suburban St. Louis market or that producers who now ship to that market are readily available for association with the Evansville market even though the minimum blend price at Evansville is higher than at southern Illinois plants under the Suburban St. Louis order.

Plants at Madisonville, Russellville, Hopkinsville and Bowling Green have generally common supply and sales areas. It is doubtful that the Madisonville and Russellville plants under Order No. 46 could attract supplies of milk at the prices which would result under this proposal since the Class I and blend prices at such locations would be significantly lower than prices applicable at the nearby plants in Hopkinsville and Bowling Green, Kentucky, under the Paducah and Nashville orders, respectively.

While not to the same degree, the proposal of the handler at Holland, Indiana, for a 15-cent location adjustment at plants in certain locations in the Indiana portion of the marketing area would result in price misalignment if adopted for the Evansville and Madisonville locations as well as for the Holland area. If adopted only for a more confined area such as Holland and Tell City, it would create misalignments between Order No. 46 plants, that is, between the Holland plant and plants at Evansville, Indiana, and Owensboro, Kentucky. Thus, this proposal likewise would tend to shift price differences to new locations with little apparent improvement in marketing conditions for either handlers or producers.

In view of the foregoing, we may not conclude that the Class I price at Evansville should be reduced. This hearing did not open up, of course, reconsideration of the pricing structure of the Suburban St. Louis market. The Department announced on November 5, 1964, however, it would review the Class I price level of the latter market and the scope of the marketing area regulated. All interested parties are invited to submit proposals for review at an early hearing. Thus, further opportunity is provided to consider whether the alignment of Suburban St. Louis prices with prices in adjacent markets may be improved.

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

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

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

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

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

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order, as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his prorata share of such expense, three cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to: producer milk and milk received from a cooperative association as a handler pursuant to § 1046.8(c); other source milk allocated to Class I pursuant to § 1046.46(a) (3) and (7) and the corresponding steps of § 1046.46(b); and Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

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

1. Section 1046.6 is revised to read as follows:

§ 1046.6 Louisville-Lexington-Evansville marketing area.

The "Louisville-Lexington-Evansville marketing area", hereinafter called the "marketing area", means all the territory geographically within the counties listed below and all territory wholly or partly therein occupied by municipal corpora-

tions and institutions owned or operated by Federal, State or local governments:

INDIANA COUNTIES

Clark.	Orange.
Crawford.	Perry.
Daviess.	Pike.
Dubois.	Posey.
Floyd.	Spencer.
Gibson.	Vanderburgh.
Harrison.	Warrick.
Knox.	Washington.
Martin.	

KENTUCKY COUNTIES

Adair.	Jessamine.
Anderson.	Larue.
Bourbon.	Lincoln.
Boyle.	Logan.
Breckinridge.	Madison.
Bullit.	Marion.
Butler.	McLean.
Casey.	Meade.
Clark.	Mercer.
Clinton.	Muhlenberg.
Cumberland.	Nelson.
Daviess.	Ohio.
Edmonson.	Oldham.
Fayette.	Pulaski.
Franklin.	Russell.
Garrard.	Scott.
Grayson.	Shelby.
Green.	Spencer.
Hancock.	Taylor.
Hardin.	Union.
Hart.	Washington.
Henderson.	Wayne.
Henry.	Webster.
Hopkins.	Woodford.
Jefferson.	

2. Section 1046.14 is revised to read as follows:

§ 1046.14 Producer milk.

"Producer milk" means that skim milk and butterfat contained in milk of a producer which is:

(a) Received from producers at a pool plant for the account of the person operating such plant. When milk is withdrawn at more than one pool plant from the same load delivered by a farm tank pickup truck, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn unless:

(1) There is an agreement among the operators of the pool plants receiving such milk providing for other receiving handler(s) to report and pay for all or a portion of such milk; or

(2) The milk involved is that which is delivered to pool plants for the account of a cooperative association pursuant to § 1046.8(c).

(b) Diverted by a handler from a pool plant to another pool plant for any number of days of the month. Milk so diverted shall be deemed to have been received by the diverting handler at the location of the pool plant from which it is diverted.

(c) Diverted from a pool plant to a nonpool plant for the account of the operator of the pool plant or a cooperative association, subject to the following conditions:

(1) Milk so diverted shall be deemed to have been received at the pool plant from which it is diverted; and

(2) Producer milk pursuant to this paragraph shall not include the milk of any person during any of the months of October, November, January and February on days on which it is diverted by a handler to a nonpool plant in excess of 22 days (11 days in the case of every-other-day delivery) during the month.

(d) Received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c).

3. Section 1046.15 is revised to read as follows:

§ 1046.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, pancake mix, evaporated milk, condensed milk, aerated cream products, eggnog, and cultured sour mixtures not labeled as Grade A) which are neither sterilized nor packaged in hermetically sealed containers.

4. Section 1046.17 is revised to read as follows:

§ 1046.17 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a milk plant(s). A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets without intermediate movement to another milk plant.

5. In § 1046.41, paragraph (b) (4) and (7) is revised to read as follows:

§ 1046.41 Classes of utilization.

* * * * *

(b) * * *

(4) Disposed of for livestock feed, or in fluid milk products dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping.

* * * * *

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1046.42(b)(1), but not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, physically received directly from producers' farms and by diversion from other pool plants; plus

(ii) One and one-half percent of skim milk and butterfat, respectively, in milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), except that if the handler operating such pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1046.30 that he is purchasing such milk on the basis of weights determined at the farm from farm bulk tank measurements, the applicable percentage shall be two percent; plus

(iii) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk (except bulk cream) as a transfer from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products transferred in bulk (except bulk cream) from a pool plant to other plants; and plus

(vii) One-half of one percent of skim milk and butterfat, respectively, in producer milk received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c), unless the exception provided in subdivision (ii) of this subparagraph applies; and

6. In § 1046.44, paragraphs (a) and (b) are revised to read as follows:

§ 1046.44 Transfers.

* * * * *

(a) At the utilization reported pursuant to § 1046.30 by the operator(s) of both plants, otherwise as Class I milk, if transferred or diverted by the operator of a pool plant or a cooperative association in its capacity as a handler pursuant to § 1046.8(c) to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1046.46(a)(8) and the corresponding step of § 1046.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1046.46(a) (7) or (8) and the corresponding steps of § 1046.46(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) If a specified utilization of skim milk and butterfat transferred or diverted to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) is not claimed by both handlers pursuant to paragraph (a) of this section, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignment pursuant to § 1046.46(a)(8) and the corresponding step of § 1046.46(b), and after assign-

ment of milk for which specified classification has been claimed by handlers pursuant to paragraph (a) of this section.

* * * * *

Signed at Washington, D.C., on November 16, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64–11828; Filed, Nov. 18, 1964; 8:49 a.m.]

[7 CFR Parts 1071, 1073, 1074]

[Docket Nos. AO–227–A16, AO–173–A16, AO–249–A6]

MILK IN NEOSHO VALLEY, WICHITA, KANSAS, AND SOUTHWEST KANSAS MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wichita, Kansas, on October 29, 1964, pursuant to notice thereof issued on October 20, 1964 (29 F.R. 14596).

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

1. The need for an emergency increase in the Class I prices under the Neosho Valley, Wichita, Kansas, and Southwest Kansas orders, and

2. Whether an emergency exists concerning Issue No. 1 which requires the omission of a recommended decision and opportunity for interested persons to file exceptions thereto and the immediate issuance of a final decision.

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

1. *Class I price increase.* The Class I prices established by the orders regulating the handling of milk in the Neosho Valley, Wichita, Kansas, and Southwest Kansas marketing areas should be increased 10 cents per hundredweight for the period beginning with the effective date of the amended orders proposed herein through February 1965.

The Class I prices under these three orders are determined monthly by adding to the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, adjusted to a 3.5 percent butterfat basis, a fluid milk differential. This differential is $1.57 and $1.65 each month for the Wichita and Southwest Kansas orders, respectively. The differential in Neosho Valley is $1.00 for April–June and $1.45 July–March. Both the Wichita and Southwest Kansas orders provide for supply-demand adjustments to the Class I prices. For the period June through December 1964, that portion of the supply-demand adjustment provision that would provide plus adjustments in the Class I price of the Southwest Kansas order is suspended in order that certain temporary movements of producers from this market would not unduly increase the Class I price. The Southwest Kansas price is directly "tied" to the Class I prices of the Wichita and Texas Panhandle orders. Similarly, the Class I price under the Neosho Valley order is "tied" to the Class I prices of the Oklahoma Metropolitan and Ozarks orders. The Wichita Class I price is "tied" to the Kansas City price so that during the months of August through March it is not less than the Kansas City price and not more than the Kansas City price plus 50 cents per hundredweight.

The Southwest Milk Producers Association proposed that the Class I prices under these orders be increased on an emergency basis 25 cents per hundredweight from the earliest possible effective date of an amended order through March 1965. The association indicated that such a price increase was necessary because of decreasing milk supplies caused by severe drought conditions prevailing in the milkshed areas of these markets.

While some producers supplying milk to these three markets are located outside the State of Kansas, the primary sources of milk are in Kansas. Rainfall in the State of Kansas this year has been below normal and this situation was preceded by a deficiency in 1963. Below normal rainfall, combined with exceedingly high temperatures, has reduced substantially the availability of pastures and the production of hay and feed grains.

Production of the four principal feed grains in Kansas (sorghum grain, corn, barley, and oats) is expected to be 32 percent below 1963 and 36 percent below the 1958–1962 average. The hay crop is below average. Pasture conditions as of October 1 were 69 percent of normal in the crop reporting district in which most southwest Kansas producers are located, 69 and 71 percent in the districts from which Wichita draws the bulk of its supplies and 81 percent in the Neosho Valley area. Forage from wheat pasture was very limited this fall. Less than two percent of fall seeded acreage had sufficient growth to pasture at the end of September. Soil moisture supplies available this fall in central and western Kansas are the lowest in eight years.

The severity of the drought is pointed up by the large number of counties in Kansas which have been approved for assistance under the Federal drought disaster program. Seventy-six counties which cover the primary counties of the milksheds of these three markets have been approved for the grazing and hay program. Missouri and Oklahoma counties from which Neosho Valley draws milk supplies are also included in this program.

Drought relief as such cannot be granted to producers through amendments to the orders issued under the Agricultural Marketing Agreement Act of 1937, as amended. Under this Act, the Secretary is required to establish prices at levels which will reflect factors affecting the supply and demand for milk in a marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. The current and prospective adequacy of milk supplies is, therefore, the most important factor in fixing prices under an order. In areas where supplies of producer milk have decreased substantially in relation to Class I sales and have reached the point where an adequate supply of milk is threatened, it is proper within the framework of the Act to provide a price increase.

The Southwest Milk Producers Association represents a majority of producers in each of these three markets and can and does move producers freely between the markets. There is also substantial route competition between handlers regulated by the respective orders. The association regularly makes substantial shipments of bulk milk to other areas for Class I use. Most of such shipments are pooled in the Wichita and Southwest Kansas markets, although some are not priced under any of these orders. It is therefore appropriate to consider the combined receipts and sales of the three markets and the unpooled receipts and sales in determining the adequacy of supply.

For the first eight months of 1964, producer receipts pooled in the three markets exceeded those of the comparable period in 1963 by 9.4 percent. For September, however, the increase was only 2.3 percent over September 1963. Producer receipts declined 3.1 percent from August to September a year ago and 5.9 percent this year.

Pooled Class I sales for the January–August 1964 period were 12.8 percent higher than in the same months of 1963. For September they were 7.9 percent higher. The percentage of producer milk used in Class I increased from 66 last year to 68 this year for the January–August period and from 76 last year to 80 this year for September.

For September total sales, including bulk shipments not pooled, were approximately 5 percent greater than in September 1963. The Class I sales of pool handlers with route sales increased substantially more than did bulk shipments of the cooperative association. The production associated with these sales was practically the same as that a year earlier but 4 to 5 percent less than for August 1964. The Class I utilization of all such milk was approximately 81 percent. For the first 15 days of October production was reported to be about 6 percent less than for the first 15 days of September. Normally, production drops about 3 percent from September to October. In September shipments of bulk milk totaled almost 6.8 million pounds. About 90 percent of such milk went to customers regularly supplied by the Southwest Milk Producers Association. While September out-of-market bulk shipments were only about 2.5 percent greater than the 6.6 million pounds shipped in September 1963, shipments during the January–August 1964 period were almost three times those of 1963. Last year, shipments during April through July were less than one million pounds each month, while this year they exceeded four million pounds each month.

While bulk shipments of milk to distant markets have not been made from the Neosho Valley market, this market has experienced a substantial increase in Class I sales. For September, Class I sales of producer milk were 17.9 percent higher than in September 1963.

Largely as a result of the increase over 1963 in out-of-market sales in the months of April through July, Class I prices of the Wichita and Southwest Kansas orders have been higher in recent months than in 1963 when substantial minus supply-demand adjustments were effective during the late summer and early fall months. The minus adjustments have been much less in the same months of 1964. For the Wichita market the 1964 Class I prices for August, September and October averaged 22.7 cents per hundredweight above the same months in 1963; 16 cents of this change resulted from improved supply-demand conditions, the other 6.7 cents represented an increase in basic formula prices. For the Southwest Kansas market, the total increase for this period averaged 26.4 cents per hundredweight, of which 19.7 cents resulted from improved supply-demand conditions.

Due to substantial increases in bulk shipments which began in August 1963, the supply-demand adjustor increased Class I prices by at least 17 cents per hundredweight in these markets beginning with November of that year. No substantial increase in price is in prospect at this time. For November of this year supply-demand adjustments in Wichita and Southwest Kansas are identical with those for November 1963 and represent improvement of only 2 cents from October. While some more favorable adjustments may result in later months, these will probably not represent changes over last year as great as those that have occurred in August, September and October.

It is evident that despite more favorable prices in recent months milk production has not kept pace with increased sales. The price increase which occurred in November 1963 is not expected this year. Under these circumstances, it is necessary that the Class I prices in these markets be increased until such time as seasonal increases in milk production may be expected. An increase of 10 cents per hundredweight will tend to encourage the maintenance of adequate milk supplies for these three markets. It should continue through February 1965, after which wheat pastures may be expected to be available until the regular pasture season.

A greater increase in Class I prices is not necessary. Both Class I and blend prices under these orders have averaged higher so far this year as compared with a year ago. Basic formula prices are higher than in 1963. Should the effects of the drought continue over the next few months, some increases from the supply-demand adjustors in the Wichita and Southwest Kansas markets will probably result. This, plus the increase of 10 cents per hundredweight, should be adequate for this emergency situation.

The amendments to these orders should be made effective at the earliest possible date even though it may not be at the beginning of the monthly accounting periods. There will be little difference in returns to producers whether the Class I prices are prorated over the month's utilization based on the number of days each price was effective or whether two accounting periods in the same month are established. Each handler should be given the option of either filing two reports for the month or having the two Class I prices prorated according to the number of days within the month for which the different price levels were effective. The option chosen by the handler should be indicated at the time of filing his report of receipts and utilization.

2. *Emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in these markets are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions made will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and the filing of exceptions thereto would in this instance contribute to the threat of an insufficient supply of milk for these markets.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by proponents at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

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

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

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

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

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

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas" and "Order Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the orders, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of September 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order which hereby proposes to amend the orders, as amended, regulating the handling of milk in certain specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within each of the aforesaid marketing areas.

Signed at Washington, D.C., on November 16, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order [1] Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

PART 1071—MILK IN THE NEOSHO VALLEY MARKETING AREA

In § 1071.51(a), the language which precedes the first proviso in the introductory text is revised to read as follows:

§ 1071.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight for Class I milk shall be the basic formula price for the preceding delivery period plus $1.00 during the delivery periods of April through June and $1.45 during the delivery periods of July through March, and plus 10 cents for the period from the effective date of this amended order through February 28, 1965:

* * * * *

PART 1073—MILK IN THE WICHITA, KANSAS, MARKETING AREA

In § 1073.51(a), the language which precedes the proviso in the introductory text is revised to read as follows:

§ 1073.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.57 during all months of the year, plus 10 cents for the period from the effective date of this amended order through February 28, 1965, and plus or minus a supply-demand adjustment computed as follows:

* * * * *

PART 1074—MILK IN THE SOUTHWEST KANSAS MARKETING AREA

In § 1074.51(a), the introductory text is revised to read as follows:

§ 1074.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.65 during all months of the year, plus 10 cents for the period from the effective date of this amended order through February 28, 1965, and plus or minus a supply-demand adjustment computed as follows:

* * * * *

[F.R. Doc. 64-11829; Filed, Nov. 18, 1964; 8:49 a.m.]

[7 CFR Part 1132]

[Docket No. AO-262-A10]

MILK IN TEXAS PANHANDLE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at the Holiday Inn, West, 601 NW. 8th Avenue, Amarillo, Texas, on October 30, 1964, pursuant to notice thereof issued on October 21, 1964 (29 F.R. 14596).

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

1. The need for an emergency increase in the Class I price, and

2. Whether an emergency exists concerning Issue No. 1 which requires the omission of a recommended decision and opportunity for interested persons to file exceptions thereto and the immediate issuance of a final decision.

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

1. *Class I price increase.* The Class I price established by the order regulating the handling of milk in the Texas Panhandle marketing area should be increased 10 cents per hundredweight for the period beginning with the effective date of the amended order proposed herein through February 1965.

The Class I price under the Texas Panhandle order is determined monthly by adding to the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, adjusted to a 3.5 percent butterfat basis, a fluid milk differential of $2.15 for the months of July through February and $1.85 for all other months.

The principal cooperative association in this market proposed that the Class I price be increased on an emergency basis 25 cents per hundredweight through March 1965. The association indicated that such a price increase was necessary because of decreasing supplies of milk caused by severe drought conditions prevailing in the milkshed.

The record shows that drought conditions exist generally throughout the milk production area of the Texas Panhandle market. Rainfall in western Oklahoma and the Texas Panhandle this year has been considerably below normal and this situation was preceded by below normal rainfall in 1963. Greater than normal rainfall experienced in August and September of this year at some weather stations in the production area of this market cannot be expected to diminish to any great extent the problems which have arisen in the market because of the extended drought conditions. Approximately 80 percent of the total milk supply for this market is obtained from counties in western Oklahoma where high temperatures and lack of rainfall were the worst in the past 10 years. Soil moisture is reported to be from 50 to 60 percent of that which is considered to be normal for proper crop production conditions.

Below normal rainfall, coupled with exceedingly high temperatures, has reduced substantially the availability of pastures and the production of hay and feed grains. In August this year pastures were 50 percent and 43 percent of normal in the respective states. Producers have been feeding during the recent summer months feed supplies normally used during the winter. They have purchased hay, mixed feeds and silage in excess of normal in an effort to maintain milk production.

The severity of the drought is indicated by the fact that all counties of the milkshed have been approved for the assistance under the Federal drought disaster program which permits the grazing and haying of specified crops and the fact that five counties of the milkshed have been approved for the livestock feed program.

Drought relief as such cannot be granted to producers through amendments to orders issued under the Agricultural Marketing Agreement Act of 1937, as amended. Under this Act the Secretary is required to establish prices

at levels which will reflect factors affecting the supply and demand for milk in a marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. The adequacy of present and prospective milk supplies is, therefore, the most important factor in fixing prices under an order. In areas where supplies of producer milk have decreased substantially in relation to Class I sales or where they have reached the point that an adequate supply of milk is threatened, it is proper within the framework of the Act to provide a price increase.

The Texas Panhandle market is interrelated both from the standpoint of route distribution by handlers and overlapping of production areas with the Red River Valley and Lubbock-Plainview marketing areas. There is an intermarket movement of packaged milk and a shifting of producers between these three markets. Producers serving both the Red River Valley and Lubbock-Plainview markets have been granted at an earlier date an emergency increase of 10 cents per hundredweight through March 1965.

The relationship of supply to demand for the first nine months of 1964 compared to the first nine months of 1963 has changed very little. Production for this nine-month period has increased approximately 5 percent. The Class I sales have increased 6 percent when compared to the same period of last year. A significant change in the supply of producer milk, however, is a decrease of 1.5 percent in September of this year as compared with a year ago, while at the same time, Class I sales increased 5.1 percent when compared to last year. While this relative shortening of supplies in September 1964 left the market with a sufficient supply of fluid milk to meet the requirements of handlers, a continued trend of this nature through February would endanger an adequate supply of milk plus a reasonable reserve for the market. Nearly 82 percent of the receipts from producers was classified as Class I in September 1964, an increase of 5 percentage points over September 1963. A continued increase of 5 percent in the usually high Class I utilization months of October through February would mean that from 85 to 92 percent if receipts from producers would be classified as Class I milk. Such a high utilization in Class I in this market would represent inadequate supplies of milk for current needs and reasonable reserves.

The current tightening of the supply-demand situation in this market coupled with the present feed situation are all factors tending to reduce the milk supply in the months ahead. With drought-induced shortages of hay and grain supplies, it will be difficult for producers to maintain the present level of milk production between now and March 1, 1965.

The record is clear that receipts from producers increase in relation to Class I sales normally from February to March. Normally the months of November, January and February reflect the highest utilization of producer milk classified as Class I milk. It is also noted that the lower seasonal differential of $1.85 per hundredweight above the basic formula price starts each year with the month of March.

Under the circumstances described above it is necessary that the Class I price in the Texas Panhandle market be increased until such time as seasonal increases in milk production may be expected in the spring of 1965. An increase of 10 cents per hundredweight through February 1965 will tend to encourage the maintenance of adequate milk supplies for this market.

A Class I price increase greater than this and beyond February 1965 is not necessary. The October Class I price was 12 cents higher than a year ago. The September 1964 blend price, reflecting current tightening of supply to demand, was 16 cents per hundredweight higher than September 1963. The total increase in the blend prices, including the effect of the proposed 10 cents per hundredweight increase in the Class I price, should be adequate incentive to producers to maintain adequate supplies through February 1965. The Class I and blend prices for the first nine months of 1964 compared with 1963, however, averaged only 6 cents per hundredweight above last year.

The amendment to this order should be made effective at the earliest possible date even though it may not be at the beginning of a monthly accounting period. It should make little difference in returns to producers whether the Class I prices are prorated over the month's utilization based upon the number of days each price was effective or whether two accounting periods in the same month are established. Each handler should be given the option of either filing two reports for the month or having the two Class I prices prorated according to the number of days within each month for which the different price levels are effective. The option chosen by the handler should be indicated at the time of filing his report for receipts and utilization.

2. *Emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in the Texas Panhandle market are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions reached will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and the filing of exceptions thereto would in this instance contribute to the threat of an insufficient supply of milk for this market.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by the proponents at the hearing.

It is, therefore, found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

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

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

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

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

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

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Texas Panhandle Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of September 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby pro-

posed to be amended, regulating the handling of milk in the Texas Panhandle marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on November 16, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area

§ 1132.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

In § 1132.51, paragraph (a) is revised to read as follows:

§ 1132.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.15 during the months of July through February and plus $1.85 during all other months, plus 10 cents for the period from the effective date of this amended order through February 28, 1965.

* * * * *

[F.R. Doc. 64–11830; Filed, Nov. 18, 1964; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Proposed Marketing Quota Regulations for 1964 and Subsequent Crop Years

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1374, 1375), the Department proposes to amend Sections 730.1552, 730.1555, 730.1581, and 730.1595 of the rice marketing quota regulations for 1964 and subsequent crop years.

The purpose of these amendments is to change the final dates for the disposal of excess rice acreage in the State of Texas effective for 1965 and subsequent crop years, and to change various cross references to other regulations to show the current designation.

Prior to the issuance of these amendments, any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250, will be given consideration provided such submissions are postmarked not later than 30 days from the date of publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed that:

1. The second sentence of § 730.1552 be amended by changing the title of the Part 719 reference to read: "Reconstitution of Farms, Allotments, and Bases."

2. Section 730.1555 be amended by changing the final dates for the disposal of excess rice acreage for Texas to read:

TEXAS

The counties of Austin, Bastrop, Brazoria, Calhoun, Colorado, Fort Bend, Galveston, Harris, Jackson, Lavaca, Matagorda, Travis, Victoria, Waller, Washington, and Wharton; July 1.

The counties of Chambers, Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Polk, and Walker; July 15.

Bowie County; September 1.

3. The last sentence in paragraph (h) of § 730.1581 be amended by changing the title of the Part 719 reference to read: "Reconstitution of Farms, Allotments, and Bases."

4. Paragraph (b) of § 730.1595 be amended by changing the word "Performance" to the word "Compliance."

Signed at Washington, D.C., on November 13, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64–11798; Filed, Nov. 18, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs. Docket No. 15690]

SUPPLEMENTAL AIR CARRIERS

Proposed Reports of Aircraft Utilization by Aircraft Type

NOVEMBER 13, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 241 which would require supplemental air carriers to report aircraft utilization by aircraft type on Schedule T–3.1. The rule is proposed under authority of sections 204 (a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of their comments addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant material in communications received by December 21, 1964, will be considered by the Board before taking action on the proposal. Copies of such communications will be available for examination by interested persons in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In its comments to EDR–65, January 29, 1964, 29 F.R. 1658, which proposed certain miscellaneous amendments to CAB Form 41, the Department of Defense requested that supplemental air carriers be required to report aircraft utilization by aircraft type on amended Schedule T–3.1.[1] In adopting the miscellaneous amendments on September 18, 1964, ER–417, 29 F.R. 13528, the Board did not adopt the amendment proposed by Defense on the ground that further rule making proceedings would be necessary.

[1] Filed as part of the original document.

The Board is now issuing a notice looking toward adoption of the amendment requested by Defense. Aircraft utilization has been an important factor affecting minimum MATS charter rates under Part 288 of the Economic Regulations. The scheduled route carries regularly report aircraft utilization on Schedule T–3. Several supplemental carriers are important MATS contractors, but the supplemental carriers have furnished utilization data only upon an ad hoc basis since 1961.

Rate reviews have been rather frequent in the MATS charter field as the MATS contractors have shifted to the new jet and turboprop aircraft which MATS officially favors. These aircraft represent a large capital investment with attendant increase in costs for depreciation, return on investment, and hull insurance. Unit costs of operations for these three important cost items vary directly with utilization. An industry rate based on average unit costs must necessarily reflect the utilization achieved by the supplemental carriers. Utilization is also an index of the carrier's expansion capability under the "expansion" clause of MATS contracts.

Aircraft utilization is basic to the costs of carrier operations and involves only a report of the total number of days that aircraft of each type are available to the carrier. Since this requirement entails minimum effort by the carrier, there is no apparent reason why such data should not be currently reported by all supplemental carriers.

Proposed rule. The Board therefore proposes to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

In section 35, amend the text for "Schedule T–3.1—Statement of Traffic and Capacity Statistics" by redesignating paragraphs (f) through (l) as paragraphs (g) through (m), and adding a new paragraph (f) to read:

(f) Daily utilization by aircraft type shall reflect the sum of the number of days that each aircraft owned by the reporting carrier and each aircraft rented, leased or borrowed from others is in the possession of the carrier. For reporting purposes, part of a day shall be considered a full day. Daily utilization need not be reported separately for domestic, territorial, and international operations, but may be reported in total on the domestic sheet.

[F.R. Doc. 64–11833; Filed, Nov. 18, 1964; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES IN ANIMAL FEED

Proposed Antibiotics for Growth Promotion and Feed Efficiency

Publication of recent amendments to § 121.225 *Antibiotics for growth promotion and feed efficiency* provided the permitted maximum and minimum levels for uses of a number of antibiotics for promotion of growth and feed efficiency in animals. Certain other antibiotic drugs also are used for this purpose but are not yet included in § 121.225. This has led to some misunderstanding and confusion regarding the permitted uses of antibiotic drugs in animal feed for growth promotion and increasing feed efficiency.

The Commissioner of Food and Drugs has considered this situation and reviewed all prior considerations given by the Food and Drug Administration to the use of antibiotic drugs in animal feeds for this purpose. He has concluded that the adoption of the amendments to § 121.225 as now proposed would give recognition to all uses of antibiotic drugs in animal feeds for growth promotion and increasing feed efficiency that are supported by adequate evidence of safety and efficacy available to the Food and Drug Administration.

Section 121.225, if amended as proposed, would cover all antibiotics and combinations of antibiotics that may be used in animal feed for the promotion of growth and feed efficiency. The use of any other antibiotic or combinations of antibiotics for such purposes will require amendment of this section in accordance with the procedures established under section 409 of the Federal Food, Drug, and Cosmetic Act.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(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 proposed to amend the food additive regulations in the following respects:

§ 121.220 [Amended]

1. It is proposed to amend § 121.220 *Nystatin* by deleting Table 2 in paragraph (d).

2. It is proposed to amend § 121.225 by adding the following new paragraphs:

§ 121.225 Antibiotics for growth promotion and feed efficiency.

* * * * *

(k) *Nystatin.* Nystatin, as follows:

(1) Nystatin is the antibiotic substance produced by the growth of *Streptomyces noursei* (Fam. *Actinomycetaceae*) or the same antibiotic substance produced by any other means, and for the purpose of this section refers to nystatin or feed-grade nystatin.

(2) The quantities of the antibiotic authorized in this paragraph refer to the weight of the appropriate antibiotic standard, with 1 gram of nystatin equivalent to 2,800,000 units of activity.

(3) It is used or intended for use in the feed of swine in an amount equal to 20 grams per ton of complete feed.

(l) *Oxytetracycline.* Oxytetracyline, as follows:

(1) Oxytetracycline is the antibiotic substance produced by the growth of *Streptomyces rimosus* or the same antibiotic substance produced by any other means.

(2) The quantities of the antibiotic authorized in this paragraph are expressed in terms of the weight of oxytetracycline hydrochloride.

(3) It is used or intended for use as the monoalkyl (C_8–C_{18}) trimethylammonium salt of oxytetracycline:

(i) In the feed of chickens and turkeys, in an amount not less than 10 grams nor more than 50 grams per ton of complete feed.

(ii) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of complete feed.

(iii) In the feed of sheep, in an amount not less than 20 grams nor more than 50 grams per ton of complete feed.

(iv) In the feed of mink, in an amount not less than 20 grams nor more than 50 grams per ton of complete feed.

(v) In the feed of calves, in an amount not less than 25 grams nor more than 50 grams per ton of complete feed.

(vi) In the feed of beef cattle, in an amount to provide an intake of 75 milligrams per head per day.

(vii) With oleandomycin, as provided in paragraph (i)(3)(ii) of this section.

All interested persons are invited to present their views, in writing, regarding the proposals published in this notice. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments may be accompanied by a memorandum of brief in support thereof.

Dated: November 9, 1964.

GEORGE P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64–11810; Filed, Nov. 18, 1964; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Proposed Use of Nihydrazone in Chicken Feed

Pursuant to the filing of petitions, an order was published in the FEDERAL REGISTER of November 20, 1962 (27 F.R. 11414), providing for the safe use of nihydrazone in chicken feed. Following publication of the order, one of the petitioners, Hess and Clark Company, Division of Richardson-Merrell, Inc., Ashland, Ohio, requested consideration of an indication for use "to reduce the number of lesions" in the presence of chronic respiratory disease in chickens.

The Commissioner of Food and Drugs, having evaluated this request, the material originally submitted, and other relevant information, has concluded that the food additive regulation (21 CFR 121.237) should be amended to include an additional condition for which the additive may be safely used. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409

(d), 1787; 21 U.S.C. 348(d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner proposes that § 121.237(b) be amended in the table by adding a new indication for use to item 2. As proposed, item 2 would read as follows:

§ 121.237 Nihydrazone.

* * * * *

(b) * * *

NIHYDRAZONE IN COMPLETE CHICKEN FEED

Principal ingredient	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *
2. Nihydrazone	100	do	In the presence of chronic respiratory disease (air sac infections): to reduce mortality and severity of infection, to reduce the number of lesions, and to assist in maintaining weight gains and feed efficiency.
* * *	* * *	* * *	* * *

* * * * *

All interested persons are invited to submit their views and comments in writing on this proposal within 30 days from the date of its publication in the FEDERAL REGISTER. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201.

Dated: November 10, 1964.

GEORGE P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-11811; Filed, Nov. 18, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

[No. 32153]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Notice of Proposed Rule Making

NOVEMBER 2, 1964.

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act, that the Commission has under consideration amendment of the uniform system of accounts for railroad companies, to be effective as of January 1, 1965, with regard to the accounting for current retirements of emergency facilities which were previously subject to amortization accounting during the period 1941–1951.

Experience shows that when such facilities are retired from service the salvage value realized is commonly in excess of the net book value (cost less amortization and depreciation reserve). Under the present rules this excess is credited to operating-expense account 330, "Retirements—Equipment," or account 267, "Retirements—Road." In many cases such credits to the operating expense accounts are large in amount and result in distortion of those accounts and material overstatement of reported net income for the year.

Under the revised rules herein proposed, when the credit realized from retirement of the equipment or road property or the aggregate of such credits for the year are so material that inclusion in the expense accounts would distort the accounts and impair the significance of net income for the year, and thus be misleading, the amount shall be credited directly to retained income account 606, "Other credits to retained income." Complete statement of the revisions in the accounts is indicated in the detailed statement of proposed rule below.

Detailed statement of proposed rule:

ITEM NO. 1: EQUIPMENT

Account 330, Retirements—Equipment. In the text of this account eliminate paragraph (a) pertaining to equipment previously subject to amortization accounting and substitute therefor the following revised paragraph (a); also add new paragraph (b) set forth below and change present paragraph (b) to paragraph (c):

330 Retirements; Equipment.

(a) When equipment previously subject to amortization accounting (pursuant to rules in effect during the period 1941–1951 consistent with section 124, "Amortization deductions," of the Internal Revenue Code) is retired the difference between (1) the service value (ledger value less value of salvage and insurance recovered) thereof, and (2) the balance in account 736, "Amortization of defense projects—Road and equipment," after appropriate adjustment for any depreciation accrued thereon, shall be included in this account, except for a difference, material in amount, as covered by paragraph (b) of this account.

(b) When the difference referred to in paragraph (a) of this account or the aggregate of all such differences for retirements is so material that inclusion in this account would distort and impair the significance of net income for the year the amount shall be credited to retained income account 606, "Other credits to retained income." (See General Instructions 1–2(d).)

* * * * *

ITEM NO. 2: ROAD PROPERTY

Account 267, Retirements—Road. In the text of this account eliminate paragraph (b), pertaining to road property previously subject to amortization accounting; add the following revised paragraph (b); also add new paragraph (c) set forth below and change present paragraph (c) to paragraph (d):

267 Retirements; Road.

* * * * *

(b) When road property previously subject to amortization accounting (pursuant to rules in effect during the period 1941–1951 consistent with section 124, "Amortization deductions," of the Internal Revenue Code) is retired the difference between (1) the service value (ledger value less salvage value and insurance recovered) thereof, and (2) the balance in account 736, "Amortization of defense projects—Road and equipment," after appropriate adjustment for any depreciation accrued thereon, shall be included in this account, except for a difference, material in amount, as covered by paragraph (c) of this account.

(c) When the difference referred to in paragraph (b) of this account or the aggregate of all such differences for retirements is so material that inclusion in this account would distort and impair the significance of net income for the year the amount shall be credited to retained income account 606, "Other credits to retained income." (See General Instructions 1–2(d).)

* * * * *

Responses. Railroad companies affected by the proposed rule herein and other interested parties who desire to do so should present written views or comments for our consideration as soon as practicable and not later than November 27, 1964. The Commission will consider all such responses and presentations before deciding the matter herein, after which such order as may be found appropriate will be entered. An original and three copies of any such responses should be submitted.

Notice shall be given to railroad companies hereby affected and to the general public by depositing this Notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing this Notice with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-11800; Filed, Nov. 18, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-7459]

REGISTRATION OF SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a new Rule 12b-6 (17 CFR 240.12b-6) under

the Securities Exchange Act of 1934 (Exchange Act). The new rule is proposed for the purpose of making clear that securities are not deemed to be registered under the Exchange Act until registration on a national securities exchange, or a registration statement filed pursuant to section 12(g), has become effective as provided in section 12 (d) or (g).

Under the 1964 amendments to the Exchange Act, the periodic reporting and the proxy solicitation provisions of sections 13 and 14 of the Exchange Act were amended to be applicable when an issuer has a security "registered pursuant to section 12" of the Exchange Act, and section 15(d) was amended to provide that the obligation of an issuer to file periodic reports under that section is suspended if and so long as it has a class of security "registered pursuant to section 12." Section 16(a) was amended to provide that the ownership reports required to be filed by officers, directors and holders of more than 10 percent of a registered class of equity security are required to be filed "by the effective date of a registration statement filed pursuant to section 12(g)" and "at the time of the registration of such security on a national securities exchange."[1]

Section 12(b) of the Exchange Act states that "a security may be registered on a national securities exchange by the issuer filing an application with the exchange." New section 12(g) states: "Every issuer * * * shall * * * register [a] security by filing with the Commission a registration statement." Section 12(d) provides that registration (if the exchange certifies the security has been accepted for listing) shall become effective 30 days after certification by the exchange, and section 12(g) provides that the registration statement shall become effective sixty days after filing. Under both sections the effective date may be accelerated by the Commission.

In view of the aforementioned provisions of section 12, the question has arisen whether securities are "registered pursuant to section 12" at the time of filing or at the effective date. The proposed Rule 12b–6 (17 CFR 240.12b–6) would make it clear that, for the purposes of sections 13, 14, 15(d) and 16 of the Act and the rules and regulations thereunder, securities are not registered pursuant to section 12 until the application or statement is effective, and that securities are not subject to sections 13, 14 and 16 of the Act until the application or statement is effective as provided in section 12.

Companies proposing to file registration statements for the first time should be aware of the fact that section 16(b) provides for recovery by or on behalf of the issuer of a registered equity security of any profit realized by an officer or director of such issuer, or beneficial owner of more than 10 percent of the registered equity security, in the purchase and sale or sale and purchase of an equity security of such issuer, whether or not registered, within a period of less than six months. It should be carefully noted that the courts in interpreting this section have held that an officer or director[2] of such issuer is liable to the issuer for any profit realized where an equity security is purchased (sold) before registration and — within six months—a sale (purchase) is made after registration of an equity security of the issuer.[3]

The text of the proposed rule is as follows:

§ 240.12b–6 When securities are deemed to be registered.

A class of securities with respect to which an application for registration or a registration statement has been filed pursuant to section 12 of the Act shall be deemed to be registered for the purposes of sections 13, 14, 15(d) and 16 of the Act and the rules and regulations thereunder only when such application or statement has become effective as provided in section 12, and securities of said class shall not be subject to sections 13, 14 and 16 of the Act until such application or statement has become effective as provided in section 12.

(Secs. 3(b), 12(h), 13, 14, 16 and 23(a); 48 Stat. 882, 892, 894, 895, 896, 901, as amended; 15 U.S.C. 78c, 78l, 78m, 78n, 78p, 78w)

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before December 11, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

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

NOVEMBER 12, 1964.

[F.R. Doc. 64–11786; Filed, Nov. 18, 1964; 8:45 a.m.]

[1] Prior to the 1964 amendments the provisions of sections 13, 14 and 16(a) were applicable to issuers or their insiders when an issuer's security was registered on a national securities exchange. The General Rules and Regulations and the forms adopted under the Exchange Act provided that such sections were applicable when the security was listed and registered on a national securities exchange. The obligation of an issuer to file reports under section 15(d) was suspended if and so long as the issuer had a security listed and registered on a national securities exchange.

[2] Section 16(b) specifically exempts transactions by a beneficial owner where the beneficial owner of a registered equity security is not such both at the time of purchase and the time of sale.

[3] See, e.g., Perfect Photo, Inc. v. Grubb, 205 F. Supp. 569 (E.D. Pa. 1962) and Heli-Coil Corp. v. Webster, 222 F. Supp. 831 (D.N.J. 1963).

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 419]

CALIFORNIA

Notice of Filing of Plats of Survey

NOVEMBER 9, 1964.

1. Plats of survey of the lands described below will be officially filed in the District and Land Office, Riverside, California, effective 10:00 a.m. on December 7, 1964.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 13 S., R. 17½ E.,
Sec. 36: All.

The area described aggregates 640.00 acres. Plat of survey accepted September 25, 1964.

T. 14 S., R. 18 E.,
Sec. 16: All;
Sec. 21: All;
Sec. 36: Lots 1, 2, 3, 4, S½NW¼, N½SW¼.

The area described aggregates 1,608.90 acres. Plat of survey accepted September 25, 1964.

T. 15 S., R. 19 E.,
Sec. 36: Lots 1, 2, 3, 4, W½E½, W½.

The area described aggregates 642.64 acres. Plat of survey accepted September 25, 1964.

T. 14 S., R. 20 E.,
Sec. 36: All.

The area described aggregates 640.00 acres. Plat of survey accepted September 25, 1964.

T. 16 S., R. 20 E.,
Sec. 36: All.

The area described aggregates 640.00 acres. Plat of survey accepted September 25, 1964.

T. 13 S., R. 21 E.,
Sec. 16: All;
Sec. 36: Lots 1, 2, 3, 4, N½S½, N½.

The area described aggregates 1,274.00 acres. Plat of survey accepted September 25, 1964.

T. 14 S., R. 21 E.,
Sec. 36: Lots 1, 2, 3, 4, 5, 6, 7, 8.

The area described aggregates 335.69. Plat of survey accepted September 25, 1964.

T. 13 S., R. 22 E.,
Sec. 25: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, SE¼NE¼, SE¼NW¼, E½SE¼;
Sec. 36: Lots 1, 2, 3, 4, SE¼SW¼, SE¼.

The area described aggregates 1,118.52 acres. Plat of survey accepted September 25, 1964.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of California upon acceptance of the plats of survey:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 13 S., R. 17½ E.,
Sec. 36: All.
T. 14 S., R. 20 E.,
Sec. 36: All.
T. 14 S., R. 21 E.,
Sec. 36: Lots 1, 2, 3, 4, 5, 6, 7, 8.
T. 13 S., R. 22 E.,
Sec. 36: Lots 1, 2, 3, 4, SE¼SW¼, SE¼.

The area described aggregates 2,216.57 acres.

3. The following described lands have been withdrawn by Departmental Orders of September 9, 1903, February 28, 1918, March 15, 1919, February 19, 1929, and June 4, 1930, and included in First Form Reclamation Withdrawals for the Yuma and Colorado River Storage Projects, under provisions of Section 3 of the Act of June 17, 1902:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 14 S., R. 18 E.,
Sec. 16: All;
Sec. 21: All;
Sec. 36: Lots 1, 2, 3, 4, S½NW¼, N½SW¼.
(First Form Reclamation Withdrawal of June 4, 1930)
(First Form Reclamation Withdrawal of February 28, 1918)
T. 15 S., R. 19 E.,
Sec. 36: Lots 1, 2, 3, 4, W½E½, W½.
(First Form Reclamation Withdrawal of February 28, 1918)
T. 16 S., R. 20 E.,
Sec. 36: All.
(First Form Reclamation Withdrawal of March 15, 1919)
T. 13 S., R. 22 E.,
Sec. 25: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, SE¼NE¼, SE¼NW¼, E½SE¼.
(First Form Reclamation Withdrawals of September 8, 1903, February 19, 1929 and June 4, 1930)

The area described aggregates 3,409.18 acres.

4. The following described lands have been withdrawn, by Public Land Order 2818 dated November 9, 1962 (27 F.R. 11424), from application under the nonmineral public land laws and from disposition under the homestead, desert land, and scrip selection laws, and designated as the Picacho Land and Wildlife Management Area:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 13 S., R. 21 E.,
Sec. 16: All;
Sec. 36: Lots 1, 2, 3, 4, N½S½, N½.

The area described aggregates 1,274.00 acres.

5. The following lands lie within the Sand Hills Impact Area which has been contaminated by explosives as a result of use as a bombing range by the Department of the Navy. The Department of the Navy has completed explosive contamination surveys of the area. The United States, however, cannot and does not give any assurance that contamination does not exist in any part of the area. All leases under the mineral leasing laws shall be issued with the understanding that the United States neither warrants nor represents that the lands are safe or suitable for such use. All leases shall contain provisions absolving and releasing the United States from any and all liability of whatever nature for damage to property arising out of operations, under such lease, which may be suffered by the lessee, his successors and assignees, and the agents, servants and employees of either.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 14 S., R. 18 E.,
Sec. 16: All;
Sec. 21: All;
Sec. 36: Lots 1, 2, 3, 4, S½NW¼, N½SW¼.

The area described aggregates 1,608.90 acres.

6. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of the applicable laws, rules, and regulations.

7. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

8. Inquiries concerning these lands should be addressed to the Manager, District and Land Office, Bureau of Land Management, 1414 8th Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
Manager.

[F.R. Doc. 64–11804; Filed, Nov. 18, 1964; 8:47 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 12, 1964.

The Department of Agriculture has filed an application Serial Number Idaho 015791 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the General Mining Laws. The applicant desires the land for public campgrounds.

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

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 land and their resources. He will also undertake negotiations with the applicant agency with the view of adjust-

ing 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 land 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

PAYETTE NATIONAL FOREST

Bruin Creek Recreation Area

A tract of land within the unsurveyed S½S½ Sec. 11, T. 25 N., R. 11 E., more particularly described as:

Beginning at a point where Hot Springs Creek enters the Salmon River thence easterly along the high water mark of the south bank of said river for 1,237 feet; thence S. 2° W., 289 feet; thence S. 86° W., 330 feet; thence S. 72° W., 1,526 feet; thence N. 20° W., 289 feet, more or less, to the south bank of the Salmon River; thence easterly along high water mark of said river to the mouth of Hot Springs Creek, the place of beginning, containing 13.5 acres, more or less.

Warren Creek Bar Public Service Site

A tract of land within lot 2, Sec. 28, T. 24 N., R. 7 E., more particularly described as:

Beginning at the point where Warren Creek crosses the high water line on the south bank of the main Salmon River thence along said high water line southeasterly 400 feet; thence N. 75° W., 1,120 feet across the point of land to the south bank of the Salmon River; thence easterly along the high water line to the point of beginning, containing 5.6 acres.

The areas described aggregate 19.1 acres more or less in Idaho County, Idaho.

ORVAL G. HADLEY,
Manager.

[F.R. Doc. 64–11797; Filed, Nov. 18, 1964; 8:46 a.m.]

National Park Service

[Order 1]

PADRE ISLAND NATIONAL SEASHORE, CORPUS CHRISTI, TEXAS

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

SECTION 1. The Administrative Assistant, Padre Island National Seashore, may execute and approve contracts not in excess of $2,500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824), 39 Stat. 535, 16 U.S.C., sec. 2; Southwest Region Order No. 3 (21 F.R. 1494))

Dated: October 23, 1964.

WILLIAM L. BOWEN,
Superintendent,
Padre Island National Seashore.

[F.R. Doc. 64–11795; Filed, Nov. 18, 1964; 8:46 a.m.]

Office of the Secretary

BUREAU OF LAND MANAGEMENT INSIGNIA

The insignia depicted below is hereby prescribed as the official insignia of the Bureau of Land Management, Department of the Interior.

In making this prescription, notice is hereby given that whoever manufactures, sells or possesses this insignia, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph or print, or impression in the likeness of this insignia, or any colorable imitation thereof, without authorization from the United States Department of the Interior, is subject to the penalty provisions of section 701 of Title 18 of the United States Code.

Dated: November 12, 1964.

STEWART L. UDALL,
Secretary of the Interior.



[F.R. Doc. 64–11734; Filed, Nov. 18, 1964; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

2-CHLORO-6-(TRICHLOROMETHYL) PYRIDINE

Notice of Establishment of Temporary Tolerances

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that at the request of The Dow Chemical Company, Midland, Michigan, temporary tolerances are established for residues of the fungicide 2-chloro-6-(trichloromethyl) pyridine, expressed as its metabolite 6-chloropicolinic acid, as follows:

0.5 part per million in or on cottonseed.

0.2 part per million in or on corn forage.

Zero in or on corn grain and sweet corn kernels.

The fungicide is used to control the ammoniacal nitrogen content of the soil through control of certain bacteria responsible for the conversion of the ammonium to nitrite. Based upon data supplied by the petitioner, the Commissioner concludes that the temporary tolerances established will protect the public health.

Conditions under which these temporary tolerances are established are:

1. The total amount of the fungicide to be used under the experimental permit issued by the U.S. Department of Agriculture will not exceed 8,250 pounds active ingredient. Distribution will be under The Dow Chemical Company name.

2. The fungicide will not be marketed for general use in the production of cottonseed and corn, but will be supplied to qualified persons as permitted in the experimental permit for bona fide experimental use.

3. The Dow Chemical Company will immediately notify the Food and Drug Administration of any reports on findings from the experimental use that have a bearing on safety. The company will also keep records of manufacture, distribution, and performance and on request make these available to any authorized officer or employee of the Food and Drug Administration.

These temporary tolerances expire November 6, 1965.

Dated: November 9, 1964.

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

[F.R. Doc. 64–11809; Filed, Nov. 18, 1964; 8:48 a.m.]

CANNED PRUNE JUICE DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit for Market Testing

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of the standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to the Fruitcrest Corporation, 103–109 South Sixth Street, Brooklyn, New York, to cover interstate marketing tests of canned prune juice that will deviate from its standard of identity (21 CFR 27.60) in that it will contain added vitamin C as a nutrient. The labels will state "Vitamin C added" and "A 6-ounce serving contains 100% of the minimum daily adult requirement

of vitamin C." This permit expires November 15, 1965.

Dated: November 10, 1964.

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

[F.R. Doc. 64–11812; Filed, Nov. 18, 1964; 8:48 a.m.]

CELANESE CORPORATION OF AMERICA

Notice of Filing of Petition Regarding Food Additive 1,3-Butylene Glycol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5)), 72 Stat. 1786; 21 U.S.C. 348(b)(5), notice is given that a petition (FAP 5A1531) has been filed by Celanese Corporation of America, 522 Fifth Avenue, New York, New York, 10036, proposing the issuance of a regulation to provide for the safe use of 1,3-butylene glycol as a solvent for synthetic and natural flavoring substances.

Dated: November 16, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–11813; Filed, Nov. 18, 1964; 8:48 a.m.]

CORVEL, INC.

Notice of Filing of Petition for Food Additive Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1589) has been filed by Corvel, Inc., Subsidiary of Eli Lilly and Company, 1124 Harney Street, Omaha, Nebraska, proposing an amendment to § 121.217 of the food additive regulations to provide for the safe use of tylosin for intramuscular injection from 2 milligrams to 5 milligrams per pound of body weight per day for the treatment of localized and systemic infections in beef cattle. Such treatment is not to exceed 5 days, and treated animals are not to be slaughtered for food within 8 days of the latest treatment.

Dated: November 16. 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–11814; Filed, Nov. 18, 1964; 8:48 a.m.]

MASONITE CORP.

Notice of Filing of Petition Regarding Food Additive Hemicellulose Extract

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5C1521) has been filed by Masonite Corporation, 29 North Wacker Drive, Chicago, Illinois, proposing the issuance of a regulation to provide for the safe use of hemicellulose extract (wet or dry) obtained from the treatment of wood with water at elevated temperatures, containing primarily pentose and hexose sugars having a total carbohydrate content of not less than 55 percent and Brix of not less than 65° in the wet product, and containing not less than 74 percent carbohydrate in the dry product. The additive is proposed to be used as a nutritive ingredient in animal feed.

Dated: November 6, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–11815; Filed, Nov. 18, 1964; 8:48 a.m.]

CHAS. PFIZER AND CO., INC.

Notice of Withdrawal of Petition for Food Additive Oxytetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Chas. Pfizer and Company, Inc., 235 East 42d Street, New York 17, New York, has withdrawn its petition (FAP 1153), published in the FEDERAL REGISTER of August 7, 1963 (28 F.R. 8049), proposing the issuance of a regulation to provide for the safe use of oxytetracycline alone or in combination with hygromycin B in swine feeds for specified conditions of use.

The withdrawal of this petition is without prejudice to a future filing.

Dated: November 9, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–11816; Filed, Nov. 18, 1964; 8:48 a.m.]

DR. SALSBURY'S LABORATORIES

Notice of Filing of Petition for Food Additives 3,5-Dinitrobenzamide, Acetyl-(p-Nitrophenyl)-Sulfanilamide, and 3-Nitro-4-Hydroxyphenyl-Arsonic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1562) has been filed by Dr. Salsbury's Laboratories, Charles City, Iowa, proposing the issuance of a regulation to provide for the safe use of 3,5-dinitrobenzamide, acetyl-(*p*-nitrophenyl)-sulfanilamide, and 3-nitro-4-hydroxyphenyl-arsonic acid in combination in complete feeds for chickens, as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
3,5-Dinitrobenzamide.	227 (0.025%)	Acetyl-(*p*-nitrophenyl)-sulfanilamide.	272 (0.03%)	For chickens; not to be fed to laying chickens; withdraw 4 days before slaughter.	Prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
		+			
		3-Nitro-4-hydroxyphenyl-arsonic acid.	45.4 (0.005%)		

Dated: November 10, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–11817; Filed, Nov. 18, 1964; 8:48 a.m.]

SCHERING CORP.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5C1585) has been filed by Schering Corporation, Bloomfield, New Jersey, proposing the issuance of a regulation to provide for the safe use of a combination drug containing procaine penicillin, dihydrostreptomycin sulfate, dexamethazone, and chlorpheniramine maleate for intramuscular treatment of localized and systemic infections in cattle, sheep, and swine.

Dated: November 16, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–11818; Filed, Nov. 18, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–89]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 13, set forth below, to Facility License No. R–38, as amended. The license, as amended, authorizes General Dynamics Corporation to operate its TRIGA Mark I nuclear reactor located at Torrey Pines Mesa, California. The amendment authorizes the installation and use of an additional pneumatically operated irradiation facility (rabbit tube) in the reactor as described in the licensee's application amendment dated April 7, 1964, and supplemental letters dated July 21, 1964, and September 29, 1964.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated April 7, 1964, and supplemental letters dated July 21, 1964, and September 29, 1964, (2) the Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545 Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of November 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License R–38, Amdt. 13]

License No. R–38, as amended, issued to General Dynamics Corporation is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R–38, as amended, General Dynamics Corporation is authorized to install and use an additional pneumatically operated irradiation facility (rabbit tube) in the TRIGA Mark I reactor located at Torrey Pines Mesa, California, as described in its application for license amendment dated April 7, 1964, and supplemental letters dated July 21, 1964, and September 29, 1964.

This amendment is effective as of the date of issuance.

Date of issuance: November 5, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64–11781; Filed, Nov. 18, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E–21502]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of November 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotected notices to the carriers and promulgated in IATA memoranda, names additional rates as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 17666, R–65 through R–67, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–11834; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket No. 14911]

LINEA AEREA PATAGONICA ARGENTINA, S.A.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence on Friday, November 20, 1964, at 2 p.m., local time, in Room 925, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Examiner Merritt Ruhlen.

[1] Filed as part of original document.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Is the applicant fit, willing and able properly to perform the air transportation proposed in its application and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder?

2. Will the air transportation proposed in the application be in the public interest?

3. Is substantial ownership and effective control of the applicant vested in nationals of Argentina?

4. If the application is granted, what should be the duration of the permit and what terms, conditions and limitations, if any, should be attached thereto?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., November 13, 1964.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 64–11835; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket No. 15675]

SATURN AIRWAYS, INC., AND AAXICO AIRLINES, INC.

Merger Case; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 1, 1964, at 10:00 a.m., e.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues, NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., November 16, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64–11836; Filed, Nov. 18, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15697; FCC 64–1056 Corrected]

STEREOPHONIC SOUND FOR TELEVISION BROADCASTING

Notice of Inquiry

1. Present Commission rules provide for the transmission of stereophonic sound by FM broadcasting stations. On October 2, 1961, we denied petitions by Philco Corporation, Radio Corporation of America, and Kahn Research Laboratories, to provide for the transmission of stereophonic sound by standard (AM) broadcasting stations. No action was taken at that time with respect to a petition by Philco Corporation for the

transmission of stereophonic sound by television broadcasting stations. We now wish to consider that matter.

2. The Philco petition (RM–96), filed February 12, 1959, and a subsequent petition (RM–376) filed October 17, 1962, by General Electric Company requested the institution of rule making to provide for the transmission of stereophonic sound by television broadcast stations. Each proposed a specific system designed to be "compatible" in that satisfactory reception may be obtained on conventional TV receivers that are not equipped for stereophonic reception. However, we do not wish to limit our consideration to the systems proposed since other methods of achieving stereophonic sound may be suitable for the narrow viewing angle of home television.

3. It is the purpose of this proceeding to determine whether or not the employment of stereophonic sound in television broadcasting will add to the realism or otherwise contribute a worthwhile improvement to the overall portrayal of the programs presented by television broadcast stations and if so, what system of producing stereophonic sound transmission and reception should be employed. Pertinent data obtained from experiments and tests will be most helpful. Data is also desired as to the effect of stereophonic sound transmissions on the quality of picture and sound reception both for monophonic TV receivers and for those equipped to receive the stereophonic sound transmissions accompanying the picture transmissions. We will also be concerned with bandwidth requirements as well as costs and complexity of installing and operating transmitting and receiving equipment.

4. Accordingly, we invite comments from interested persons as to the desirability and methods of providing for stereophonic sound transmission and reception in television broadcasting, within the present TV channels. Comments concerning availability of stereophonic program material and production techniques are also desired.

5. Comments may be filed on or before January 22, 1965, and replies thereto on or before February 8, 1965. In reaching a decision in this matter the Commission will not be limited to consideration of such comments but will consider also any pertinent data obtained from informed sources.

6. Authority for the institution of this proceeding is contained in sections 4(i), 303 (b) and (g), and 403 of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.419 of the rules, and original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 12, 1964.

Released: November 16, 1964.

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

[F.R. Doc. 64–11844; Filed, Nov. 18, 1964; 8:50 a.m.]

[1] Commissioners Lee, Ford, and Cox absent.

[Docket No. 14650; FCC 64M–1138]

DOMESTIC TELEGRAPH SERVICE

Order Re Procedural Dates

The Examiner having under consideration the agreements reached at the conference with record counsel on November 12, 1964, pursuant to notices of hearing conference dated October 14, 1964 (FCC 64M–1012; Mimeo 58218) and November 6, 1964 (FCC 64M–1109; Mimeo 59207), respectively;

It is ordered, This 13th day of November 1964, that supplemental and rebuttal evidence may be presented in this proceeding on behalf of The Western Union Telegraph Company, The American Telephone and Telegraph Company, The Department of Defense and Aeronautical Radio, Inc., respectively, provided that each participant proposing the submission of such further evidence shall reduce the same to written form and deliver it to all other participants in this proceeding on or before December 21, 1964: *Provided further, however,* That AT&T shall be permitted to effect delivery of any proposed evidence relating to its position on the suggested separation of voice and record services no later than January 4, 1965; and

It is further ordered, That further hearing sessions herein shall be held commencing at 10:00 a.m. on January 12, 1965, at the offices of the Commission, Washington, D.C., and that the order of procedure at such further sessions shall be as follows:

(1) Aeronautical Radio, Inc.
(2) Western Union
(3) Department of Defense
(4) American Telephone and Telegraph

Released: November 13, 1964.

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

[F.R. Doc. 64–11845; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket No. 15650; FCC 64M–1145]

EAGLE WHARF AND TOWING CO.

Order Scheduling Hearing

In the matter of Eagle Wharf and Towing Company, St. Louis, Missouri, Docket No. 15650; order to show cause why the license for Radio Station WP–8577 aboard the vessel "Charles H. West" should not be revoked.

It is ordered, This 13th day of November 1964, that David I. Kraushaar shall serve as presiding officer in the above-entitled proceeding, and that the hearings therein shall be convened in St. Louis, Missouri, at 10:00 a.m., January 5, 1965.

Released: November 16, 1964.

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

[F.R. Doc. 64–11846; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket Nos. 15460, 15461; FCC 64M–1147]

SYMPHONY NETWORK ASSOCIATION, INC., AND CHAPMAN RADIO AND TELEVISION CO.

Order Re Procedural Dates

In re applications of Symphony Network Association, Inc., Fairfield, Alabama, Docket No. 15460, File No. BPCT–3238; William A. Chapman and George K. Chapman, d/b as Chapman Radio and Television Company, Homewood, Alabama, Docket No. 15461, File No. BPCT–3282; for construction permits for a new television broadcast station.

The Hearing Examiner having for consideration: (1) A petition filed by Chapman Radio and Television Company on November 2, 1964 requesting the receipt into evidence of certain attached supplemental exhibits; and (2) the record of a hearing conference held on November 13, 1964 at which certain procedures and procedural dates were established;

It appearing, that Chapman's supplemental exhibits have been submitted at the request of the Broadcast Bureau, and in the manner directed by the Hearing Examiner;

It is ordered, This 13th day of November 1964, that Chapman's subject petition is granted, and that Chapman's supplemental exhibits are received into evidence as Chapman Exhibits H–7, H–8, H–9 and H–10, by which numbers they are identified on their face;

It is further ordered, That Chapman's direct case on the issue added by the Review Board's Order released herein on October 29, 1964, shall be entirely in the form of sworn written exhibits; that such exhibits shall be formally exchanged on or before December 18, 1964; and that in the event any party wishes to call for cross-examination any witness sponsoring any of Chapman's exhibits, such party shall give notice thereof on or before January 5, 1965;

It is further ordered, That the presentation of rebuttal evidence shall commence immediately after the close of Chapman's direct case; that in the event any party wishes to present a portion of its rebuttal evidence in the form of exhibits, copies thereof shall be exchanged on or before January 4, 1965; that in the event any party wishes to present a portion of its rebuttal case in oral form, such party shall identify its witness and the general scope of their testimony on or before January 4, 1965; and in the event any rebuttal exhibits are exchanged and any other party wishes to call for cross-examination any witness sponsoring any such exhibit, such party shall give notice thereof on or before January 8, 1965;

And, it is further ordered, That hearing herein shall recommence on January 11, 1965, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: November 16, 1964.

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

[F.R. Doc. 64–11847; Filed, Nov. 18, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC & GULF AMERICAN-FLAG BERTH OPERATORS

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

R. L. Hansen, Secretary,
Atlantic & Gulf American-Flag Berth Operators,
80 Broad Street,
New York 4, N.Y.

Agreement No. 8086–5, between the members of Atlantic & Gulf American-Flag Berth Operators, modifies Article 7 of the basic agreement, as amended, to read as follows:

ARTICLE 7: Any carrier becoming a party to this Agreement shall thereby become a party to, and any carrier withdrawing from this Agreement shall thereby cease to be a party to, ANY AGREEMENTS BETWEEN ALL THE PARTIES TO THIS AGREEMENT, OR any agreements between the parties to this Agreement (jointly entered into by said parties in their capacity of participants in this Agreement) and any other carrier or other person subject to the Shipping Act, 1916, as amended, provided said agreements are filed and approved pursuant to the provisions of said Act and contain specific provisions for such admission to or withdrawal from participation therein.

The modification adds the word "ALL" to the phrase set forth in capitalized letters above.

Dated: November 16, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–11821; Filed, Nov. 18, 1964; 8:49 a.m.]

ATLANTIC & GULF AMERICAN-FLAG BERTH OPERATORS

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

R. L. Hansen, Secretary,
Atlantic & Gulf American-Flag Berth Operators,
80 Broad Street,
New York 4, N.Y.

Agreement No. 9355–1, between the members of Atlantic & Gulf American-Flag Berth Operators, modifies the basic agreement by adding to Articles 5 and 6 thereof the following provisions:

ARTICLE 5: Any other American Flag Berth Operator, a member of Agreement No. 8086, as amended, shall become a member hereof by signing this Agreement or counterpart thereof, membership to become effective thirty (30) days from the time of signature. Any other carrier becoming a member of Agreement No. 8086, as amended, shall thereupon automatically become a member of this agreement. The termination of any carrier's adherence to Agreement No. 8086, as amended, shall automatically terminate such carrier's participation in this agreement.

ARTICLE 6: Any party hereto may withdraw from this Agreement upon withdrawing from Agreement No. 8086, as amended, by giving 30 days written notice to all other parties.

The parties to Agreement 9355 are the same as those participating in Agreement No. 8086, as amended, under which they arrange rates and conditions inter alia for the carriage of cargo, for and at the request of the Military Sea Transportation Service and related Shipper Services (Army, Navy, Air Force, etc.)

Dated: November 16, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–11822; Filed, Nov. 18, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64–155]

MICHIGAN-WISCONSIN PIPE LINE CO.

Notice of Application To Amend

NOVEMBER 12, 1964.

Take notice that on September 23, 1964, Michigan-Wisconsin Pipe Line Company (Applicant), 1 Woodward Avenue, Detroit, Michigan filed in Docket No. CP64–155 an application to amend an order of the Commission issued June 2, 1964, in Docket No. CP64–155, authorizing among other things the delivery by Applicant of a Maximum Daily Quantity (MDQ) of 78,000 Mcf to Wisconsin Power and Light Company (Wisconsin Power), and a Maximum Daily Quantity of 4,000 Mcf to Stoughton Light & Fuel Company (Stoughton). The application to amend requests modification of the said order so as to authorize an increase in deliveries to Wisconsin Power from 78,000 Mcf to 81,000 Mcf of MDQ under Applicants' Rate Schedule ACQ–1, and a deletion of the authorization for the sale and delivery to Stoughton of an MDQ of 4,000 Mcf under Applicants' Rate Schedule SGS–1, as a result of a merger of Wisconsin Power and Stoughton, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

Wisconsin Power has obtained approval of the merger from the Public Service Commission of Wisconsin, and has requested that the service agreements between Michigan Wisconsin and Wisconsin Power and Stoughton tendered for filing by Michigan Wisconsin on July 13, 1964, be superseded and that there be substituted in lieu thereof a new service agreement between Michigan Wisconsin and Wisconsin Power providing for an MDQ of 81,000 Mcf. Applicant requested an effective date of November 1, 1964.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–11790; Filed, Nov. 18, 1964; 8:45 a.m.]

[Docket No. RI65–321]

JAS. F. SMITH

Order Providing for Hearing on and Suspension of Proposed Change in Rate

NOVEMBER 12, 1964.

On October 13, 1964, Jas. F. Smith (Smith)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission.

[1] Address is: P.O. Box 1005, Avondale Station, Amarillo, Texas.

The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description. Notice of Change, dated October 2, 1964.
Purchaser and producing area. Northern Natural Gas Company (Walkemeyer Field, Stevens County, Kansas).
Rate schedule designation. Supplement No. 7 to Smith's FPC Gas Rate Schedule No. 13.
Effective date. November 13, 1964.[2]
Amount of annual increase. $37,800.
Effective rate. 11.0 cents per Mcf.[3 4]
Proposed rate. 16.0 cents per Mcf.[5 6 7]
Pressure base. 14.65 psia.

Smith requests that his proposed rate increase be permitted to become effective "immediately". Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Smith's rate filing and such request is denied.

The proposed renegotiated rate increase filed by Smith exceeds the 11.0 cents per Mcf ceiling price for increased rates for the area involved as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 7 to Smith's FPC Gas Rate Schedule No. 13 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Smith's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, Supplement No. 7 to Smith's FPC Gas Rate Schedule No. 13 is hereby suspended and the use thereof deferred until April 13, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 31, 1964.

By the Commission.

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

[F.R. Doc. 64–11791; Filed, Nov. 18, 1964; 8:45 a.m.]

[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Presently effective price for gas from all depths in which seller has interests.
[4] Subject to downward Btu adjustment from 950 Btu's.
[5] Renegotiated rate increase.
[6] Price for gas from formations below top of Morrowan Series of Pennsylvania System, from which all production will come at this time. Contract also provides for 14.0¢ per Mcf rate for gas from intermediate formation.
[7] Subject to downward Btu adjustment from 1000 Btu's.

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Order Extending Periods of Time Prescribed by Provisos in Order of Approval

In the matter of the application of Barnett National Securities Corporation, Jacksonville, Florida, for permission to acquire 80 per cent or more of the voting shares of The San Jose Barnett Bank, Jacksonville, Florida.

Whereas, by Order dated August 12, 1964, the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), approved the acquisition by Barnett National Securities Corporation, Jacksonville, Florida, of 80 per cent or more of the voting shares to be issued by The San Jose Barnett Bank, Jacksonville, Florida, a proposed new bank, and said Order was made subject to the provisos that the acquisition so approved "shall not be consummated * * * (b) later than three months after said date [of Order], and that The San Jose Barnett Bank shall be opened for business not later than six months after said date [of Order]"; and

Whereas, Barnett National Securities Corporation has applied to the Board for extensions of time within which the approved acquisition may be consummated and within which the bank shall be opened for business, and it appearing to the Board that good cause has been shown for the extensions of time requested and that such extensions would not be inconsistent with the public interest;

It is hereby ordered, That the Board's Order of August 12, 1964, be, and it hereby is, amended so that the provisos relating to the time by which Barnett National Securities Corporation shall consummate the approved acquisition of stock, and the date by which The San Jose Barnett Bank shall be opened for business, shall read: "provided that the acquisition so approved shall not be consummated * * * (b) later than December 31, 1964, and that The San Jose Barnett Bank shall be opened for business not later than May 20, 1965."

Dated at Washington, D.C., this 12th day of November 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64–11782; Filed, Nov. 18, 1964; 8:45 a.m.]

FOREIGN-TRADE ZONES BOARD

HONOLULU, HAWAII

Application for Foreign-Trade Zone; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended, and the regulations of the Foreign-Trade Zones Board,[1] that a hearing concerning an application to establish a foreign-trade zone at Honolulu, Hawaii, will be held on December 15, 1964, at 10:00 a.m., local time, at the Federal Building, Merchant Street, Honolulu, Hawaii, before the Examiners Committee of the Board.

As announced in the FEDERAL REGISTER on September 19, 1964, this application has been made to the Foreign-Trade Zones Board on behalf of the State of Hawaii by the Director of the Department of Planning and Economic Development, a public agency and instrumentality of that State, for the privilege of establishing, operating, and maintaining a foreign-trade zone at Honolulu, Hawaii, within Customs Collection District No. 32 of the United States. The site on which the proposed foreign-trade zone is to be located consists of approximately 41,000 square feet of covered and open space at Pier 39, Honolulu, Hawaii. The applicant indicates that should business requirements necessitate expansion of the initial zone site, additional area and facilities at or near Pier 39 would be available for this purpose.

The Examiners Committee is investigating to determine whether the proposed plans and location are suitable for the accomplishment of the purposes of a foreign-trade zone under the Foreign-Trade Zones Act. The object of the hearing is to inform interested parties concerning this application, and to afford them an opportunity to express their views relative thereto, and to obtain other data useful to the Examiners Committee.

A general description of the proposed zone and maps will be available for public information at the office of the Collector of Customs, Federal Building, Merchant Street, Honolulu, Hawaii, and at the office of the Executive Secretary, Foreign-Trade Zones Board, Room 6827, U.S. Department of Commerce, Washington, D.C., 20230. In accordance with Board Regulations, other information concerning the application may be made public if the Examiners Committee is satisfied of the public necessity or desirability therefor, or the applicant consents.

[1] See Title 15, Code of Federal Regulations, Part 400, Article 13, Rules of Procedure and Practice.

Interested parties or their representatives will be afforded the opportunity to be heard at the hearing; however, for the accuracy of the record and to facilitate proceedings, they should file written request therefor as soon as possible and provide a written summary of their views regarding the application. Prior to December 7, 1964, requests to be heard and written summaries should be directed to Mr. Jerome Sachs, Chairman of the Examiners Committee, % Executive Secretary, Foreign-Trade Zones Board, Room 6827, U.S. Department of Commerce, Washington, D.C., 20230; subsequent to that date and prior to noon, December 14, 1964, such requests and summaries should be directed to the Chairman of the Examiners Committee, Mr. Sachs, % the Collector of Customs, Federal Building, Merchant Street, Honolulu, Hawaii.

Persons that have not submitted an advance request to be heard may, nevertheless, be permitted to be heard at the hearing at the discretion of the Examiners Committee. Interested parties not able to be present or represented at the hearing may submit their written views concerning the application to the Examiners Committee as indicated above.

RICHARD H. LAKE,
Executive Secretary,
Foreign-Trade Zones Board.

NOVEMBER 12, 1964.

[F.R. Doc. 64–11783; Filed, Nov. 18, 1964; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

GEORGIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated November 4, 1964, reading in part as follows:

I have determined the damage in various areas of the State of Georgia adversely affected by flooding beginning on or about October 3, 1964, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Georgia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 4, 1964:

The counties of:

Fannin.	Towns.
Gilmer.	Union.
Rabun.	White.
Stephens.	

Dated: November 10, 1964.

FRANKLIN B. DRYDEN,
Deputy Director,
Office of Emergency Planning.

[F.R. Doc. 64–11794; Filed, Nov. 18, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811–621]

DE VEGH INVESTING CO., INC. AND PINE STREET FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 13, 1964.

Notice is hereby given that an application has been filed by Pine Street Fund, Inc. ("applicant"), 30 Wall Street, New York, New York, 10005, a registered open-end diversified management investment company, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that de Vegh Investing Company, Inc. ("de Vegh"), a Maryland corporation and a open-end diversified management investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a complete statement of applicant's representations which are summarized below.

The application states that de Vegh was consolidated with and merged into applicant on June 24, 1963 pursuant to an Agreement of Consolidation and Articles of Merger approved by shareholders of both companies. As of September 10, 1964, 115 holders of certificates formerly representing de Vegh stock had not exchanged them for certificates of applicant. On December 26, 1963, and September 15, 1964, applicant sent notices of the right to exchange to those shareholders who had not exchanged their de Vegh certificates. Applicant states that it intends to periodically notify such persons of their rights.

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 December 4, 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 said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64–11787; Filed, Nov. 18, 1964; 8:45 a.m.]

[File Nos. 59–109, 54–235]

WEST PENN POWER CO. AND ALLEGHENY POWER SYSTEM, INC.

Order Directing Elimination of Publicly-Held Common Stock Interest and Approving Plan

NOVEMBER 13, 1964.

In the matters of West Penn Power Company, Allegheny Power System, Inc., File No. 59–109; Allegheny Power System, Inc., File No. 54–235.

The Commission having instituted a proceeding under section 11(b)(2) of the Public Utility Holding Company Act of 1935 ("Act") with respect to Allegheny Power System, Inc. ("Allegheny"), a registered holding company, and its subsidiary company, West Penn Power Company ("West Penn"); and Allegheny having filed, pursuant to section 11(e) of the Act, a plan and amendments thereto ("Plan") for the elimination of the publicly-held common stock interest in West Penn; and the Commission having consolidated the proceeding under section 11(b)(2) with the proceeding under section 11(e);

A public hearing having been held, after appropriate notice, with respect to the consolidated proceeding, at which hearing all interested persons were afforded an opportunity to be heard;

Allegheny having, pursuant to section 11(e) of the Act, requested that the Commission apply to an appropriate United States District Court to enforce and carry out the terms and provisions of the Plan;

Allegheny having further requested that, if the Commission approve the section 11(e) Plan, the Commission's order contain the findings and recitals necessary to meet the requirements of sections 4382(b) and 1081(f) of the In-

ternal Revenue Code of 1954, as amended; and

The Commission having considered the entire record and having this day filed its Findings and Opinion; on the basis of such Findings and Opinion:

It is ordered, Pursuant to section 11(b)(2) of the Act, that Allegheny and West Penn be, and each hereby is, directed to take appropriate action to effect the elimination of the publicly-held common stock interest in West Penn.

It is further ordered, Pursuant to section 11(e) of the Act, that the Plan filed by Allegheny be, and hereby is approved, subject to the terms and conditions contained in Rule 24 promulgated under the Act and to the following additional terms and conditions:

(1) This order shall not be operative to authorize any transaction proposed in the Plan until an appropriate United States District Court shall, upon application thereto, enter an order approving and enforcing the Plan;

(2) Only such fees and expenses in connection with the Plan and the proceedings incident thereto as the Commission may approve on appropriate application made to it shall be paid by Allegheny and West Penn, jurisdiction being specifically reserved to determine the reasonableness of all such fees and expenses and all other remuneration incurred or to be incurred by Allegheny and West Penn in connection with the Plan, the transactions incident thereto, and all proceedings on or related thereto; and

(3) Jurisdiction is specifically reserved with respect to the entering of such further orders and the taking of such further action as the Commission may deem necessary or appropriate to effectuate the requirements of section 11(b) of the Act.

It is further ordered, That the issuance and sale by Allegheny of its shares of common stock be, and hereby are, excepted from the competitive bidding requirements of Rule 50 under the Act.

It is further ordered and recited, In accordance with sections 1081(f) and 4382(b) of the Internal Revenue Code of 1954, as amended, that the Plan and the transactions set forth therein and all action required for carrying out the Plan are necessary or appropriate to effectuate the provisions of section 11(b) of the Public Utility Holding Company Act of 1935, including (1) the change and conversion of all of the 180,926 shares of West Penn common stock, owned by stockholders other than Allegheny, into 615,148.4 shares of common stock, $2.50 par value, of Allegheny, (2) the issuance of a certificate or certificates representing said 615,148.4 shares of common stock, $2.50 par value, of Allegheny and the delivery thereof to the Agent for delivery to the former holders of West Penn common stock as outlined in the Plan, (3) the delivery by the Agent of certificates for said 615,148.4 shares of Allegheny common stock to the former holders of West Penn common stock as outlined in the Plan, and (4) the vesting in Allegheny of ownership of 180,926 shares of common stock, no par value, of West Penn and the issuance to Allegheny by West Penn of a certificate or certificates representing such shares.

By the Commission.

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

[F.R. Doc. 64-11788; Filed, Nov. 18, 1964; 8:45 a.m.]

TARIFF COMMISSION

[TC Publication 144; AA1921-43]

WINDOW GLASS FROM CZECHOSLOVAKIA

Determination of No Injury or Likelihood Thereof

NOVEMBER 16, 1964.

On September 23, 1964, the Tariff Commission was advised by the Assistant Secretary of the Treasury that window glass, 16-ounce through 28-ounce thicknesses, from Czechoslovakia is being, or is likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act, 1921, as amended. Accordingly, the Commission on September 24, 1964, instituted an investigation under section 201(a) of that act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the investigation was published in the FEDERAL REGISTER (29 F.R. 13552). The Commission did not order a public hearing, but referred interested parties to § 208.4 of its rules of practice and procedure (19 CFR 208.4), which provides that they may, within 15 days after the date of publication of the Commission's notice of investigation in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request. No request for a hearing was received.

In arriving at this determination, the Commission gave due consideration to all written statements submitted by interested parties and all information obtained by its staff.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of window glass, 16-ounce through 28-ounce thicknesses, from Czechoslovakia, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. Imports of window glass[1] from Czechoslovakia increased in the early 1960's, and reached a record high in 1962. The quantity imported was one-third as large in 1963 as in 1962, and imports in 1964 have been entering at about the same rate as those in 1963. At their highest level (in 1962), the imports from Czechoslovakia comprised less than 2 percent of U.S. imports of window glass and accounted for less than one-half of 1 percent of the apparent U.S. consumption of such glass in that year.

The imports of window glass from Czechoslovakia at less than fair value have had no discernible effect on U.S. producers of window glass. The aggregate U.S. sales of window glass from Czechoslovakia in 1961-63 were equivalent to 0.4 percent of shipments of window glass by the domestic producers. The corresponding ratio for sales of window glass imported from all countries was 28 percent. Annual shipments of domestically produced window glass have risen steadily since 1961; the increase in such shipments has been many times as large as the annual imports from Czechoslovakia at their peak. Sales of Czechoslovakian glass have had no demonstrable depressing effect on the prices received by the domestic producers; the prices of domestic window glass have been increased on three successive occasions since 1961.

Window glass from Czechoslovakia has been sold in the United States predominantly to manufacturers of storm windows and doors who are located in New England and the New York Metropolitan area. Because of the severe price competition in these products, many manufacturers have used low-priced window glass imported not only from Czechoslovakia, but also from other foreign suppliers. If imports of glass from Czechoslovakia should decline further or even cease altogether, firms now using such glass would probably turn to low-priced glass imported from other countries.

Continuation of imports of window glass from Czechoslovakia would not likely cause material injury to any industry in the United States. Among other factors, uncertainty of deliveries of such glass from the Czechoslovakian supplier and the quality of the glass, together with ideological objections to its use, distinctly limit its consumption in the United States.

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-11820; Filed, Nov. 18, 1964; 8:49 a.m.]

[1] As used herein, the term "window glass" refers to sheet glass weighing from 16 ounces to not more than 28 ounces per square foot. Window glass is used predominantly for glazing windows and doors.

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 34-64]

REGIONAL DIRECTORS AND DISTRICT OF COLUMBIA FIELD SERVICE REPRESENTATIVE OF BUREAU OF APPRENTICESHIP AND TRAINING

Redelegation of Authority To Enter Into and Execute Contracts

OCTOBER 14, 1964.

1. *Purpose.* This order redelegates certain authority to enter into and execute contracts for property and services.

2. *Authority and directives affected.* Secretary's Order No. 10–64 delegated certain procurement and contracting authority to the Assistant Secretary for Administration, with certain powers of redelegation. Secretary's Order No. 13–64 redelegated certain of this authority to the Administrator, Bureau of Apprenticeship and Training, and to such Regional Directors and field employees thereof as should thereafter be designated.

3. *Redelegation of authority.* a. The authority under Secretary's Order No. 13–64, paragraph 3d(2), is hereby redelegated to the Regional Directors and to the District of Columbia Field Service Representative of the Bureau of Apprenticeship and Training, or officials acting in such capacity, in the following offices of said Bureau.

Region I: Boston, Mass.
Region II: New York, N.Y.
Region III–IV: Chambersburg, Pa.
Region V: Atlanta, Ga.
Region VI: Cleveland, Ohio
Region VII: Chicago, Ill.
Region VIII: Minneapolis, Minn.
Region IX: Kansas City, Mo.
Region X: Dallas, Tex.
Region XI: Denver, Colo.
Region XII: San Francisco, Calif.
Region XIII: Seattle, Wash.
District of Columbia, Washington, D.C.

b. All contracting authority above redelegated shall be exercised in accordance with the provisions of paragraphs 3e, 3f, and 4 of Secretary's Order No. 13–64.

4. *Effective date.* This order is effective immediately.

LEO R. WERTS,
Assistant Secretary for Administration.

[F.R. Doc. 64–11792; Filed Nov. 18, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 16, 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. 39394: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 33), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, on the one hand, and points in Provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 27 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF–I.C.C. 59.

FSA No. 39395: *Dense soda ash to Forest Park and Hapeville, Ga.* Filed by Southwestern Freight Bureau, agent (No. B–8631), for interested rail carriers. Rates on dense soda ash, in bulk, in covered hopper cars, in carloads, from points in Louisiana and Texas, also Baldwin, Ark., to Forest Park and Hapeville, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 56, 154 and 50 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450 and 4534, respectively.

FSA No. 39396: *Liquid caustic soda to points in Georgia and South Carolina.* Filed by Southwestern Freight Bureau, agent (No. B–8632), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from points in Louisiana and Texas, also Baldwin, Ark., to Augusta, Ga., Clearwater, Graniteville and Langley, S.C.

Grounds for relief: Market competition.

Tariffs: Supplements 56, 154 and 50 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450 and 4534, respectively.

FSA No. 39397: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 105), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 8 to Southern Motor Carriers Rate Conference, agent, tariff MF–I.C.C. 1314, and other schedules named in the application.

FSA No. 39398: *Liquid caustic soda from Plaquemine, La.* Filed by Southwestern Freight Bureau, agent (No. B–8633), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Plaquemine, La., to Augusta, Ga., Clearwater, Graniteville and Langley, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 154 to Southwestern Freight Bureau, agent, tariff I.C.C. 4450.

FSA No. 39399: *Liquefied chlorine gas from Plaquemine, La.* Filed by Southwestern Freight Bureau, agent (No. B–8634), for interested rail carriers. Rates on liquefied chlorine gas, in tank-car loads, from Plaquemine, La., to Demopolis and Green Tree, Ala., and Cantonment, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 154 to Southwestern Freight Bureau, agent, tariff I.C.C. 4450.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–11801; Filed, Nov. 18, 1964; 8:46 a.m.]

[S.O. 947, Rev. Taylor's Car Distribution Order 1]

SHORTAGE OF FREIGHT CARS

Order to All Railroads

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of the Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days notice.

Therefore, it is ordered, That,

(a) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate or divert any plain box cars inside length less than 44'8" when such cars are moving on Taylor's car distribution orders.

(b) No common carrier by railroad subject to the Interstate Commerce Act shall apply cars of the Bangor and Aroostook Railroad and Maine Central Railroad ownership to Taylor's car distribution orders now in effect.

(c) Effective date: This order shall become effective at 12:01 a.m. November 14, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m. November 30, 1964, unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of the agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 13, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64–11802; Filed, Nov. 18, 1964; 8:46 a.m.]

[S.O. 947, Taylor's Car Distribution Order 25]

SHORTAGE OF FREIGHT CARS

Order to All Railroads

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of the Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014; and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of

inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

Therefore, it is ordered, That,

(a) All common carriers by railroad subject to the Interstate Commerce Act shall handle empty mechanical refrigerator cars (Mechanical Designation RP and RPL) owned by railroads or railroad controlled private car lines in accordance with owners' instructions or in absence of instructions shall return such cars empty in reverse route of last loaded movement.

(b) Effective date: This order shall become effective at 12:01 a.m., November 18, 1964.

(c) Expiration date: This order shall expire at 11:59 p.m., December 31, 1964, unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 16, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-11824; Filed, Nov. 18, 1964; 8:49 a.m.]

[Notice 4]

FINANCE APPLICATIONS

NOVEMBER 16, 1964.

The following publications are governed by the Interstate Commerce Commission's General Requirements governing notice of filing of applications under sections 5(2), 20a except (12), 20b and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight savings time, if that time is observed), unless otherwise specified.

Finance Docket No. 23384—By application filed November 12, 1964, The Chesapeake and Ohio Railway Company, 3100 Terminal Tower, Post Office Box 6419, Cleveland, Ohio, 44101, seeks authority under section 20a of the Act to assume obligation and liability, as guarantor, in respect of not exceeding $50,000,000 face amount, at any one time outstanding, of short-term notes to be issued from time to time by The Chessie Corporation, a wholly-owned non-carrier subsidiary of applicant. Applicant's attorney: C. C. Kimball, General Attorney, 3117 Terminal Tower, Post Office Box 6419, Cleveland, Ohio, 44101. Protests must be filed no later than 15 days from the date of publication in the FEDERAL REGISTER.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-11823; Filed, Nov. 18, 1964; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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 November.

3 CFR

	Page
PROCLAMATION:	
3298	14913
3626	14913
3627	15315
3628	15405

5 CFR

213	15115, 15195, 15251, 15407
732	15076
890	14981

7 CFR

52	15356, 15358, 15360
401	14873, 15407
722	15277
729	15251
775	15195
831	15277
905	14915, 15278, 15279
907	15280
910	15076, 15280
945	15363
947	14915
948	15407
970	15018, 15281
982	15115
989	15407, 15506
1101	15507
1421	15281
1427	14874, 15281
1483	15115
PROPOSED RULES:	
301	15089, 15090
318	15216
730	15537
925	14990
929	15294
959	15129
1005	14933
1032	15130, 15526
1033	15147
1034	15147
1037	15416
1040	14990

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
1041	15416
1042	14990
1044	15084
1046	15526
1047	15443
1050	15153
1062	15130, 15526
1063	15086, 15153
1067	15130, 15526
1070	15086
1071	15533
1073	15533
1074	15533
1078	15086
1079	15086
1101	14933
1132	15535

8 CFR

212	15252
214	15253
252	15253

9 CFR

1	15076
9	15076
11	15076
18	15076
74	15077
91	15507
92	15507
94	15507
201	14874
PROPOSED RULES:	
201	15089

10 CFR

40	15363

12 CFR

1	15077
3	14981
8	15078
208	15019, 15253

12 CFR—Continued

	Page
211	14874
525	15198
545	15198
PROPOSED RULES:	
541	15221
545	15221
561	15222
563	15222, 15223

13 CFR

110	15198

14 CFR

11 [New]	15074
37 [New]	15317
39 [New]	15011, 15199
40	14874
41	14874
42	14874
43 [New]	14981
61 [New]	14915
71 [New]	14916–14919, 14982, 14983, 15074, 15075, 15199, 15254, 15355, 15408.
73 [New]	14919, 15408
75 [New]	15355
91 [New]	14983
93 [New]	15200
97 [New]	14983, 15012, 15067, 15494
105 [New]	14919
241	14875
507	14920, 15282, 15409
514	15356
PROPOSED RULES:	
39 [New]	15217
71 [New]	14933, 14934, 14936, 14937, 14991, 14992, 15090–15094, 15218–15220, 15376 15377, 15444, 15445.
73 [New]	15094, 15220, 15378
75 [New]	14938, 15221
165 [New]	15378
221	15174
241	15537

15 CFR Page

230 ... 15020

16 CFR

13 ... 14876, 15116, 15201, 15203, 15204, 15507, 15508.

17 CFR

200 ... 15282

PROPOSED RULES:

240 ... 15539

18 CFR

201 ... 15020

260 ... 15020

19 CFR

1 ... 15364, 15509

8 ... 14921

10 ... 14987

16 ... 15409

20 CFR

25 ... 14921

403 ... 15509

404 ... 15116, 15509

21 CFR

1 ... 15285

3 ... 15287, 15364

5 ... 15285

8 ... 14983, 15023, 15287

51 ... 14984

120 ... 15023, 15204

121 ... 14984–14986, 15023, 15117 15255, 15256, 15415, 15511–15513.

132 ... 14986

141a ... 15023

146c ... 15255

PROPOSED RULES:

27 ... 15264

46 ... 15173

121 ... 14990, 15538

147 ... 15264

24 CFR

200 ... 15365

25 CFR

PROPOSED RULES:

221 ... 15264

26 CFR

1 ... 14877, 14879, 14921, 15204, 15365

198 ... 15023

240 ... 15023

PROPOSED RULES:

1 ... 14884, 14887, 15028, 15209

27 CFR

PROPOSED RULES:

5 ... 15129

29 CFR Page

PROPOSED RULES:

681 ... 15173

31 CFR

3 ... 15256

92 ... 15287

211 ... 15287

361 ... 15288

32 CFR

562 ... 15371

564 ... 15011

577 ... 15483

816 ... 15118

850 ... 14879

885 ... 14879

901 ... 14880

1001 ... 15078, 15121, 15257

1002 ... 15121, 15258

1003 ... 15079, 15121, 15258

1004 ... 15121, 15258

1006 ... 15123, 15258

1007 ... 15123, 15258

1008 ... 15259

1009 ... 15259

1010 ... 15123, 15260

1011 ... 15260

1013 ... 15260

1014 ... 15260

1016 ... 15080, 15260

1030 ... 15080, 15260

1054 ... 15081, 15123, 15260

32A CFR

OEP (Ch. I):

DMO IV–2 ... 14883

DMO 8500.1 (superseded by DMO 8500.1A) ... 15123

DMO 8500.1A ... 15123

33 CFR

116 ... 15513

135 ... 14987

202 ... 15082

203 ... 15082

207 ... 15409

35 CFR

4 ... 15020

36 CFR

PROPOSED RULES:

2 ... 15084

6 ... 14888

37 CFR

1 ... 15208

38 CFR

2 ... 15126

3 ... 15205

39 CFR Page

4 ... 15260

112 ... 14928

168 ... 14928

41 CFR

Ch. 1 ... 15513

5–60 ... 14928

5B–2 ... 15026

9–3 ... 15409

9–7 ... 15411

11–6 ... 15411

11–11 ... 15372

11–12 ... 15373

42 CFR

57 ... 15513

PROPOSED RULES:

32 ... 15174

43 CFR

2230 ... 15516

45 CFR

401 ... 15126

46 CFR

137 ... 14988

201 ... 15374

308 ... 15288

PROPOSED RULES:

502 ... 15380

47 CFR

0 ... 15082, 15288

1 ... 14989, 15516

73 ... 15518, 15520

74 ... 15521, 15523

87 ... 14883

89 ... 14931

91 ... 15523

97 ... 15082, 15288

PROPOSED RULES:

2 ... 15180, 15445

73 ... 14889, 14938, 15180, 15181, 15183

74 ... 15180

49 CFR

8 ... 15493

95 ... 15127

176 ... 15289

187 ... 15292

PROPOSED RULES:

Ch. I ... 15446

10 ... 15539

170 ... 15084

50 CFR

32 ... 14931, 15128, 15261, 15374

33 ... 15208, 15261, 15262, 15375

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