Pages 5781–5822

FEDERAL REGISTER

VOLUME 29 NUMBER 86

Washington, Friday, May 1, 1964

Contents

(*Continued on next page*)

Codification Guide

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

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

1 CFR

CFR Checklist 5783

7 CFR

909 5783

PROPOSED RULES:
728 5804

14 CFR

71 [New] (12 documents) 5784–5787
73 [New] 5787
399 5787

PROPOSED RULES:
40 5805
41 5805
42 5805
71 [New] (2 documents) 5806, 5807
75 [New] 5807

19 CFR

8 5788

21 CFR

121 5788

30 CFR

PROPOSED RULES:
222 5805

32 CFR

861 5789
1001 5789
1002 5790
1003 5790
1007 5791
1012 5792
1013 5793
1016 5794
1057 5794

32A CFR

OEP (Ch. I):
DMO 8500.1 5796

41 CFR

51–1 5796

46 CFR

523 5797

47 CFR

81 5798
83 (3 documents) 5798, 5800
85 5798

49 CFR

2a 5801

50 CFR

33 5801
60 5801

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1964 Issuances

This checklist, published in the first issue of each month, is arranged in order of titles, and shows the issuance date and price of revised volumes and pocket supplements of the Code of Federal Regulations issued to date during 1964. New units issued during the month are announced in the FEDERAL REGISTER as they become available. Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

CFR unit (as of Jan. 1, 1964)	*Price*
3 1963 Supp	$1.00
7 Parts:	
1–50 Supp	1.00
51–52 Supp	1.00
53–209 Supp	.75
210–399 Supp	.60
900–944 Rev	1.00
945–980 Rev	.70
981–999 Rev	.60
1000–1029 Rev	1.00
1030–1059 Rev	1.00
1060–1089 Rev	.75
1090–1119 Rev	.65
1120–1199 Rev	.70
8 Supp	.55
9 Supp	.75
10–11 Supp	.40
12 Supp	.50
13 Supp	.40
14 Parts:	
1–19 Rev	2.50
20–199 Rev	1.75
200–399 Rev	1.25
400–end Rev	1.00
16 Supp	1.00
18 Supp	.55
19 Rev	1.75
22–23 Supp	.65
24 Supp	.50
25 Supp	.60
26 Parts:	
1 (§§ 1.0–1—1.400) Supp	.65
1 (§§ 1.401—1.860) Supp	1.00
1 (§§ 1.861—end) to 19 Supp	.75
20–29 Supp	.40
30–39 Supp	.40
40–169 Supp	1.00
170–299 Supp	.60
300–499 Supp	.40
500–599 Supp	.30
600–end Supp	.40
27 Supp	.30
28 Rev	.50
30–31 Supp	1.25
32 Parts:	
1–39 Supp	1.25
40–399 Supp	.60
400–589 Supp	.45
590–699 Supp	.70
700–799 Supp	.55
800–999 Supp	.70
1000–1099 Rev	1.75
1100–end Supp	.60
32A Supp	.70
33–34 Supp	.60
35 Supp	.35
36 Supp	.50
37 Supp	.35
39 Supp	1.00
40–41 Parts:	
1–1—1–17 Rev	$1.25
2–1—end Rev	2.25
42 Supp	.60
43 Rev	2.50
44 Supp	.50
45 Supp	.65
46 Parts:	
1–145 Supp	.45
146–149 Rev	2.50
150–end Supp	1.50
47 Parts:	
0–19 Rev	1.00
20–69 Rev	1.50
70–79 Rev	1.00
48 New	.45
49 Parts:	
0–70 Supp	.40
91–164 Supp	.60
165–end Rev	6.25
50 Supp	.50

Title 7—AGRICULTURE

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

[Grapefruit Reg. 19]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.319 Grapefruit Regulation 19.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on April 22, 1964, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on April 27, 1964; information regarding the provisions of the regulation recommended by the committee has been disseminated to handlers of grapefruit grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 3, 1964, and ending at 12:01 a.m., P.s.t., August 31, 1964, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2: *Provided,* That any such grapefruit may have scars to the extent permitted by the U.S. No. 3 grade: *Provided further,* That, in lieu of the 10 percent tolerance provided for the U.S. No. 2 grade, not more than a total tolerance of 20 percent, by count, shall be allowed for fruit which fail to meet the requirements of such grade but included in such tolerance (*a*) not more than 15 percent, by count, shall be allowed for serious damage caused by dryness; (*b*) not more than 10 percent, by count, shall be allowed for defects other than serious damage caused by dryness; and (*c*) not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point outside thereof, in Zone 1 or Zone 2, any grapefruit, grown as aforesaid, which measure less than $3\frac{6}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing

minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than 3 9/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 13/16 inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," "Zone 1," "Zone 2," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "U.S. No. 3" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

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

Dated: April 28, 1964.

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

[F.R. Doc. 64–4370; Filed, Apr. 30, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64–EA–22]

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

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the description of the New York, N.Y. (International Airport) control zone.

The John F. Kennedy International Airport control zone is presently designated, in part, with reference to the Scotland, N.J., radio beacon. The United States Coast Guard plans to discontinue operation of this radio beacon for a period of approximately six months beginning on or about June 1, 1964, and move the Ambrose Lightship into this vicinity for use as an approach facility. During this period, the Coast Guard intends to evaluate the feasibility of eliminating the Scotland radio beacon permanently. Therefore, action is taken herein to substitute geographical coordinates of the facility site for the term "Scotland RBN" in the description of the control zone pending collection and assessment of the results of the feasibility study. Controlled airspace requirements will be reviewed at a later date under the CAR Amendments 60–21/60–29 implementation program for the New York terminal area.

Since the change effected by this amendment is editorial in nature, notice and public procedure hereon are unnecessary and it may be made effective upon the date of publication in the FEDERAL REGISTER.

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

In § 71.171 (29 F.R. 1101, 1561), the New York, N.Y. (International Airport) control zone is amended as follows:

In the text "and within 2 miles either side of the 010° bearing from the Scotland, N.J., RBN extending from the NAS New York 5-mile radius zone to the RBN." is deleted and "and within 2 miles each side of the 010° bearing from latitude 40°26'48" N., longitude 73°54'12" W., extending from the NAS New York 5-mile radius zone to latitude 40°26'48" N., longitude 73°54'12" W." is substituted therefor.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on April 24, 1964.

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

[F.R. Doc. 64–4314; Filed, Apr. 30, 1964; 8:45 a.m.]

[Airspace Docket No. 64–WE–22]

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

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the effective hours of the Troutdale, Oreg., control zone.

The control zone at Troutdale is now designated as in effect from 0600 to 2200 P.s.t., daily. This amendment revises the effective period to 0700 to 2300 hours, local time, daily, so that it corresponds with the hours of operation of the Troutdale control tower. This change will also preclude any additional changes to conform with daylight saving time.

Since this amendment is minor in nature, compliance with the notice and public procedure requirements of the Administrative Procedure Act is unnecessary and the amendment may be made effective upon the date of publication in the FEDERAL REGISTER.

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

In § 71.171 (29 F.R. 1101), the Troutdale, Oreg., control zone is amended as follows:

In the text "0600 to 2200 P.s.t., daily." is deleted and "0700 to 2300 hours, local time, daily." is substituted therefor.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on April 24, 1964.

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

[F.R. Doc. 64–4315; Filed, Apr. 30, 1964; 8:45 a.m.]

[Airspace Docket No. 63–CE–72]

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

Designation of Control Zone and Transition Area

On January 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 570) stating that the Federal Aviation Agency proposed to designate a control zone and transition area at Hastings, Nebr.

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

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

1. Section 71.171 (29 F.R. 1101) is amended by adding the following control zone:

Hastings, Nebr.

Within a 5-mile radius of Hastings Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), within 2 miles each side of the 338° bearing from Hastings Municipal Airport, extending from the 5-mile radius zone to 8 miles NW of the airport, and within a 1-mile radius of Kent Airport, Juniata, Nebr. (latitude 40°40'00" N., longitude 98°30'15" W.), from 0600 to 2100 hours, local time, daily.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following transition area:

Hastings, Nebr.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hastings Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), and within 5 miles E and 8 miles W of the 338° bearing from Hastings Municipal Airport, extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 7 miles E and 5 miles W of the 158° bearing from Hastings Municipal Airport, extending from the arc of a 7-mile radius circle centered on Hastings Municipal Airport to 18 miles SE of the airport, and within 5 miles E and 8 miles W of the 338° bearing from Hastings Municipal Airport, extending from 12 miles NW of the airport to 20 miles NW of the airport.

These amendments shall become effective 0001 e.s.t., June 25, 1964.

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

Issued in Washington, D.C., on April 24, 1964.

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

[F.R. Doc. 64–4316; Filed, Apr. 30, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-53]

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

Alteration of Control Zone and Transition Area; Revocation of Control Area Extension and Designation of Transition Area

On December 10, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 13368) stating that the Federal Aviation Agency proposed to alter the Augusta, Ga., control zone and the Macon, Ga., transition area; revoke the Augusta, Ga., control area extension and designate the Augusta transition area. A supplemental notice of proposed rule making which proposed additional controlled airspace to protect a new instrument approach to Bush Field, Augusta, Ga., was published in the FEDERAL REGISTER (29 F.R. 2560) on February 19, 1964.

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

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

1. In § 71.171 (29 F.R. 1101), the Augusta, Ga., control zone is amended to read:

Augusta, Ga.

Within a 5-mile radius of Bush Field, Augusta, Ga. (latitude 33°22'10" N., longitude 81°57'55" W.); within 2 miles each side of the Augusta RBN 128° bearing, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Augusta VOR 140° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR; within 2 miles each side of the 348° bearing from the Augusta LMM, extending from the 5-mile radius zone to 7 miles N of the LMM; and within a 2-mile radius of Daniel Field, Augusta, Ga. (latitude 33°27'55" N., longitude 82°02'-25" W.).

2. In § 71.165 (29 F.R. 1073) the Augusta, Ga., control area extension is revoked.

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

a. The following transition area is added:

Augusta, Ga.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Bush Field, Augusta, Ga. (latitude 33°-22'10" N., longitude 81°57'55" W.); within a 5-mile radius of Daniel Field, Augusta, Ga. (latitude 33°27'55" N., longitude 82°02'25" W.); within 8 miles W and 5 miles E of the Augusta LOM 168° bearing, extending from the Bush Field 9-mile radius area to 12 miles S of the LOM; within 2 miles each side of the Augusta VOR 140° and 320° radials, extending from the Daniel Field 5-mile radius area to 8 miles NW of the VOR; within 2 miles each side of the Augusta RBN 308° bearing, extending from the Daniel Field 5-mile radius area to 8 miles NW of the RBN; and within 2 miles each side of the 348° bearing from the Augusta LMM, extending from the Augusta LMM to 18 miles N of the LMM; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from the intersection of longitude 82°50'00" W., and a line 10 miles N of and parallel to the Augusta VOR 278° radial; thence E via a line 10 miles N of and parallel to the Augusta VOR 278° radial; to and clockwise along the arc of a 23-mile radius circle centered at the Augusta VOR; to and N along a line 10 miles W of and parallel to the Augusta VOR 359° radial; to and counterclockwise along the arc of a 15-mile radius circle centered on the Greenwood, S.C., VOR; to and S along a line 8 miles E of and parallel to the Augusta VOR 359° radial; to and clockwise along the arc of a 23-mile radius circle centered on the Augusta VOR; to and NE along the N boundary of V-155; to longitude 81°41'30" W.; to latitude 33°46'00" N., longitude 81°-37'00" W.; to latitude 33°23'25" N., longitude 81°37'00" W.; thence via a line extending through latitude 33°23'25" N., longitude 81°37'00" W., and latitude 33°05'30" N., longitude 81°48'45" W.; to and S along the E boundary of V-185; to and SW along the N boundary of V-70; to and N along a line 8 miles W of and parallel to the Augusta VOR 157° radial; to latitude 33°03'30" N., longitude 82°02'20" W.; to latitude 33°03'50" N., longitude 82°50'00" W., thence N via longitude 82°50'00" W., to the point of beginning; and that airspace extending upward from 3,000 feet MSL bounded on the N by a line extending from latitude 33°03'40" N., longitude 82°30'00" W.; to latitude 33°-03'30" N., longitude 82°02'20" W., on the E by a line 8 miles W of and parallel to the Augusta VOR 157° radial, on the S by the N boundary of V-70, and on the W by longitude 82°30'00" W.; excluding the portions which would coincide with R-3003, R-3004, and R-6004.

b. The Macon, Ga., transition area is amended to read:

Macon, Ga.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Robins AFB; within 8 miles SE and 5 miles NW of the Macon ILS localizer SW course extending from the Cochran Field to 12 miles SW of the ILS OM; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Macon VORTAC; within the area N of Macon bounded on the N by V-18, on the E by V-35, and on the SW by V-267; within the area SE of Macon bounded on the NW by V-70, on the NE by V-5, and on the SW by V-243 and a line 5 miles NE of and parallel to the Alma, Ga., VORTAC 305° radial; that airspace extending upward from 3,000 feet MSL within the area NE of Macon extending from the 35-mile radius area bounded on the N by V-18, on the E by longitude 82°50'00" W., on the SE by V-56 and on the W by V-35; within the area E of Macon extending from the 35-mile radius area bounded on the NE by V-56, on the N by a line extending through latitude 33°03'50" N., longitude 82°50'00" W., and latitude 33°03'40" N., longitude 82°30'00" W., on the E by longitude 82°30'-00" W., on the S by V-70, and on the W by V-267; within the area SE of Macon bounded on the N by V-154, on the E by longitude 82°30'00" W., on the SE by a line extending from latitude 32°15'00" N., longitude 82°30'-00" W., through latitude 32°10'00" N., longitude 82°42'15" W., on the W by V-267, and on the NW by V-70; and the area S of Macon bounded on the N by V-70, on the E by V-243, on the S by latitude 32°00'00" N., and on the W by V-35.

These amendments shall become effective 0001 e.s.t., June 25, 1964.

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

Issued in Washington, D.C., on April 24, 1964.

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

[F.R. Doc. 64-4317; Filed, Apr. 30, 1964; 8:45 a.m.]

[Airspace Docket No. 63-CE-135]

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

Extension of Federal Airway

On January 29, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1479) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] which would extend VOR Federal airway No. 217 from Rhinelander, Wis., to Duluth, Minn.

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

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

Section 71.123 (29 F.R. 1009) is amended as follows:

In V-217 "to Rhinelander, Wis." is deleted and "Rhinelander, Wis.; to Duluth, Minn. (13 miles wide from 45 nmi from Rhinelander to 45 nmi from Duluth)." is substituted therefor.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

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

Issued in Washington, D.C., on April 22, 1964.

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

[F.R. Doc. 64-4318; Filed, Apr. 30, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-31]

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

Alteration and Designation of Federal Airways

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter Green Federal airway No. 1 from Millinocket, Maine, to Forest City, New Brunswick, Canada, and to designate the United States portion of Canadian Amber airway No. 10 from Pennfield Ridge, New Brunswick, Canada, to Forest City.

Green Federal airway No. 1 is designated in part from the Millinocket radio beacon to the Fredericton, New Brunswick, Canada, radio range. Canadian Amber airway No. 10 is designated from Pennfield Ridge to the intersection of the southeast course of the Spragueville, Maine, radio range and the west course of the Fredericton radio range (Orient Intersection). The Canadian Department of Transport has installed a radio

beacon at latitude 45°42'19" N., longitude 67°44'55" W., approximately 5 miles south of the Orient Intersection. They propose to alter Green 1 and Amber 10 via the new beacon and have requested the United States to take associated actions. The alteration of Amber 10 would place a portion of this airway within the United States. The alignment of both airways via the Forest City radio beacon would provide more precise navigational guidance along these airways.

Since these actions are minor in nature and will impose no undue burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

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

1. Section 71.103 (29 F.R. 1006) is amended as follows:

In G–1 "to the Fredericton, New Brunswick, Canada, RR," is deleted and "the Forest City, New Brunswick, Canada, RBN; to the Fredericton, New Brunswick, Canada, RR," is substituted therefor.

2. Section 71.105 (29 F.R. 1006) is amended by adding A–10 as follows:

A–10 From the Pennfield Ridge, New Brunswick, Canada, RBN to the Forest City, New Brunswick, Canada, RBN, excluding the portion within Canada.

These amendments shall become effective 0001 e.s.t., July 2, 1964.

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

Issued in Washington, D.C., on April 22, 1964.

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

[F.R. Doc. 64–4319; Filed, Apr. 30, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SW–112]

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

Revocation of Federal Airway Segments

On February 4, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1695) stating that the Federal Aviation Agency was considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke the following airway segments.

1. VOR Federal airway No. 12 north alternate from Anton Chico, N. Mex., to Tucumcari, N. Mex.

2. VOR Federal airway No. 16 north alternate from Salt Flat, Tex., to Wink, Tex.

3. VOR Federal airway No. 114 north alternate from Amarillo, Tex., to Childress, Tex.

4. VOR Federal airway No. 1630 from Santa Fe, N. Mex., to Lubbock, Tex.

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

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

1. Section 71.123 (29 F.R. 1009, 2336, 3226, 3756) is amended as follows:

a. In V–12 "Tucumcari, N. Mex., including an N alternate via INT of Anton Chico 067° and Tucumcari 291° radials;" is deleted and "Tucumcari, N. Mex.;" is substituted therefor.

b. In V–16 "Wink, Tex., including an N alternate;" is deleted and "Wink, Tex.;" is substituted therefor.

c. In V–114 "Childress, Tex., including an N and an S alternate;" is deleted and "Childress, Tex., including an S alternate;" is substituted therefor.

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

In V–1630 all before "Big Spring, Tex." is deleted and "Lubbock, Tex.;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., June 25, 1964.

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

Issued in Washington, D.C., on April 22, 1964.

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

[F.R. Doc. 64–4320; Filed, Apr. 30, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SW–118]

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

Alteration and Revocation of Federal Airway Segment

On February 4, 1964, a notice of proposed rule making was publishing in the FEDERAL REGISTER (29 F.R. 1695) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would alter VOR Federal airway No. 284 from Ft. Stockton, Tex., to San Angelo, Tex.

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

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

In § 71.123 (29 F.R. 1009) V–284 is amended to read:

V–284 From Fort Stockton, Tex., to San Angelo, Tex.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

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

Issued in Washington, D.C., on April 22, 1964.

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

[F.R. Doc. 64–4321; Filed, Apr. 30, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SW–122]

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

Revocation of Federal Airway Segment

On February 11, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 2351) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would revoke the segment of VOR Federal airway No. 62 from Zuni, N. Mex., to Cactus, N. Mex., Intersection.

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

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

Section 71.123 (29 F.R. 1009) is amended as follows:

In V–62 all before "Santa Fe;" is deleted and "From the INT of Albuquerque, N. Mex., 329° and Santa Fe, N. Mex., 268° radials via" is substituted therefor.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

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

Issued in Washington, D.C., on April 24, 1964.

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

[F.R. Doc. 64–4322; Filed, Apr. 30, 1964; 8:45 a.m.]

[Airspace Docket No. 63–WE–115]

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

Revocation of Federal Airway Segment

On February 4, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1696) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would revoke the segment of VOR Federal airway No. 168 from Medicine Bow, Wyo., to Scottsbluff, Nebr.

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

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

In § 71.123 (29 F.R. 1009) V–163 is amended to read:

V–168 From Scottsbluff, Nebr., to O'Neill, Nebr.

This amendment shall become effective 0001 e.s.t., June 25, 1964.

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

Issued in Washington, D.C., on April 22, 1964.

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

[F.R. Doc. 64-4323; Filed, Apr. 30, 1964; 8:46 a.m.]

[Airspace Docket No. 63-EA-39]

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

Transition Area; Redesignation

On April 7, 1964, Federal Register Document 64-3331 was published in the FEDERAL REGISTER (29 F.R. 4853) which, in part, amended § 71.181 of the Federal Aviation Regulations. In the document, action pertaining to the Olean, N.Y., transition area was misplaced in the format and appeared under a new designation heading instead of as a redesignation as intended. Action is taken herein to place the redesignation of the Olean transition area in its correct position in the document format.

Since the alteration is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, effective immediately, Federal Register Document 64-3331 (29 F.R. 4853) is altered as follows:

Numbered paragraph 3. which amends § 71.181 (29 F.R. 1160) is amended as follows:

Subparagraph a.3. is deleted and subparagraph a.4. is renumbered a.3.

Subparagraph b. is amended as follows:

b. The following transition areas are amended to read:

1. *DuBois, Pa.*
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the DuBois-Jefferson County Airport (latitude 41°10'45" N., longitude 78°53'45" W.), and within 2 miles each side of the DuBois RBN 056° bearing, extending from the 6-mile radius area to 8 miles NE of the RBN.

2. *Olean, N.Y.*
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Olean Municipal Airport (latitude 42°-14'20" N., longitude 78°22'30" W.), and within 2 miles each side of the Olean RBN 033° bearing, extending from the 7-mile radius area to 8 miles NE of the RBN, from 0800 hours, local time, to sunset, daily.

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

Issued in Washington, D.C., on April 22, 1964.

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

[F.R. Doc. 64-4324; Filed, Apr. 30, 1964; 8:46 a.m.]

[Airspace Docket No. 63-SO-14]

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

Transition Area, Designation; Correction

On March 12, 1964, there was published in the FEDERAL REGISTER (29 F.R. 3293) an amendment to § 71.181 of the Federal Aviation Regulations which designated a transition area, effective April 30, 1964, at Camp Stewart, Ga. The correct name for this location is Fort Stewart, Ga. Accordingly, action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the original effective date may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 63-SO-14 (29 F.R. 3293) is hereby modified as follows:

In the title of the Camp Stewart, Ga., transition area "Camp Stewart, Ga." is deleted and "Fort Stewart, Ga." is substituted therefor.

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

Issued in Washington, D.C., on April 22, 1964.

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

[F.R. Doc. 64-4325; Filed, Apr. 30, 1964; 8:46 a.m.]

[Airspace Docket No. 64-WA-25]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

The purpose of this amendment to § 73.48 of the Federal Aviation Regulations is to change the using agency of the Las Vagas, Nevada, Restricted Area R-4808 from "Manager, Atomic Energy Commission, Albuquerque, New Mexico" to "Manager, Atomic Energy Commission, Las Vegas, Nevada."

The Atomic Energy Commission has advised the Federal Aviation Agency that the using agency of R-4808 has been changed as stated above. Accordingly, action is taken herein to reflect this change.

Since this amendment will impose no burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

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

In the text of § 73.48 (29 F.R. 1262), R-4808 Las Vegas, Nevada, "Using agency. Manager, Atomic Energy Commission, Albuquerque, New Mexico" is deleted and "Using agency. Manager, Atomic Energy Commission, Las Vegas, Nevada" is substituted therefor.

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

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

Issued in Washington, D.C., on April 23, 1964.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 64-4326; Filed, Apr. 30, 1964; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER F—POLICY STATEMENTS

[Regulation Policy Statement No. 22]

PART 399—STATEMENTS OF GENERAL POLICY

Air Carrier Participation in Programs of Technical Assistance to Airlines of Less Developed Countries

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of April 1964.

The Civil Aeronautics Board is of the view that it is desirable to set forth, by means of an amendment of Part 399, a statement of policy on participation by air carriers in U.S. Government-financed programs of technical assistance to airlines of less developed countries.

The Agency for International Development (AID) from time to time finances contracts through which United States air carriers furnish technical assistance to airlines of less developed countries as a means of helping to strengthen the economies of those countries. The technical assistance contracts normally involve the creation of relationships between the U.S. air carriers, their officers and directors and foreign airlines which are subject to the jurisdiction of the Civil Aeronautics Board under sections 408, 409, and 412 of the Federal Aviation Act of 1958. A U.S. carrier must therefore have Board approval to participate effectively in a technical assistance program. In response to AID's request, we recently furnished that agency a statement of our views regarding United States carrier participation in the programs. In that statement we suggested principles to be considered in the selection of the U.S. carriers to provide the technical assistance.

The Board has determined that the policy furnished to AID should be formulated as a statement of general policy for guidance of the industry and the public. The considerations underlying the policy are set out in the text thereof. Since this is a statement of policy and does not impose any additional burden on any person, notice and public procedure hereon are unnecesary and it may be made effective upon less than 30 days' notice. However, comments (10 copies) of interested persons on this statement of policy, submitted to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, on or before May 18, 1964, will be considered by the Board and the statement may be amended in light of such comments.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 399, its Statements of General Policy (14 CFR Part 399), effective May 1, 1964, as follows:

1. By amending the title of Subpart H to read as follows:

Subpart H—Other Policies Relating to Interests and Activities of Air Carriers

2. By adding thereto a new § 399.91 to read as follows:

§ 399.91 Air carrier participation in programs of technical assistance to airlines of less developed countries.

(a) *Applicability.* This policy shall apply to proceedings under sections 408, 409, and 412 of the Act in which the Board is required to make any determination as to the public interest or consistency with the Act of any agreement or relationship sought to be entered into by an air carrier, or officer or director thereof, with a foreign airline in connection with the performance of some activity pursuant to a technical assistance contract financed by an agency of the U.S. Government.

(b) *Policy.* It is the policy of the Board that all U.S. air carriers interested in performing contracts for aviation technical assistance to foreign airlines should have equal access to information necessary to bid on such contracts, and should be given equal consideration thereafter in the award of such contracts based upon customary contracting criteria and subject to the considerations set forth below:

(1) The air carrier selected should possess the necessary technical and managerial skills and economic strength to perform the assigned task in the recipient country to the credit of the United States. Where familiarity with the particular language and culture of the recipient country are important to the success of the project, weight should be given to the capabilities of all interested carriers in this regard, including particularly those which a route carrier may have acquired through service to the country or area.

(2) Where a single U.S. route carrier is serving or is certificated to serve the recipient country or the region in which it is located, and where initiation or continued operation of the route by such carrier is an important national interest objective of the United States, weight should be given to any evidence that an award of the contract to the route carrier as opposed to any other U.S. carrier would help to achieve this objective.

(3) An air carrier performing a technical assistance contract will necessarily occupy a close special relationship with the airline and Government of the recipient country. Over and above the terms of any specific contract, there is latent in such relationship the possibility of a relative preference for such carrier over a competing U.S. air carrier in matters of interline traffic, governmental restrictions, etc. Accordingly, where more than one U.S. route carrier is certificated to serve the recipient country and more than one such carrier wishes to perform the technical assistance, none of such carriers should be awarded the contract over the objection of any other except under very unusual circumstances.

(4) Technical assistance contracts should contain realistic objectives and require competent performance at reasonable cost and within a reasonable period of time consistent with the ability of the foreign airline to become self-sufficient.

(5) Technical assistance contracts should not be awarded to a U.S. route carrier with major economic interests hostile to those of the U.S. route carrier serving the country.

(6) Technical assistance contracts should not be awarded to subsidized carriers except under special circumstances. Such circumstances should include at least a showing (i) that the subsidized carrier has special qualifications, the utilization of which is required in the national interest by the circumstances of a particular program, and (ii) that performance of the contract will not interfere with the primary business of the subsidized carrier which is to provide air transportation in the United States. In the latter connection, it is to be recognized that participation with maximum effectiveness in a technical assistance program would not only divert the attention of top management from certificated services but might also involve the assignment of the most competent senior operational and technical personnel, the diversion of funds at least on a short-term basis, and the possible transfer from certificated services of aircraft and related equipment. Normally, therefore, unless substantial evidence and arguments are produced to the contrary, participation by subsidized carriers in technical assistance programs will be considered inconsistent with the public interest.

(Secs. 102, 204(a), 408, 409 and 412 of the Federal Aviation Act of 1958, 72 Stat. 740, 743, 767, 768, and 770; 49 U.S.C. 1302, 1324, 1378, 1379, and 1382 and sec. 3 of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002)

By the Civil Aeronautics Board.

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

[F.R. Doc. 64-4360; Filed, Apr. 30, 1964; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56163]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Additional Copies of Entry Required by Local Conditions

An extra copy of the entry is required to facilitate the sampling of merchandise when it is not feasible to furnish the sampler the invoice. The following amendment will provide authority for this copy and any additional copy of the entry which will be required for purposes which are approved by the Bureau.

Section 8.27 is amended by adding another sentence to read: "The collector may require additional copies of the entry where the intended use has been specifically approved by the Bureau."

(Secs. 484, 624, 46 Stat. 722, as amended; 759; 19 U.S.C. 1484, 1624)

[SEAL] PHILIP NICHOLS, Jr., *Commissioner of Customs.*

Approved: April 23, 1964.

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

[F.R. Doc. 64-4353; Filed, Apr. 30, 1964; 8:48 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 F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CLOSURES WITH SEALING GASKETS FOR FOOD CONTAINERS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 904) filed by W. R. Grace and Company, Dewey and Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Massachusetts, 02140, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of 4,4'-oxybis(benzene sulfonyl hydrazide) in the formulation of closure-sealing gaskets used in closures for food containers. 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), § 121.2550 is amended by inserting a new item following the item "Oleyl alcohol" in Table 1 in paragraph (b)(5), as follows:

§ 121.2550 Closures with sealing gaskets for food containers.

* * * * * *

(b) * * *

(5) * * *

TABLE 1

List of substances	Limitations (expressed as percent by weight of closure-sealing gasket composition)
* * *	* * *
4,4'-Oxybis(benzene sulfonyl hydrazide).	0.5%.

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: April 24, 1964.

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

[F.R. Doc. 64-4355; Filed, Apr. 30, 1964; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER F—RESERVE FORCES

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTERS

1. The heading of Part 861 and its center heading are changed to read as follows:

PART 861—OFFICERS' RESERVE

USAF OFFICER TRAINING SCHOOL (OTS)

2. Subchapter W is amended to read as follows:

PART 1001—GENERAL PROVISIONS

Subpart C—Determinations and Findings

§ 1001.312 [Amendment]

In § 1001.312(a), fourth sentence, "accounting and finance office" is amended to read "accounting and finance officer."

Subpart D—Procurement Responsibility and Authority

1. In § 1001.402 revise paragraph (a) to read as follows:

§ 1001.402 General authority of contracting officers.

(a) According to the provisions of Subchapter A, Chapter I of this title and this subchapter, any contracting officer is hereby authorized to enter into contracts on approved forms for supplies and services on behalf of the Government and in the name of the United States of America, whether by formal advertising or by negotiation. Unless otherwise specifically provided, the words "the contracting officer" when used in Subchapter A, Chapter I of this title, this subchapter, or in any contract, supplemental agreement, or change order, are construed to include any contracting officer, acting within the scope of the written orders designating him a contracting officer, his duly designated successor, or authorized representative. Purchases will be made only by individuals duly designated as contracting officers, except (1) Purchases from Imprest Funds which will be made according to § 1003.604 of this subchapter, (2) emergency purchases of fuel, oil, repairs, etc., which will be made according to AFR 67-24 (USAF Invoice—AF Form 15 and Invoice Envelope—AF Form 15A) and § 1003.651 of this subchapter, and (3) emergency purchases of medical supplies and equipment, which will be made according to AFM 67-1, volume 5, chapter 16, paragraph 10, followed by the issuance of a confirmatory purchase order or contract by the contracting officer. Purchases, made by persons to whom requisite authority has not been delegated may, under certain circumstances, be ratified according to § 1001.453(j).

* * * * *

2. In § 1001.453 revise entire paragraph (j) to read as follows:

§ 1001.453 Delegations of authority.

* * * * *

(j) In the event that a person acts without the requisite authority, his action may, under certain circumstances, be later ratified.

(1) Purchases involving $2,500 or less, made by persons to whom requisite authority has not been delegated, may be ratified in the case of persons under the jurisdiction of (i) the major air commands (other than AFLC and AFSC) by the commander of the respective major air command with power of redelegation to the DCS/materiel or comparable office within the major air command headquarters, and (ii) AFLC and AFSC by the commanders of the first echelon of command immediately subordinate to Hq AFLC and AFSC. Each such transaction will be submitted for review and possible ratification according to the following procedures:

(*a*) A statement of all pertinent facts of the transaction, accompanied by a file of all relevant documents and records, will be forwarded (over the signature of the base commander or officer who has command over the installation in which the unauthorized act occurred) to the DCS/materiel or equivalent staff office of the respective major air command or to the AFLC or AFSC activity delegated the ratification authority. Cases involving tenant organizations will be forwarded to the major air command to which the tenant is assigned. The statement will include description of any disciplinary action taken or an explanation why none was considered necessary and a description of action taken to prevent recurrence of the unauthorized act. In the case of tenant organizations or nontenant individual not under the jurisdiction of the installation commander, a statement pertaining to disciplinary action will be furnished by the appropriate commander. The individual having committed the unauthorized act will be responsible for furnishing to the contracting officer all the pertinent facts, records, and documentation concerning the transaction. The contracting officer will be responsible for: (*1*) Reviewing and determining adequacy of all facts, records, and documentation furnished; (*2*) preparing the statement of facts; and (*3*) obtaining approval as to legal sufficiency from the local staff judge advocate as to whether the transaction is ratifiable or whether the matter should be processed under Part 17 of this title (Public Law 85-804) or as a GAO claim; (*4*) stating whether the price(s) involved are considered fair and reasonable.

(*b*) The procurement staff officer within the DCS/materiel or equivalent staff office of the respective major air command or the procurement staff office designated by the individual responsible for ratification at the AFLC or AFSC activity, will review the file, obtain any additional evidence required including approval as to legal sufficiency by the staff judge advocate, and prepare a recommendation as to whether the transaction should be ratified stating reasons therefor. Advice against ratification will include a recommendation as to whether the matter should be processed under Part 17 of this title (Public Law 85-804) or as a GAO claim. The complete file will be forwarded to the individual responsible for ratification as indicated in this subparagraph.

(*c*) When the complete file is received by the individual responsible for ratification, he may ratify if he deems it in the best interest of the Government. However, no transaction will be ratified that would not otherwise have been valid if made by a properly authorized contracting officer.

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

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

review under this subparagraph (2) indicating whether or not the transaction was ratified.

(3) Transactions which have been ratified will be forwarded to the appropriate contracting office for issuance of a purchase order or contract for payment purposes, citing 10 U.S.C. 2304(a) (3) if $2,500 or less, 10 U.S.C. 2304(a) (10) if more than $2,500, or other negotiation authority, if appropriate.

(4) Contracting officers do not have the authority to ratify unauthorized acts (§ 1001.457(a)(13)).

* * * * *

3. In § 1001.457(a) subparagraph (13) is revised to read as follows:

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

(a) * * *

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

* * * * *

Subpart J—Publicizing Procurement Actions

In § 1001.1002–50 revise(a) to read as follows:

§ 1001.1002–50 Active reference files.

(a) All AF activities which maintain bid rooms will maintain files of IFBs and RFPs including data and specifications, until opening date, for examination only by prospective bidders. CMDs will retain IFB and RFP files for 60 days after the opening date for use by FCR team members.

* * * * *

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart E—Two-Step Formal Advertising

Revise §§ 1002.500, 1002.502, and 1002.503–1 to read as follows:

§ 1002.500 Applicability of subpart.

This subpart applies to all procurement activities except where otherwise specified.

§ 1002.502 Conditions for use.

(a) This condition includes brand name "or equal" items where the requiring activity or contracting officer cannot determine that the essential characteristics in the description are adequate for straight formal advertising. In such cases, two-step advertising may be used to give other sources an opportunity to present a technical proposal on their brand name, which may differ in certain characteristics from the brand name specified and still be acceptable by the Government. This will prevent complaints and protests after bids are opened concerning the different characteristics of various brand names offered.

(b) to (d) No implementation.

(e) Qualified engineers or other technically qualified personnel must be available to evaluate technical proposals. If two-step advertising is desired and qualified engineers or technical personnel are not available on the installation to evaluate technical proposals, assistance may be requested from other installations or higher headquarters.

PART 1003—PROCUREMENT BY NEGOTIATION

§ 1003.503–1 Step one.

It is necessary to obtain concurrence of the cognizant engineering or technical activity before using this procedure. If the engineering or technical activity concurs in using the two-step procedure, it will specifically state in writing the detailed requirements for the technical proposal to give all bidders an equal opportunity to submit the required data. The engineering or technical activity will furnish to the buyer the criteria for technical proposals, cutoff date for receipt of technical proposals, and anticipated date evaluation of technical proposals will be completed. If the engineering or technical activity does not concur in using this procedure for the procurement under consideration, the nonconcurrence will be signed at the level of the Chief of the Laboratory, or comparable level, and will be considered a final determination not to use this procedure. The reasons cited in the nonconcurrence will be considered in determining an alternate method of procurement.

(a) *Request for technical proposals.* The letter request for technical proposals will be identified as "Letter Request for Technical Proposals (add applicable purchase request number)." The IFB resulting from the request for technical proposals will be numbered in the normal manner. Distribution of request for technical proposals and data will be according to § 1001.1002–51(a) of this subchapter.

(1) to (9) No implementation.

(10) A statement that submission of multiple technical proposals is acceptable, reading substantially as follows:

(i) Bidders are encouraged to submit multiple technical proposals in the first step of this two step procurement. Each of the technical proposals will be evaluated and the source submitting the proposals notified of their acceptability or nonacceptability.

(b) *Receipt and evaluation of technical proposals.* (1) to (3) No implementation.

(4) The engineering activity or technically qualified personnel will submit recommendations to the buyer for discussions with firms which submitted marginal proposals.

(5) Following any discussions with the bidders, the engineering or technical activity will consider the additional information or clarification obtained and give the buyer its final evaluation of each technical proposal. Acceptable proposals will be so designated. For unacceptable proposals, the engineering or technical activity will give complete and detailed reasons why the proposal is not acceptable. Technical evaluations listing proposals which are unacceptable must clearly state whether rejection is based on the failure of the firm to furnish sufficient information or because of an unacceptable engineering approach. If the rejection is because of missing information, required by the technical proposal, the evaluating activity must state specifically what information was not furnished. These evaluations are recommendations only and must be approved by the contracting officer, as selection of sources is his responsibility. However, any differences of opinion between the contracting officer and the engineering or technical activity must be mutually resolved or decision will be made in writing by the Chief or Deputy Chief of the buying division or procurement activity, following discussion with the Chief of the engineering or technical activity.

(c) No implementation.

(d) *Discontinuance.* When technical proposals reveal that only one source is able to furnish a technically acceptable item, the procurement may be continued by negotiation after a Finding and Determination under § 3.210–2 of this title.

Subpart B—Circumstances Permitting Negotiation

In §1003.201–3(b) revise subparagraph (2) to read as follows:

§ 1003.201–3 Limitation.

* * * * *

(b) * * *

(2) Change orders, supplemental agreements, or contract amendments issued pursuant to contractual provisions relating to changes, changed conditions, price escalation, price redetermination, incentive, termination for convenience, default, taxes, and variation in quantity caused by conditions of loading, shipping, packing, or allowances in manufacturing processes.

Subpart C—Determinations and Findings

In § 1003.301 paragraph (c) is redesignated as paragraph (d), and a new paragraph (c) is inserted, as follows:

§ 1003.301 Nature of determinations and findings.

* * * * *

(c) Procurements requiring Secretarial Determination and Findings (D&Fs) under 10 U.S.C. 2304(a)(11) shall, prior to contract signature, require an approval of program management documentation. Program approval will

be provided to the contracting officer by appropriate direction/authorization from Headquarters USAF.

* * * * *

Subpart D—Types of Contracts

1. Revise § 1003.405–1 to read as follows:

§ 1003.405–1 General.

(a) *Limitations.* Determinations and findings required to support use of cost-reimbursement type contracts will be made according to the requirements of §§ 1003.303 and 1003.305(b).

§ 1003.405–5 [Amendment]

2. In § 1003.405–5(a)(2), the symbol "(SCMK–3)" is amended to read "(SCK–3)."

3. Revise §§ 1003.406–1 and 1003.406–2 to read as follows:

§ 1003.406–1 Time and materials contract (T–M).

(a) to (b) No implementation.

(c) *Limitations.* The determination that no other type of contract will suitably serve may be accomplished by the contracting officer placing the contract if the total consideration is not in excess of $5,000. For contracts in excess of $5,000, the determination will be accomplished by the following, subject to the provisions of subparagraph (3) of this paragraph.

(1) Staff officer in charge of procurement at the AFLC or AFSC procurement activity concerned, or the staff officer responsible for procurement within APRE, APRFE, or OAR.

(2) The commander of the major command concerned (or a duly authorized representative not below the level of the staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major command), except for contracts to be placed outside the United States and its possessions the determination also may be made by air attaches and chiefs of AF foreign missions, as appropriate.

(3) The authority set forth in this section is subject to the following limitations: (i) No person will exercise the authority if he is himself the contracting officer in the procurement involved, and (ii) the officials to whom authority is delegated will exercise such authority only within the jurisdictional limits of their respective duty assignments.

§ 1003.406–2 Labor-hour contract (L–H).

(a) to (b) No implementation.

(c) *Limitations.* Limitations on the use of T–M contracts (see § 1003.406–1 (c)) also apply to L–H contracts, except that specific provision will be made that there will be no direct reimbursement for any materials used or consumed in the performance of the L–H contract.

4. In § 1003.408(c) add new subparagraph (4) as follows:

§ 1003.408 Letter contract.

* * * * *

(c) * * *

(4) One copy of all requests for authorization as approved will be forwarded by the procuring activity to the applicable contract administration activity responsible for the administration of the contract.

* * * * *

Subpart E—Solicitations of Proposals and Quotations

In § 1003.501(b) revise subparagraph (17) to read as follows:

§ 1003.501 Preparation of request for proposals or request for quotations.

* * * * *

(b) * * *

(17) One such special factor is the inclusion of reliability and maintainability requirements expressed in specific numerical or quantitative terms, in contract work statements and the accompanying program requirements as per MIL–R–27542 and MIL–M–26512.

* * * * *

Subpart F—Small Purchases

1. Revise §§ 1003.602, 1003.604 (c) and (d), 1003.604–1 (b) to (d) and 1003.605 as follows:

§ 1003.602 Policy.

(a) to (c) No implementation.

(d) When it is not feasible to use the aggregate award procedure in § 3.602(d) of this title, but the nature of the requirement indicates the possibility of multiple awards, the cost of issuing and administering multiple purchase actions will be considered in making awards. For the purpose of this evaluation, the cost of issuing and administering the various purchase documents will be considered to be: (1) $3 for calls against established blanket purchase agreements; (2) $3 for a cash purchase; (3) $10 for order-invoice-voucher; and (4) $12 for DD Form 1155. Suppliers will be notified of this award procedure. When applicable, this section will be cited on the Abstract of Proposals/Quotations as the basis for awarding to other than the low offerer.

§ 1003.604 Imprest funds (petty cash) method.

For the purpose of this section, the following definitions apply:

* * * * *

(c) *"Comptroller activity."* This term includes the accounting and disbursing agent who performs duties described in paragraph 50303, AFM 170–6 or the accounting and finance officer who performs duties described in paragraph 50306, AFM 170–6.

(d) *"Subvoucher."* A receipt for authorized goods or services purchased and payments made (Vendors Sales Document or DD Form 1155).

§ 1003.604–1 Conditions for use.

* * * * *

(b) to (d) No implementation.

* * * * *

§ 1003.605 Order-invoice-voucher method.

DD Form 1155 will be used as an order, seller's invoice, receiving report, and payment voucher under the conditions in § 3.605 of this title. The form may be prepared by ballpoint pen, indelible pencil, or typewriter.

§ 1003.605–50 [Deleted]

2. Delete § 1003.605–50.

Subpart I—Subcontracting Policies and Procedures

Delete present § 1003.903–50 and insert the following therefor:

§ 1003.903–50 Secondary administration.

Refer to § 1054.204 of this subchapter.

PART 1007—CONTRACT CLAUSES

Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

1. Revise §§ 1007.203 and 1007.204–16 as follows:

§ 1007.203 Required clauses.

DD Form 748, General Provisions (Department of Defense Cost-Reimbursement Supply Contract), will be used as prescribed in § 16.204 of this title instead of printing or reproducing the clauses contained therein. Any directed or authorized changes in DD Form 748 will be set forth in the Alterations in Contract clause. Clauses used in any contract in addition to those contained in DD Forms 748 will be entitled "Additional General Provisions" and numbered consecutively. The following additional instructions pertain to specific sections of Subpart B, Part 7 of this title.

§ 1007.204–16 Negotiated overhead rates.

To determine whether negotiated rates are appropriate for use, contact AFSC (SCKPF).

2. In § 1007.204–52 amend the date of the clause heading and paragraph (b) therein, as follows:

§ 1007.204–52 Financial management report.

* * * * *

FINANCIAL MANAGEMENT REPORT (NOV. 1963)

* * * * *

(b) Notwithstanding the provisions of paragraph (a) hereof, if the contractor has reason to believe that the actual costs of performance of this contract may exceed the estimated costs contained herein, the contractor shall submit items one (1) through fourteen (14) of the report set forth in paragraph (a) above once each month, within ten (10) days following the close of the month being reported. The contractor shall furnish in such form as may be requested by the contracting officer additional information and documentation as may be reasonably required to verify the extent and causes under which the actual costs may exceed the estimated cost of performing the contract.

Subpart NN—Special Clauses

1. In § 1007.4047 a Note is added following the clause, as follows:

§ 1007.4047 Safety and accident prevention.

* * * * *

NOTE: In construction contracts the reference to AF Manual 32–3 appearing in lines 5 and 6 of the above clause will be deleted and the following substituted therefor: "Corps of Engineer Manual EM–385–1–1."

2. In § 1007.4061, clause paragraph (b) is set forth to change "Materiel" to "Material" as follows:

§ 1007.4061 Material inspection and receiving report and pricing information.

* * * * *

(b) The Contractor shall further indicate on each DD Form 250, submitted under this contract, the price of Government-Furnished Material (GFM) that is included in each item covered by the respective DD Form 250.

* * * * *

3. In § 1007.4063 the clause is revised to read as follows:

§ 1007.4063 Program progress reporting requirements.

* * * * *

PROGRAM PROGRESS REPORTING REQUIREMENTS (JAN. 1961)

Contractor agrees to submit those program progress reports as are specifically set forth in AFPI Form 21, "Specification of Program Progress Reporting Requirements," attached to this contract, and made a part thereof. Reports shall be prepared in accordance with instructions contained in AFSCM 70–1, Handbook, Contractor Program Progress Reporting, and any amendments in effect on the date of this contract. Bureau of Budget Clearance No. 21–R125.1 applies.

PART 1012—LABOR

Subpart A—Basic Labor Policies

Revise §§ 1012.102–2 through 1012.102–5 and add new § 1012.102–1, as follows:

§ 1012.102–1 Definitions.

(a) "Overtime" deals with hours an individual works rather than the hours a facility is in operation. For purposes of control, the Air Force categorizes overtime as "excepted" or "programmed" as explained in paragraphs (b) and (c) of this section. As used in this subpart, overtime includes extra-pay shifts and multi-shift work.

(b) "Excepted Overtime" is that overtime authorized by the clause in § 12.102–3(a) of this title. Ordinarily it is necessitated by unforeseen circumstances and includes overtime necessary to cope with occasional production bottlenecks of a sporadic nature. However, the clause lists several other causes for which excepted overtime may be worked.

(c) "Programmed Overtime" is that overtime:

(1) Known with reasonable accuracy (before contract placement) to be required to achieve delivery schedule.

(2) Found necessary (after contract placement) to advance end item delivery.

(d) A "foreseeable production bottleneck" (§ 12.102–4(a)(3) of this title) is a bottleneck which: (1) Prevents end item delivery when required, and (2) is known either at the time a contract is placed and/or a decision is made to advance the end item delivery date.

(e) "Occasional production bottlenecks of a sporadic nature" (§ 12.102–5 of this title) are bottlenecks which, although expected on any contract, cannot (at the time of contract placement) be estimated with enough (i.e., "reasonable") accuracy to permit the PCO to provide (by contract clause) a quantity of programmed overtime.

§ 1012.102–2 Policy.

It is AF policy:

(a) That contract pricing will consider the types and amounts of overtime required.

(b) That after a contract is entered into:

(1) Prime and subcontractors only authorize and/or consent to overtime according to contract terms; premium for other overtime they may work will not be reimbursable.

(2) AF personnel are prohibited from becoming involved in authorizing overtime required to relieve occasional production bottlenecks of a sporadic nature (see § 12.102–3 of this title). This is a contractor responsibility.

(c) That all overtime (unless excepted by § 12.102–3(a) of this title) will be authorized by contract clause.

(d) To maximize contractor (prime and sub) responsibility and authority for control of overtime provided by the contract.

(e) To authorize excepted and programmed overtime by separate contract clauses and require/permit contractors to control both.

(f) After contract award to prohibit AF involvement and interference with contractor's overtime authorizations and approvals by:

(1) Relying on the clause required by § 12.102–3(a) of this title to authorize excepted overtime.

(2) Providing a separate contract clause to authorize programmed overtime (see § 1012.102–3(d)).

(3) Denying ACOs and other field office personnel the authority to authorize any overtime. They will limit their activities to: (i) Post facto reviews and determinations resulting in allowance or disallowances of overtime costs, (ii) reviews to determine continued need for programmed overtime according to § 1012.102–3(d), (iii) reviewing contractor's proposals for additional programmed overtime and submitting comments to the PCO as to reasonableness and allowability, and (iv) surveillance as necessary to discover and report overtime abuses.

(g) That the following guidelines be used by PCOs authorizing programmed overtime and ACOs determining the reasonableness of all overtime:

(1) The use of multi-shifts, compensable at reasonable shift premium rates should be considered and, if practicable, substituted immediately for any work being performed on an excessive overtime basis.

(2) Overtime will be authorized consistent with need. However, overtime of 20 hours in any one workweek by any employee will be the maximum authorized except under compelling emergencies involving the national interest.

(3) Any amount regularly paid by contractors for overtime, at premium rates of pay, and without regard to the government's requirements for such overtime and any costs resulting from unusual shift arrangements, avoidance of multi-shift work, or unreasonable (double time) extra-pay shift differentials, is considered "unreasonable" within the meaning of the cost principles of Subchapter A, Chapter 1 of this title.

(h) Field office personnel will maintain surveillance over contractor use of overtime and advise the PCO, through AF channels, when abuse of overtime is found.

§ 1012.102–3 Procedures.

(a) When placing a contract requiring use of the clause prescribed by § 12.102–3(a) of this title, the PCO will determine the amounts of overtime (excepted and programmed) estimated to be required throughout the life of the contract, and:

(1) Make appropriate allowance for both kinds of overtime in pricing the contract.

(2) Use the clause prescribed by § 12.102–3(a) of this title to provide excepted overtime.

(3) Use the clause provided in paragraph (d) of this section to provide programmed overtime.

(b) When it is determined that overtime must be used to advance the delivery date on an existing contract (which requires use of the clause prescribed by § 12.102–3(a) of this title) the PCO will determine the amount of programmed overtime estimated to be required for the balance of the contract and:

(1) Add the clause provided in paragraph (d) of this section.

(2) If that clause is already part of the contract, amend as necessary the amount of programmed overtime.

(c) ACOs and other field office personnel will in no way authorize, approve, or consent to, etc., overtime prior to or during its use.

(d) Contract clause for programmed overtime: When the clause specified in § 12.102–3(a) of this title is required, the following clause will be incorporated to provide programmed overtime.

APPROVAL OF OVERTIME AND EXTRA-PAY SHIFTS (MAR. 1962)

The Contractor is authorized to perform [1] _____ overtime hours and [1] _____ extra-pay shift hours in addition to any overtime or extra-pay shift work for the purposes set forth in the clause of this contract entitled "Payment for Overtime and Shift Premiums (Feb. 1962)" provided, however, that the Administrative Contracting Officer may, by written notice to the Contractor, reduce the amount of such authorized overtime or extra-pay shift work on a prospective only basis. If such action requires a change in the time for performance of this contract or in other contract terms, adjustment of the affected contract terms shall be accomplished in accordance with the procedures set forth in the clause of this contract entitled "Changes."

[1] The overtime hours and extra-pay shift hours to be inserted separately in the appropriate blank will have the prior approval of the Director of Procurement Policy, Hq USAF, or his designee in § 1012.102–4(b). In administration of this blanket authorization, the ACO will, in conjunction with the PCO, other CMRs/CMDs/AFPROs and other departments and agencies having a mutual interest in the plant, review periodically (at least every 60 days) the criteria under which the overtime and/or extra-pay shift hours are being worked to insure that the reasons supporting the original authorization remain

valid. The ACO will use the AF specialist(s) in whose area(s) overtime/extra-pay shift is being reviewed. This review should consider the possibility of increasing the straight time/multi-shift work force before determining that overtime is necessary, and consider any unusual circumstances where it is to the Government's best interest to use overtime even though it is conclusively shown such overtime is costlier. The review should identify office, departments, sections, etc., found to be habitual users of overtime. Suspect areas should then be carefully analyzed as to management practices, workload, and manning standards to ascertain that overtime is essential and the most economical method of getting the job done. The contractor should satisfy the ACO that his overtime use does not result in reduced efficiency, unreasonable costs, or unreasonable restriction of employment opportunities. If the ACO finds that the reasons for the original authorization are no longer valid, he may, as provided in the clause, reduce the authorized hours on a prospective basis and will advise the PCO accordingly.

§ 1012.102–4 Approvals.

(a) No implementation.

(b) The following are designated to approve overtime and shift premiums according to § 12.102–4 of this title: The commander or vice commander of each major air command; Deputy, Assistant Deputy, and Associate Chief of Staff, Procurement and Production, Hq AFSC; the Director or Deputy Director of Procurement and Production, Hq AFLC; the director or deputy director of procurement of the other major air commands; the Commander, Deputy Commander, and DCS/Materiel of Aerospace Research; the Director, Special Projects Office, OSAF, for those special projects under personal supervision of the Secretary of the Air Force (Program-Book-RED APPLE); the commander, deputy commander, director of procurement, and systems program directors of AFSC divisions and centers; the commander, deputy commanders, and director of procurement of each AFLC AMA, Air Procurement Region Europe (APRE), and Air Procurement Region Far East (APRFE).

§ 1012.102–5 Exceptions.

In conducting his review to determine that the overtime and/or shift premiums are reasonable and allocable the ACO will assure that the overtime/shift premium was within the scope of §§ 12.102–4 and 12.102–5 of this title.

(a) When applicable, the procedures and guidelines in § 1012.102–2(f) will be used to determine reasonableness.

(b) When a contractor elects to use excepted overtime or extra-pay shifts under § 12.102–5(d) of this title, the burden of proof is on him to show a commensurate reduction in overall cost to the Government resulting from such use.

PART 1013—GOVERNMENT PROPERTY

Subpart A—General

In § 1013.102–3(a) revise subparagraph (10) (vii), (viii), the material following (viii) (c), subparagraph (17), and add new paragraph (c) as follows:

§ 1013.102–3 Facilities.

(a) * * *

(10) * * *

(vii) Plant equipment with an acquisition cost of $500 or less: Personal property of a capital nature with a unit cost of $500 or less will not be provided under the terms of any facilities, supplies, or services contract; except in those cases where it is clearly demonstrated that (*a*) Acquisition at a contractor's expense is uneconomical under the particular circumstances, or (*b*) it is otherwise determined in the Government's best interest to provide such items. Exceptions under the foregoing criteria will be approved by the Office of Procurement and Production (three code level) of the cognizant AFSC division. This authority may be redelegated in writing to the chief of the industrial facilities organization and no lower. The above limitation does not apply to: (*1*) Research and development contracts with educational or other nonprofit organizations, or (*2*) supplies or services contracts which provide for the acquisition of special tooling requiring component items which if utilized for general plant purposes would be treated as plant equipment.

(viii) General purpose production equipment: Neither general purpose production equipment nor funds to procure them will be provided to contractors by the Air Force except when determination is made that such action is clearly in the best interest of the Government. Such determination may be made if the contractor's proposal is supported by a "Make or Buy" evaluation for each general operation involved, together with supporting justification in the form of acceptable reasons why the contractor is unwilling or financially incapable of providing general purpose machinery and equipment, and is in other respects fully documented. Determination of exceptions will be by Chief, Industrial Faciilties Division of the cognizant AFSC divisions, as appropriate. All determinations of exceptions will be fully documented and reported according to AFR 78–16 under reports control symbol AF–E55 as amended. Report submitted will contain the following information:

* * * * *

(*c*) * * *

The information necessary to prepare and submit the required report will be furnished by the Commander, AFSC divisions to AFSC (SCKM), who will submit the report according to AFR 78–16.

* * * * *

(17) Who may issue facilities contracts: Facilities contracts covering AF industrial facilities expansions within the continental United States will be issued only by the industrial facilities organization of the cognizant AFSC division.

* * * * *

(c) Project approval as required under § 13.102–3(a) (3) of this title shall be made as follows:

Project cost $1,000,000 or more, Office of Secretary of Defense.

Over $500,000 to $1,000,000, Hq USAF (DCS (S&L)).

$500,000 or less, Hq AFSC DCS (P&P); Commander AFSC Division (ASD/BSD/SSD/ESD/RTD).

$100,000 or less, Commander Aeromedical Division (AMD).

The approval authority for purchase of industrial facilities will not be redelegated below the levels indicated above. The exercise of this authority as well as any other action with regard to the expansion of industrial facilities will be subject to the following conditions and limitations:

(1) Projects for the expansion of industrial facilities will not be undertaken prior to obtaining approval of any real estate action according to 10 U.S.C. 2662 as applicable, or such other approvals required according to existing Secretary of the Air Force Orders.

(2) See § 13.406(a) (3) of this title relative to the location of nonseverable industrial facilities on land not owned by the government.

(3) Each facilities project, regardless of cost or fiscal year, which is initiated for a purpose which will eventually or which has the effect of committing the Air Force (§ 1013.401) to provide facilities will be processed for approval according to project review levels cited above. Procurement activities will not permit a facilities project at one location, or a normally integrated project for a weapon system, to be submitted in two or more separate project increments, in order to by-pass the project reviewing approval levels cited above.

Subpart D—Industrial Facilities

In § 1013.401(a) revise subparagraph (2) to read as follows:

§ 1013.401 Award of procurement contracts.

* * * * *

(a) * * *

(2) * * *

(i) When the expansion project has been approved by issuing a Program Authorization or procurement directive by Hq AFSC, USAF, or DOD as appropriate (reference § 1013.102–3(d) for project level approval authority).

(ii) Authorization has been obtained from the commander of the cognizant AFSC divisions.

* * * * *

Subpart X—Facility Expansion Procedure

§ 1013.2401–1 [Deleted]

Section 1013.2401–1 is deleted.

Subpart AA is revised to read as follows:

Subpart AA—Status of Facilities Contract

Sec.

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

§ 1013.2700 Scope of subpart.

This subpart establishes a standard procedure for periodic reports by AF contractors on the status of facilities contracts.

§ 1013.2701 Applicability of subpart.

This subpart applies to AF commands and activities authorized to issue and administer facilities contracts and supplements thereto.

§ 1013.2702 General.

(a) *Purpose of report.* AFPI Form 81, Status of Facilities Contract, is designed for the management of the AF industrial facility complex.

The data on the report provides a ready means of:

(1) Effecting an analysis and comparison with:

(i) New requests for facilities and funds for new items.

(ii) Additional requests for facilities and funds for some items.

(2) Effecting an analysis of deliveries of facilities.

(3) Providing information as to financing by fiscal year and dollar amounts to date and ascertaining additional funds required to complete projects.

(4) Ascertaining Government investment of facility in order to comply with one-time formal inquiries from Hq USAF, Department of Defense, and the Congress.

(5) Effecting an analysis of current and projected use of the facilities for the purpose of diverting facilities to higher priority or for disposal.

(b) *Types of reporting.* AFPI Form 81, will be used primarily as a summary status report. The form may also be executed to report the progress of individual facilities projects.

(1) *Summary report.* Each 3, 6 or 12 month period as specified in the facilities contract, a report covering the facilities contract and supplements will be prepared to include the summary of all funding actions, inventory transactions and use of facilities during the reporting period. This reporting on the total facilities contract will be continued until the facilities contract is terminated.

(2) *Project report.* The status of progress of individual facilities projects will be prepared (for a quarter-year reporting period) when requested by the facilities contracting officer. The AFPI Form 81 will be executed to show those elements of contract information which are pertinent to the facilities project and will be discontinued upon completion of the project or notification by the facilities contracting officer.

§ 1013.2703 Definitions.

(a) "Facilities Contract" is a funded or unfunded contract (including supplements) under which the contractor is currently responsible and accountable for the facilities provided by the Government.

(b) "Summary Report" is the resulting status at the close of a reporting period of all facilities transactions pertaining to a facilities contract.

(c) "Project Report" is the resulting status at the close of a reporting period of all facilities transactions pertaining to a particular facilities expansion. For identification, a facilities project number will be assigned by the facilities contracting officer.

§ 1013.2704 Responsibilities.

(a) AF contractors will prepare AFPI Form 81 according to contractual requirements.

(b) AF commands issuing facilities contracts will authenticate and maintain current (AFPI Form 81) report data and will provide instructions concerning the details of report preparation to AF administration offices and to contractors.

(c) AF administration offices assigned the field administration of facilities contracts and supplements will review, approve and distribute the reports on facilities contracts under their jurisdiction.

§ 1013.2705 Preparation of report.

Information is provided on the back of AFPI Form 81 as to the preparation of data and execution of the report.

§ 1013.2706 Submission of report.

(a) *Due date.* AFPI Form 81 will be prepared as of the end of each 3, 6, or 12 month period (i.e., March 31st, June 30th, September 30th and December 31st) as specified in the contract. Four copies will be forwarded by the contractor to the AF administration office by the 10th of the following month.

(b) *Distribution.* After review and authentication of the information contained in the report, the AF field administration office will distribute copies to their appropriate headquarters (as required) and to the AF command having the facilities contract. Distribution will be accomplished within ten days unless adjustments to the report require further time, but such additional time should not extend beyond the end of the month following the report.

§ 1013.2707 Report clearance.

This report is authorized by BOB No. 21–R134.3.

PART 1016—PROCUREMENT FORMS

In § 1016.051(d) revise subparagraph (2) (ii) to read as follows:

§ 1016.051 Preprinted contract provisions (AFPI 71—Series).

* * * * *

(d) *Policy.* * * *

(2) * * *

(ii) Not be identified with an AFPI series number but will be identified by a 71-series number preceded by the organizational code of the issuing office, e.g., MOPP 71 for MOAMA, Procurement Division. In addition, each edition or revision of a particular contract provision will bear a separate date of publication for identification purposes.

Subpart C—Purchase and Delivery Order Forms

1. Revise §§ 1016.301, 1016.302 and 1016.303–1 to read as follows:

§ 1016.301 Receipt for cash-subvoucher (Standard Form 1165).

When the vendors sales document cannot be used as a subvoucher, AF procurement activities will use DD Form 1155, Order for Supplies or Services, in lieu of Standard Form 1165. See § 1003.604 of this subchapter.

§ 1016.302 Purchase order-invoice-voucher (Standard Form 44).

AF procurement activities will use DD Form 1155 in lieu of Standard Form 44 when the procedure in § 1003.605 of this subchapter is used.

§ 1016.303–1 General.

(a) DD Form 1155 may also be used as:

(1) (i) A cash purchase receipt, order-invoice-voucher or blanket purchase agreement.

(ii) to (iv) No implementation.

(v) An invoice if vendor desires to use this form.

(b) DD Forms 1155 and 1155c are available in offset masters and in carbon interleaved 8 part snap out sets, with the second copy a hectograph master. DD Form 1155c–1 is available in offset masters, hectograph masters and carbon interleaved pads. DD Forms 1155r and 1155s are available in cut sheets.

2. In § 1016.303–2(b) delete all of subparagraph (3), and add new paragraph (e), as follows:

§ 1016.303–2 Conditions for use.

* * * * *

(b) * * *

(3) [Reserved]

* * * * *

(e) *Use as a public voucher.* (1) DD Form 1155 will be used as a payment voucher for the first payment, at which time it will be completed and processed as any other payment voucher.

(2) When more than one payment is necessary, all payments after the first partial will be processed according to standard operating procedures using Standard Form 1034.

3. Revise heading of § 1016.304 so that this section now reads as follows:

§ 1016.304 Blanket purchase agreement.

See § 1003.606 of this subchapter.

PART 1057—REPORTS

Subpart KK—Financial Management Reports

1. In § 1057.3702 paragraph (g) is set forth to change the symbols, as follows:

§ 1057.3702 Definitions.

* * * * *

(g) *Command Expenditure Forecast Monitor (CEFM).* Refers to the office and personnel located in the Directorate of Procurement, AFSC (Fiscal and Re-

ports Branch, Plans and Management Office (SCK–2), Andrews AFB, Washington, D.C.) vested with the responsibility for administering the provisions of AFR 70–13; monitoring the procedures and performance under this Instruction; and the performance of the CEFM functions defined herein.

* * * * *

2. Section 1057.3703(a) is revised to read as follows:

§ 1057.3703 Use of DD Form 1097.

* * * * *

(a) *Financial status.* To obtain earliest possible knowledge of an increase or decrease in the estimated cost (overrun or under-run) while developing forecast of contractor-incurred commitments and contractor expenditures for cost reimbursement contracts. (The term overrun is defined as the amount of funds required, in excess of the total estimated cost and fee provided in the basic contract, to complete performance within the scope of work contained in the contract schedule, considering all amendments. Thus, an unsolicited contractor proposal to increase effort in a cost reimbursement contract would not be an overrun unless and until the proposal has been accepted by the Government without supplying necessary funding therefor.)

* * * * *

3. Revise §§ 1057.3704 and 1057.3705 (a) to (d) to read as follows:

§ 1057.3704 Coverage of the DD Form 1097.

(a) For financial status:

(1) All cost reimbursement type contracts, except facility contracts, with an uninvoiced dollar balance of $25,000 and over, regardless of contractor, will be reported. The exception of this dollar limitation is in connection with contracts with nonprofit (educational) institutions for which reporting is limited to contracts having an uninvoiced dollar balance of $100,000 or more; however, if determined necessary, the contracting officer may require reports submitted on such contracts with an uninvoiced dollar balance of less than $100,000 but not less than $25,000. The clause entitled "Financial Management Report" reference Part 1007, Subparts B and D of this subchapter will be included in all cost type contracts in excess of $25,000 face value ($100,000 limitation for nonprofit (educational) institutions).

(2) Individual contract reporting requires completion of the DD Form 1097 heading and the following items: 1, 2, 3, 7, 8, 9 or 10, 11, 12, 13, 14, 15, 16, 18, and 19. Items 4, 5 and 6 of the form will be completed when conditions under Note 1 on the form are met or provided for by contractual coverage.

(b) For expenditure management purposes:

(1) A Summary report from each of the selected contractors covering total AF business in the 3010/3020/3080 and 3600 (except P–690) and corresponding prior-year appropriation areas will be required.

NOTE: Appropriation 3010 will include prior year appropriation 3015 expenditures.

For selected contractor "summary" report the DD Form 1097 will be annotated to indicate "Summary" under Item 3 of the form and requires completion of the heading and the following items: 1, 2, 7, 9 or 10, 11, 14, 15, 17, 18, and 19.

NOTE: Contractors are to be requested to prepare Item 17, on Summary and Individual reports on a "net payments" basis.

(2) Reports covering individual contracts are also required. Individual contract reporting is required from selected contractors only, and is restricted to those contracts, regardless of type, with uninvoiced dollar balance of $1 million or over, unless individual contract reports are required and requested by the DEFM for "System Expenditure Forecast Reports." The DD Form 1097 report for individual contracts requires completion of the heading and the following items: 1, 2, 3, 7, 9 or 10, 11, 13, 14, 15, 17, 18, and 19.

* * * * *

§ 1057.3705 General procedures related to both functions of the report.

(a) Normally, the DD Form 1097 will be prepared quarterly by the contractors and submitted to the administrative contracting officer (ACO) in the number of copies designated by the ACO. However, for financial status purposes, according to the clause of the contract entitled "Financial Management Report" (§ 1007.204–52 of this subchapter), the contractor is required to report anticipated overruns whenever the contractor has reason to believe such an event will occur. In the event of such an anticipated, or actual, overrun, the contractor will submit items 1 through 14 of the DD Form 1097 monthly until the overrun has been funded, or the situation which has created the overrun condition has been corrected. The monthly report will include a supplemental detailed cost breakdown identifying the anticipated overrun by providing at a minimum the information required by § 1054.403 of this subchapter.

(b) ACOs will assure that appropriate contractors submit completed reports according to instructions. They will: (1) Furnish the contractors a supply of DD Forms 1097, (2) advise which specific reports are required including number of copies of report, and (3) will give necessary guidance based on this Instruction or other pertinent instructions contained in AF directives, regulations, manuals, etc. For the purpose of this report the contractor representative considered authorized to sign the report will be a senior level manager of the contractor.

(c) Summary and individual contract reports will be submitted by the contractor to the ACO (AFPRO/CMD) involved not later than the 30th calendar day of the month following the end of each calendar quarter, unless a portion of the report is required to be submitted monthly as set forth in paragraph (a) of this section. Extension of submission not to exceed 10 calendar days may be granted by the ACO (AFPRO/CMD) only upon consideration of written justification and request by the contractor. Recipients of DD Form 1097 reports will be advised by the ACO (AFPRO/CMD) of approved extensions granted, including the revised submission date.

* * * * *

4. In § 1057.3707(b) the Note, subparagraph (1)(i) (*a*), (*b*), (*d*) and (*e*) are revised as follows:

§ 1057.3707 Action and distribution of DD Form 1097 and related data.

* * * * *

(b) * * *

NOTE: Copies of DD Forms 1097 and other data forwarded to PCO will be addressed to the office code and location shown in the "Issued by" block on the contract cover sheet. Material forwarded to the CMRs and AFSC divisions will be addressed to the office code of the monitors shown in § 1057.3713.

* * * * *

(1) * * *

(i) * * *

(*a*) Contractor forwards required number of copies of completed individual DD Form 1097 to ACO within 30 days following close of calendar quarter. In the event of an anticipated or actual overrun, the contractor will submit items 1 through 14 of the report within 10 working days following the close of the month being reported.

(*b*) ACO (AFPRO/CMD) forwards one advance copy of each individual DD Form 1097 to PCO immediately upon receipt from contractor whether the report is being submitted on a quarterly or monthly basis.

* * * * *

(*d*) Upon receipt of DD Form 1097 reports from the contractor, the ACO will complete item 19 and forward the required copies to the PCO for his information and action, and one copy to the CMR monitor for information purposes. Annotated copies will be forwarded by the ACO to arrive not later than 10 calendar days following receipt of the Form from the contractor. In completing item 19 of the report, the ACO will review and analyze the contractor's reasons for anticipated overrun, if applicable, and verify the accuracy and adequacy of the contractor's Forecast. One copy will be retained by the ACO for follow-up action and file.

(*e*) Upon receipt of completed DD Forms 1097 from the ACO, the PCO will review the submission and provide pertinent comments. Two copies of the report will be forwarded by the PCO to the initiator of the procurement for information and action.

* * * * *

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314) [AFPI Rev. 39, Feb. 28, 1964; AFPC Nos. 12, Feb. 24, 1964; 13, Feb. 28, 1964; 14, Feb. 28, 1964; 16, Mar. 10, 1964; 21, Mar. 25, 1964; 22, Mar. 26, 1964; 24, Mar. 27, 1964; and 25, Apr. 1, 1964]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–4336; Filed, Apr. 30, 1964; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Mobilization Order 8500.1]

DMO 8500.1—GUIDANCE ON PRIORITY USE OF RESOURCES IN IMMEDIATE POSTATTACK PERIOD

1. *Purpose.* This Order (1) states the policy of the Government on use of resources in the period immediately following a nuclear attack on the United States, (2) provides general guidance for Federal, State and local government officials on activities to be accorded priority in the use of postattack resources, and (3) lists those items essential to national survival in the immediate period.

2. *Cancellation.* This Order supersedes Appendix 1 of Annex 25 of The National Plan for Civil and Defense Mobilization, "Guidance on Priority Emergency Use of Resources", dated December 1960.

3. *General policy.* In an immediate postattack period all decisions regarding the use of resources will be directed to the objective of national survival and recovery. In order to achieve this objective, post attack resources will be assigned to activities concerned with the maintenance and saving of lives, immediate military defense and retaliatory operations, and economic activities essential to continued survival and recovery.

This guidance is designed to achieve a degree of national equity in the use of resources and to assign and conserve resources effectively in the immediate postattack period. Until more specific instructions are available, these are the general guidelines within which managerial judgment and common sense must be used to achieve national objectives under widely differing emergency conditions.

4. *Responsibilities.* As stated in The National Plan for Emergency Preparedness, the direction of resources mobilization is a Federal responsibility. However, in the period immediately following an attack, certain geographical areas may be temporarily isolated, and State and local governments will have to assume responsibility for the use of resources remaining in such areas until effective Federal authority can be restored. State and local governments will not assume responsibility for resources under the jurisdiction of a Federal agency where the Federal agency is able to function.

As soon as possible after attack and until specific national direction and guidance on the use of resources is provided, Federal, State and local officials will determine what resources are available, to what needs they can be applied, how they are to be used, and the extent to which resources are deficient or in excess of survival needs. They will base determinations as to the relative urgency for use of resources primarily upon the importance of specific needs to defense, survival and recovery.

5. *Priority activities in immediate postattack period.* The following activities are to be accorded priority over all other claims for resources. There is no significance in the order of the listing—all are important. The order in which and the extent to which they are supported locally may vary with local conditions and circumstances. If local conditions necessitate the establishment of an order of priority among these activities, that order shall be based on determinations of relative urgency among the activities listed, the availability of resources for achieving the actions required, and the feasibility and timeliness of the activities in making the most rapid and effective contribution to national survival.

a. *The immediate defense and retaliatory combat operations of the Armed Forces of the United States and its Allies.* This includes support of military personnel and the production and distribution of military and atomic weapons, materials and equipment required to carry out these immediate defense and retaliatory combat operations.

b. *Maintenance or reestablishment of Government authority and control* to restore and preserve order and to assure direction of emergency operations essential for the safety and protection of the people. This includes:

(1) Police protection and movement direction;

(2) Fire defense, rescue and debris clearance;

(3) Warnings;

(4) Emergency information and instructions;

(5) Radiological detection, monitoring, and decontamination.

c. *Production and distribution of survival items and provision of services* essential to continued survival and rapid recovery. (For list of survival items see Appendix 1, Annex 35, of the "National Plan for Civil Defense and Defense Mobilization" dated February 1960.) These include:

(1) Expedient shelter;

(2) Food, including necessary processing and storage;

(3) Feeding, clothing, lodging and other welfare services;

(4) Emergency housing and community services;

(5) Emergency health services, including medical care, public health and sanitation;

(6) Water, fuel, and power supply;

(7) Emergency repair and restoration of damaged vital facilities.

d. *Essential communications and transportation services* needed to carry out the above activities.

e. *Provision of supplies, equipment, and repair parts to produce and distribute* goods needed for the above activities.

6. *Assignment of resources.* Resources required for essential uses, including manpower, will be assigned to meet the emergency requirements of the priority activities indicated above. The principal objectives are to use available resources to serve essential needs promptly and effectively, and to:

a. Protect and to prevent waste or dissipation of resources prior to their assignment to priority activities;

b. Support production of essential goods. Other production will be permitted to continue only from inventories on hand and when there is no emergency requirement for the resources vital to this production.

c. Support construction for emergency repair and restoration, construction of facilities needed for survival, or the conversion of facilities to survival use, where this can be accomplished quickly. Other construction already under way should be stopped, and no new construction started unless it can be used immediately for essential purposes upon completion.

Effective date. This Order is effective the date of issuance.

Dated: April 24, 1964.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-4349; Filed, Apr. 30, 1964; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 51—Committee on Purchases of Blind-Made Products

PART 51-1—PURCHASES OF BLIND-MADE PRODUCTS

Non-Profit-Making Agency for the Blind

1. Section 51-1.1(b) is revised as follows:

§ 51-1.1 **Definitions.**

As used in this part:

* * * * *

(b) "Non-profit-making agency for the blind" (hereinafter referred to as "agency for the blind") means any organization, organized under the laws of the United States or any State, operated in the interest of the blind, the net income of which does not inure in whole or in part to the benefit of any shareholder or individual and which employs blind persons to an extent constituting not less than 75 percent of the total hours of employment of all personnel engaged in the direct labor of manufacturing, assembling, or handling of all articles by the agency for the blind, whether for this program or otherwise. Direct labor includes all work required for preparation, processing and packing, but not supervision, administration, inspection and shipping.

* * * * *

Dated: April 21, 1964.

By direction of the Committee on Purchases of Blind-Made Products.

C. D. BEAN,
Chairman.

[F.R. Doc. 64-4350; Filed, Apr. 30, 1964; 8:48 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 9]

PART 523—ADMISSION, WITHDRAWAL AND EXPULSION PROVISIONS OF STEAMSHIP CONFERENCE AGREEMENTS

On March 21, 1962, the Commission published in the FEDERAL REGISTER (27 F.R. 2646) a notice of proposed rule making (Docket No. 981) with respect to rules governing procedures for admission to and withdrawal and expulsion from conferences and invited comments thereon. After consideration of the comments received, the Commission revised certain of the proposed rules, republished the revised proposed rules in the FEDERAL REGISTER December 10, 1963 (28 F.R. 13369–13370), received comments and heard oral argument thereon.

The Commission has carefully considered the comments submitted and arguments on the proposed revised rules and in light thereof herewith adopts and promulgates its final rules. Comments and arguments not discussed or reflected herein have been considered and found not justified or not material.

Many conferences object to § 523.2(a) which sets forth the basic criteria for conference membership. These objections called for either greater generality or more specificity in spelling out the criteria for admission into a conference. Some conferences seek the right to deny admission for "just and reasonable cause" thus allowing broad discretion over the essential elements required for admission. Other conferences want included in the rules clear, well-defined standards of what constitutes "evidence of ability" to maintain common carriage. Particularly, these conferences would require that the common carrier would have to give the conference precise data on its financial soundness and the types and speeds of its vessels.

The rule as drafted is neither extremely general nor overly specific, but rather it attempts to strike a balance giving the conferences some discretion in submitting for approval other conditions on admission to membership.

It is also contended that the requirements for readmission should not be the same as those for admission. Although there may be some distinction between the applicant which is applying for membership in a conference for the first time and an applicant which is applying for readmission to the conference, we are of the opinion that the rule covering initial admission to conference membership is sufficiently broad to allow conferences the necessary degree of discretion in submitting for approval specific proposals dealing with readmission to membership as well as when acting on applications for readmission.

Some conferences object to the provision making admission to conference membership effective as of the postmark date of notice to us of the admission, § 523.2(d). They contend that a carrier's status should not be indefinite pending postmarking of a notice, and that the risks of oversight or delay in the conference office or postal service may result in postponing the effectiveness of its admission to conference membership. Historically, the postmark form of notice has been used, and is the minimum necessary to insure us of prompt apprisal of all actions with respect to admissions to conference membership.

Objection is made to our requirement that we be furnished with an advice of any denial of admission to membership, together with a statement of the reasons therefor, § 523.2(e). The conferences urge that as a practical matter it is unnecessary to require the advice because an applicant which has been denied admission would probably complain to the Commission. The requirements of this section are almost self-explanatory. It is by no means a certainty that the denied applicant would complain to the Commission, and in order to see that the conferences are operating under their agreements and in accordance with the Shipping Act, 1916, it is necessary that we be kept informed of conference actions as they relate to admission to membership. We must be apprised of any discrimination real or potential regardless of whether the aggrieved party desires or is in a position to complain to us.

Several attacks have been leveled at § 523.2(f) regulating withdrawals from conferences.

Some conferences object to allowing a party to withdraw without a penalty. They contend that a penalty provision for withdrawal from a conference may be just and reasonable. The contention is without merit and directly contrary to the explicit words of the statute, which requires that conference agreements "provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal."

Further objections were raised to a provision requiring a minimum period of 60 days' written notice of an intention to withdraw from conferences employing dual rate systems. Section 523.2(f) has been modified to require only a 30-day notice period for withdrawal from all conferences.

Several conferences objected to our provision in § 523.2(h) making expulsion from a conference contingent upon a showing of "continued failure" to abide by the terms of the conference agreement. Certain single breaches of a conference agreement are said to justify expulsion. We have removed the "continued failure" provision to allow conferences to so phrase their agreements to provide for expulsion for single offenses of certain provisions of the basic agreement and will determine the reasonableness of these expulsion criteria when the modified agreements are submitted to us for approval.

Several conferences objected to our requirement conditioning effectiveness of expulsion upon our approval. We have eliminated this requirement, substituting therefor provision § 523.2(i), which conditions the effectiveness of expulsion upon receipt by the expelled member and the Commission of a statement setting forth the reason or reasons for expulsion. To make the effectiveness of expulsion contingent upon our approval would perhaps unfairly allow the "expelled" member to compete as a conference member while attempting to postpone our approval of his expulsion as long as possible.

We do not, however, by removing approval as a condition precedent for expulsion intend to imply, as some conferences have suggested, that we have no authority over expulsion. We have and will exercise the authority to disapprove every agreement submitted to us which does not contain reasonable expulsion provisions, as well as reasonable conditions for admission and withdrawal. The Commission's power to prescribe the conditions under which expulsion may be permissible is implicit in the statutory language governing admission and withdrawal. The Commission's rules governing admission, designed to implement the statutory mandate of Public Law 87–346, could be rendered completely void by conference expulsion procedures if the requirement for reasonable and equal admission conditions is not interpreted to include reasonable expulsion provisions. To hold otherwise would enable any conference to admit a carrier pursuant to the rules and shortly thereafter expel that member on the slightest provocation.

Some conferences allege that it is unnecessary for us to be supplied with detailed explanations for expulsion of a carrier. The reasons behind the requirement that the Commission be informed of the reasons for any denial of admission to membership apply with equal force here.

Therefore, pursuant to sections 15 and 43 of the Shipping Act, 1916 (75 Stat. 763–4 and 766), 46 CFR is hereby amended by inserting a new Part, Part 523, reading as set forth below following Commissioner Patterson's dissent.[1]

Subpart A—Conference Agreement Provisions—Admission, Withdrawals, Expulsion

Sec.
523.1 Statement of policy.
523.2 Provisions of conference agreements.

Subpart B—Current Conference Agreements

523.10 Resubmission of current agreements.
523.11 Notice of filing.

Subpart C—Proposed New Conference Agreements

523.20 Agreement provisions.

AUTHORITY: The provisions of this Part 523 issued under secs. 15 and 43 of the Shipping Act, 1916 (75 Stat. 763–4 and 766).

Subpart A—Conference Agreement Provisions—Admission, Withdrawal, Expulsion

§ 523.1 Statement of policy.

(a) Section 2 of Public Law 87–346, effective on October 3, 1961, amends section 15 of the Shipping Act, 1916, to provide that no conference agreement shall be approved, nor shall continued

[1] Filed as part of the original document.

approval be permitted for any agreement, which fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal.

(b) It is the responsibility of the Federal Maritime Commission under the Shipping Act, 1916, to determine that all conference agreements contain reasonable and equal terms and conditions for admission and readmission to conference membership of qualified carriers according to the requirements set forth in paragraph (a) of this section.

§ 523.2 Provisions of conference agreements.

In effectuation of the policy set forth in § 523.1, conference agreements, whether in effect on October 3, 1961, or initiated after that date, shall contain provisions substantially as follows:

(a) Any common carrier by water which has been regularly engaged as a common carrier in the trade covered by this agreement, or who furnishes evidence of ability and intention in good faith to institute and maintain such a common carrier service between ports within the scope of this agreement, and who evidences an ability and intention in good faith to abide by all the terms and conditions of this agreement, may hereafter become a party to this agreement by affixing its signature thereto.

NOTE: The above Provision will not preclude the conference from imposing legitimate conditions on membership, including but not necessarily limited to, the payment of an admission fee, payment of any outstanding financial obligations arising from prior membership, or the posting of a security bond or deposit. All such conditions must be made expressed terms of the conference agreement, filed with and approved by the Commission pursuant to section 15 of the Shipping Act, 1916.

(b) Every application for membership shall be acted upon promptly.

(c) No carrier which has complied with the conditions set forth in paragraph (a) of this section shall be denied admission or readmission to membership.

(d) Prompt notice of admission to membership shall be furnished to the Federal Maritime Commission and no admission shall be effective prior to the postmark date of such notice.

(e) Advice of any denial of admission to membership, together with a statement of the reasons therefor, shall be furnished promptly to the Federal Maritime Commission.

(f) Any party may withdraw from the conference without penalty by giving at least 30 days' written notice of intention to withdraw to the conference: *Provided, however,* That action taken by the conference to compel the payment of outstanding financial obligations by the resigning member shall not be construed as a penalty for withdrawal.

(g) Notice of withdrawal of any party shall be furnished promptly to the Federal Maritime Commission.

(h) No party may be expelled against its will from this conference except for failure to maintain a common carrier service between the ports within the scope of this agreement (said failure to be determined according to the minimum sailing requirements set forth in this agreement) or for failure to abide by all the terms and conditions of this agreement.

(i) No expulsion shall become effective until a detailed statement setting forth the reason or reasons therefor has been furnished the expelled member and a copy of such notification submitted to the Federal Maritime Commission.

Subpart B—Current Conference Agreements

§ 523.10 Resubmission of current agreements.

(a) All conference agreements which are lawful on the effective date of these rules and which are amended to comply with these rules and filed with the Commission within 60 days after adoption of these rules by the Commission, shall remain lawful unless disapproved, cancelled or modified by the Commission.

(b) Filing under this section may be accomplished by mailing to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, a signed original and fifteen (15) copies of the agreed modification, together with an original and fifteen (15) copies of a letter of transmittal and request for approval of the matter submitted.

§ 523.11 Notice of filing.

All modifications of conference agreements filed with the Commission pursuant to these rules shall be available for inspection at the offices of the Commission. A notice of such filing shall be published in the FEDERAL REGISTER as soon as practicable, and interested persons may, within twenty (20) days after such publication, file comments relating to such modification. Comments shall include a statement of position with respect to approval, disapproval, cancellation or modification, together with reasons therefor.

Subpart C—Proposed New Conference Agreements

§ 523.20 Agreement provisions.

All new conference agreements, entered into subsequent to the date of adoption of these rules, shall contain provisions in substantially the form set forth in § 523.2, before approval by the Commission under section 15 of the Shipping Act, 1916.

By the Commission, April 21, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-4358; Filed, Apr. 30, 1964; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 85—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Miscellaneous Amendments

Order. The Commission having under consideration the need for editorial amendments to Parts 81, 83, and 85 of its rules;

It appearing, that various substantive amendments to the rules, over a course of time, have failed to include certain minor changes in the nature of deleting obsolete cross-references, changing section numbers, conforming terminology, and the like; and

It further appearing, that to make these editorial changes would be in the interest of clarity, accuracy, and usefulness of the rules to the users thereof, and hence, the public interest would be served; and

It further appearing, that the changes of the rules effected herein are editorial in nature, and hence compliance with the notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing, that authority for these amendments is set forth in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and in § 0.261(a) of the Commission's rules;

It is ordered, This 24th day of April 1964, that effective May 1, 1964, Parts 81, 83, and 85 of the Commission's rules are amended as set forth below.

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

Released: April 27, 1964.

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

A. Part 81 is amended as follows:

1. In § 81.41, the introductory text of paragraph (a) is amended to read:

§ 81.41 Application for special temporary authority for installation and operation of transmitting apparatus.

(a) Upon receipt of application therefor, the Commission may grant special temporary authorization for a period not to exceed 3 months for the installation and operation of transmitting apparatus in the maritime mobile service or the maritime radiodetermination service (provided the proposed operation is not in conflict with the rules and regulations

of the Commission) with a station classification in accordance with § 81.6 or 81.22, under the following conditions:

* * * * *

2. Section 81.47(a) is amended to read:

§ 81.47 Request for amendment or waiver of rules.

(a) Any provisions of the rules in this part (except those provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be repealed, amended, or supplemented, subject to the provisions of the Administrative Procedure Act. Any interested person may petition for issuance, amendment, or repeal of any rule or regulation governing stations in the maritime mobile service, maritime radiodetermination service, or fixed service subject to this part. Such petition may be filed in relation to specific applications for station authorization, or independently thereof, and shall show the text of the proposed rules, and shall set forth the reasons in support of the petition.

* * * * *

3. Section 81.72(e) is amended to read:

§ 81.72 Assignment of call signs.

* * * * *

(e) Stations on land in the maritime radiodetermination service shall be assigned individual call signs each consisting of three letters followed by three digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

* * * * *

4. Section 81.213(a)(4) is amended to read:

§ 81.213 Station documents.

(a) * * *

(4) The Alphabetical List of Call Signs of Stations used by the Maritime Mobile Service;

* * * * *

5. Paragraphs (a) and (b) of Section 81.504 are amended to read:

§ 81.504 Use of developmental stations.

(a) Developmental stations shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization or in other sections of this subpart.

NOTE: Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents, and assignments of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization or by other sections of this subpart.

* * * * *

B. Part 83 is amended as follows:

1. Section 83.30(a) is amended to read:

§ 83.30 Request for amendment or waiver of rules.

(a) Any provisions of this part (except those provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be repealed, amended, or supplemented, subject to the provisions of the Administrative Procedure Act. Any interested person may petition for issuance, amendment, or repeal of any rule or regulation governing stations in the maritime mobile or maritime radiodetermination service. Such petition may be filed in relation to specific applications for station authorization, or independently thereof, and shall show the text of the proposed rules, and shall set forth the reasons in support of the petition.

* * * * *

2. In § 83.40, the introductory text of paragraph (a) is amended to read:

§ 83.40 Application for station of portable nature (other than marine-utility station).

(a) Upon application as appropriate under §§ 83.26, 83.36, 83.41 or 83.42, including a supplemental statement as prescribed in subparagraph (1) and (2) of this paragraph, the Commssion may grant a license, modification of license, renewal of license, or special temporary authorization, permitting operation of a station of an established class in the maritime mobile or maritime radiodetermination service which is readily portable for use as the occasion requires on board a ship or ships of the United States: *Provided*, The applicant makes a satisfactory showing that:

* * * * *

3. In § 83.41, the introductory text of paragraph (a) is amended to read:

§ 83.41 Application for special temporary station authorization.

(a) Application for special temporary authority in lieu of or supplemental to normal form of station license for use and operation of radio transmitting apparatus on board ship in the maritime mobile service or the maritime radiodetermination service, not involving an emergency found by the Commission, shall be limited to circumstances in which need exists for temporary use, for a limited period of time, of:

* * * * *

4. Section 83.42(a) is amended to read:

§ 83.42 Application for license or modification or renewal of license in an emergency.

(a) In cases of emergency involving danger to life or property or due to damage to equipment wherein the grant of an interim ship station license as provided by § 83.35 is not possible or such grant would not satisfy the requirements of the emergency, applications for a station license, or for modification or for renewal of a station license, to authorize certain use and operation of radio transmitting apparatus on board ship in the maritime mobile or maritime radiodetermination service in accordance with applicable provisions of treaty, statute, and rules of the Commission, may be filed at any time by telegram or letter. In the event that the Commission finds that such an emergency exists, temporary authorization may be granted to operate a station in accordance with the request for the duration of such emergency: *Provided*, That in such cases as may be considered necessary by the Commission, the applicant may be required to supplement such request by filing, as soon as practicable thereafter, a written application for the same authorization as normally prescribed by applicable provisions of this part.

NOTE: For example, an emergency is found by the Commission when the desired authorization is urgently needed for the use of shipboard radio apparatus for purposes of safety at sea, and circumstances beyond control of the applicant have prevented the filing of a written application, as normally prescribed by applicable provisions of this part, on a date which would assure its receipt by the Commission in time sufficient for the Commission to take appropriate action thereon.

* * * * *

5. Section 83.73 is amended to read:

§ 83.73 Permanent discontinuance of station operation.

In case of permanent discontinuance of operation of a station on board ship in the maritime mobile service or the maritime radiodetermination service, the licensee of that station shall, as soon as possible, return the station license to the Secretary, Federal Communications Commission, Washington, D.C., 20554, and shall, as soon as possible, request by telegram or letter addressed to the Secretary that such license be cancelled. In the event, however, that such license is not available for this purpose, the licensee shall, by telegram or letter, inform the Secretary of that fact stating the reason why the license is not available, and shall request that the license be cancelled. If the station is within the United States, a copy of each telegram or letter sent to the Secretary pursuant to this section shall be forwarded at the same time to the Commission's Engineer in Charge of the radio district in which the station then is located.

6. Section 83.131(c) is amended to read:

§ 83.131 Authorized frequency tolerance.

* * * * *

(c) Authorized frequency tolerances for ship and survial craft stations operating on frequencies above 27.5 Mc/s:

Frequency ranges	*Tolerance parts in 10^6*
(1) From 100 to 200 Mc/s except for 121.5 Mc/s [1]	20
(2) Survival craft stations on 121.5 Mc/s	50

[1] Transmitters with a plate power input not in excess of 3 watts are permitted a tolerance of 100 parts in 10^6 until January 1, 1966. After that date a tolerance of 20 parts in 10^6 is applicable.

7. Section 83.139(b) is amended to read:

§ 83.139 Transmitters required to be type accepted for licensing.

* * * * *

(b) Each survival craft station transmitter which has not been type approved pursuant to §§ 83.469 or 83.472 shall be type accepted for licensing.

8. Section 83.324(c) is amended to read:

§ 83.324 Frequencies for working.

* * * * *

(c) The calling channel of which 500 kc/s is the assigned frequency may be used for the transmission of distress, urgent, and safety messages; except for the applicable provisions of § 83.401 relative to radiodetermination, any other use of this channel for working is prohibited.

* * * * *

9. Section 83.329(a)(4) is amended to read:

§ 83.329 Station documents.

(a) * * *

(4) The Alphabetical List of Call Signs of Stations used by the Maritime Mobile Service;

* * * * *

10. In § 83.330, paragraphs (b)(3) and (b)(9) are amended to read:

§ 83.330 Station logs.

(b) * * *

(3) Results of inspections and tests of survival craft radio equipment, when installed in compliance with requirements of law, prior to departure of the vessel from a harbor or port and the results of weekly inspections of such survival craft equipment shall be entered.

* * * * *

(9) Entries shall be made stating details of maintenance of survival craft radio equipment, including a record of charging of any storage batteries supplying power to such equipment. The record of charging shall show when such storage battery is placed on charge and when it is taken off charge.

* * * * *

11. Section 83.365(b) is amended to read:

§ 83.365 Procedure in testing.

(b) When testing is conducted on any frequency within the bands 2170 to 2194 kc/s, 156.75 to 156.85 Mc/s, 480 to 510 kc/s (survival craft transmitters only), or 8362 to 8366 kc/s (survival craft transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Survival craft stations using telephony shall not be tested on the frequency 500 kc/s during the 500 kc/s silence periods.

12. In § 83.434, paragraphs (a) and (b) are amended to read:

§ 83.434 Use of developmental stations.

(a) Developmental stations on board ship shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization or in other sections of this subpart.

NOTE: Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents, and assignments of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization or by other sections of this subpart.

* * * * *

13. Section 83.476 is amended to read:

§ 83.476 Instruction books and circuit diagrams.

In addition to the radiotelegraph auto alarm instructions specified by § 83.456, instruction books and circuit diagrams, including modifications, shall be provided for the types of required transmitters, receivers, and radio direction finding equipment installed.

14. Section 83.555(a) is amended to read:

§ 83.555 Requirements for automatic-alarm-signal keying device.

(a) To be approved by the Commission for use in compliance with § 83.451 and to be recognized as being capable of functioning in compliance with §§ 83.451 and 83.452, each type of automatic-alarm-signal keying device shall comply with the requirements set forth in this section.

* * * * *

15. The headnote in § 83.558 is amended to read: "§ 83.558 Requirements for survival craft non-portable radio equipment."

C. Part 85 is amended as follows:

1. Section 85.265 is amended to read:

§ 85.265 Rules in other parts applicable.

The rules relating to the assignment and use of frequencies for ship, aircraft, marine utility, and coast stations operating in the maritime mobile service and for stations operating in the maritime radiodetermination service which are set forth in Parts 81 and 83 of this chapter shall, except as otherwise specifically provided in this part, apply to stations of these services (including developmental stations) in the Alaska area so far as they are consistent with this part.

[F.R. Doc. 64-4364; Filed; Apr. 30, 1964; 8:49 a.m.]

[FCC-64-342]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Miscellaneous Amendments

In the matter of general exemption from the requirements of Title III, Part III of the Communications Act of 1934, as amended, for all United States vessels subject thereto which are of less than 50 gross tons and are navigated not more than 1,000 feet from nearest land at mean low tide.

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of April 1964;

The Commission having under consideration the above-captioned matter; and

It appearing, that section 383 of the Communications Act of 1934, as amended, provides that "The Commission shall exempt from the provisions of this part any vessel, or class of vessels, in the case of which the route or conditions of the voyage, or other conditions or circumstances, are such as to render a radio voyage, or other conditions or circuminstallation unreasonable, unnecessary, or ineffective, for the purpose of this Act"; and

It further appearing, that by Report and Order of May 8, 1957, the Commission reviewed the most basic factors affecting the safety need for radio on a vessel, such as distance navigated from the nearest land, and the most basic factors affecting practicability of installing equipment, such as size of vessel, and adopted a specific policy whereby applications for exemption from Title III, Part III of the Communications Act would be granted when the affected vessel is of less than 50 gross tons and is navigated not more than 1,000 feet from the nearest land; and

It further appearing, that as a public convenience in rendering it unnecessary for operators of vessels coming within the above-mentioned policy criteria to file formal individual exemption applications, and for administrative purposes, it would be desirable to include these vessels in a general exemption.

It is ordered, That all United States vessels of less than 50 gross tons navigated not more than 1,000 feet from the nearest land at mean low tide are exempt from the provisions of Title III, Part III of the Communications Act of 1934, as amended.

It is further ordered, that these exemptions may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

Released: April 28, 1964.

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

[F.R. Doc. 64-4363; Filed, Apr. 30, 1964; 8:49 a.m.]

[FCC 64-343]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

General Exemption of Certain Vessels

APRIL 27, 1964.

By order dated April 22, 1964, the Commission granted a general exemption from the requirements of Title III, Part III of the Communications Act of

[1] Commissioner Lee, absent.

1934, as amended, for all United States vessels subject to Title III, Part III which are of less than 50 gross tons and are navigated not more than 1,000 feet from the nearest land at mean low tide.

In accordance with its Report and Order of May 8, 1957, the Commission will continue to grant exemptions to other vessels of the United States subject to Part III of Title III of the Act which do not meet the requirements for a general exemption when, on the basis of an appropriate application, it can be determined that (a) the water is so shallow and other circumstances are such that in the event of distress passengers could safely reach shore without outside assistance, or (b) there are no coast or ship stations from which assistance could be requested by the required radio installation either in the 2–3 Mc/s band or in the 156–162 Mc/s band.

Adopted: April 22, 1964.

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

[F.R. Doc. 64-4366; Filed, Apr. 30, 1964; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Sport fishing on the Moosehorn National Wildlife Refuge, Maine, is permitted only on the waters designated by signs as open to fishing. These open waters, comprising 500 acres or 2 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters and from the Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston, Massachusetts. Sport fishing shall be subject to the following conditions:

(a) Species permitted to be taken: Brook trout, black bass, pickerel, white perch, yellow perch, hornpout, chubs, smelt, and rough fish.

(b) Open season and creel limits: In accordance with the following table.

Species permitted to be taken	Open season	Daily creel limits	Open waters
Brook trout	Open water fishing from Apr. 1, 1964 (in all waters naturally free of ice and all portions of waters naturally free of ice) through Aug. 15, 1964.	12 fish or 7½ lbs. per day with a minimum legal length of 6 inches.	Moosehorn Stream, Cranberry Brook, Mahar Brook, West Magurrwock Stream, Barn Meadow Brook, Crane Mill Stream, Crane Meadow Brook, and Cranberry Lake Stream.
Do	Open water fishing from Apr. 1, 1964 (in all waters naturally free of ice and all portions of waters naturally free of ice) through Sept. 30, 1964.	do	Ledge Pond, and James Pond.
Black bass	June 1 through June 20, 1964	3 fish per day on single-hooked artificial lures only.	Conic Lake, Little (Bearce) Lake, and Hobart Lake.
Pickerel and white perch	Open water fishing from June 1, through Sept. 30, 1964.	No limit	do
Yellow perch, hornpout, chubs, smelt, and rough fish.	At any time within open seasons in applicable open waters.	do	All applicable open waters.

(c) Methods of fishing:

(1) As prescribed by State regulations except as follows:

(2) The use of boats without motors for fishing is permitted only in the waters of Little (Bearce) Lake, Conic Lake, Hobart Lake, James Pond, and Ledge Pond.

(d) Other provisions:

(1) The provisions of this regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is required to enter the public fishing area. This permit may be obtained at refuge headquarters Monday through Friday between 7:30 a.m. and 4:00 p.m.

(3) The provisions of this special regulation are effective upon publication in the FEDERAL REGISTER through September 30, 1964.

JOHN S. GOTTSCHALK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 22, 1964.

[F.R. Doc. 64-4343; Filed, Apr. 30, 1964; 8:48 a.m.]

SUBCHAPTER D—MANAGEMENT OF WILDLIFE RESEARCH AREAS

PART 60—PATUXENT WILDLIFE RESEARCH CENTER

Patuxent Wildlife Research Center, Maryland

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 60.11 Special regulations; hunting and sport fishing.

Sport fishing will be permitted on the Patuxent Wildlife Research Center, Maryland. The open area is confined to Snowden Pond, comprising 7 acres as delineated on a map available at the Center headquarters and from the office of the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass and sunfish.

(b) Open season: June 1, 1964, through September 30, 1964; sunrise to sunset only.

(c) Daily creel limits: Black bass, 5; sunfish, no limit.

(d) Methods of fishing:

(1) Hook and line tackle and baits permitted by Maryland law, except that no live minnows or other fish may be used for bait.

(2) The use of boats, canoes, and similar floating devices, without motors, is permitted. Launching of boats is permitted only in the area designated by signs.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on the Patuxent Wildlife Research Center which are set forth in Title 50, Code of Federal Regulations, Part 60.

(2) A Federal permit is required to fish. A total of 300 permits will be issued in order of receipt of requests. Application should be made to the Director, Patuxent Wildlife Research Center, Laurel, Maryland. Each permit shall authorize the holder and members of his immediate family to fish.

(3) Each permittee is required to complete a fishing report form for each day fished, which will show the name of permittee, date of fishing, hours fished, type of bait used, and fish taken by species and size.

(4) The provisions of this special regulation are effective to October 1, 1964.

DANIEL H. JANZEN,
Director.

APRIL 27, 1964.

[F.R. Doc. 64-4344; Filed, Apr. 30, 1964; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC-C-4366]

PART 2a—SPECIAL RULES OF PROCEDURE GOVERNING CONVERSION OF IRREGULAR-ROUTE TO REGULAR-ROUTE MOTOR CARRIER OPERATIONS

At a general session of the Interstate Commerce Commission, held at its office

[1] Commissioner Lee, absent.

in Washington, D.C., on the 21st day of April A.D. 1964.

In the matter of declaration of policy and promulgation of special rules for conversion of irregular-route to regular-route motor carrier operations.

It appearing, that on January 25, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1330) for the purpose of determining whether the special rules of procedure and declaration of policy, as therein set forth, should be promulgated to govern the conversion of certain irregular-route to regular-route motor carrier operations; and that said notice further provided that interested persons could submit written representations in connection therewith within 30 days from the date of said publication in the FEDERAL REGISTER;

It further appearing, that written representations were submitted in behalf of Akers Motor Lines, Inc., of Gastonia, N.C., supporting the proposed action, but suggesting certain revisions of proposed new §§ 2a.3 and 2a.4; and by the Local and Short Haul Carriers National Conference, of Washington, D.C., questioning the need for the proposed rules, asserting that such rules fail to establish identifiable criteria by which to determine the merits of such conversion applications, and requesting deletion of the expiration date set forth in proposed new § 2a.6, on the ground that retention of that provision would discriminate against those carriers whose irregular-route operations have not yet evolved into regular-route services;

It further appearing, that the views, arguments, and representations referred to in the appearing paragraph next above have been considered; that the proposed special rules of procedure and declaration of policy are necessary and desirable in the public interest in view of the unusual and special circumstances now existing, as more fully recited in the original published notice of proposed rule making; that the criteria to be used in determining the merits of conversion applications filed under these rules are fully set forth in proposed new rule 2a.5 and in Transportation Activities, Brady Transfer & Storage Co., 47 M.C.C. 23, cited in the said new rule, and are hereby found to be just and reasonable; that the expiration date set forth in proposed § 2a.6 applies to all persons equally, reflects the unusual nature of the problems with which these rules are designed to cope, and is hereby found to be reasonable and nondiscriminatory; and in line with the suggestions of Akers Motor Lines, Inc., which, to the extent here approved, are hereby found to be appropriate and reasonable, that rule 2a.3 should be amended so as to provide that an applicant under these rules shall furnish to interested persons copies of his application as well as copies of his verified statements in support thereof, and that § 2a.4 should be amended so as to allow interested persons 45 days from the date notice of the filing of a conversion application under these rules is published in the FEDERAL REGISTER in which to protest such application, instead of the 30-day time period which would have been allowed under the rules as proposed;

It further appearing, that to effectuate the originally intended scope of the special rules of procedure and declaration of policy which was implicit in the published notice of proposed rule making and in accordance with a joint petition filed March 24, 1964, by the Common Carrier Conference—Irregular Route and the Regular Common Carrier Conference, both conferences of the American Trucking Associations, Inc., requesting clarifying modifications as to the scope of the proposed special rules of procedure and declaration of policy, and the reasons set forth therein, § 2a.1 should be modified so as to make it clear that such rules apply only to irregular-route operations which, as of the effective date thereof, had already evolved into regular-route operations within the criteria enunciated in the Brady case, supra; and good cause appearing therefor:

It is ordered, That 49 CFR be, and it is hereby, amended by the addition of Part 2a as set forth below.

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

And it is further ordered, That this order shall be effective on the date of its publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

Sec.

AUTHORITY: The provisions of this Part 2a issued under secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 206, 207, 49 Stat. 546, as amended, 548, as amended, 551, as amended; sec. 304, 54 Stat. 933; sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 306, 307, 904, 1003; and 60 Stat. 537, 5 U.S.C. 1003 and 1004.

§ 2a.1 Scope of special rules.

The special rules in this part govern the filing and handling under section 206(b) and section 207 of the Interstate Commerce Act, as amended, of applications for certificates of public convenience and necessity which would authorize operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over described regular routes, in lieu of certain corresponding authorized transportation of property over irregular routes between terminals, which transportation has heretofore evolved into regular-route operations within the criteria enunciated in Transportation Activities, Brady Tranfer & Storage Co., 47 M.C.C. 23.

§ 2a.2 Rules otherwise applicable.

Except as otherwise provided in the special rules in this part, § 1.247 of this chapter (Commission's Special Rules of Practice) shall apply.

§ 2a.3 Applications for conversion to regular routes.

To be eligible for processing under the special rules in this part, an application for conversion of irregular-route operating authority to corresponding regular-route authority, accompanied by a specific request for such processing, shall be filed with the Interstate Commerce Commission at Washington, D.C., on or before March 1, 1965. Such application shall be prepared in accordance with and contain all information called for in Form BMC 78, Application for Motor Carrier Certificate or Permit (§ 7.78 of this chapter) (16 F.R. 3587). In addition, the application shall be accompanied by verified statements of facts setting forth in detail all the evidence relied upon to justify the proposed conversion to regular-route operations within the criteria established in Transportation Activities, Brady Transfer & Storage Co., supra. A map or maps indicating in detail the scope of the applicant's proposals shall be attached to and submitted with the application. Copies of such application shall be furnished in such number, and be filed and served in the manner and upon the persons (except competing carriers) specified in the form of application. Applicant shall furnish copies of his application and his verified statements to interested persons upon request from such interested persons. Where applicant's verified statements of facts include abstracts of applicant's past operations, the underlying original records shall be made available for examination by any interested person at a time and place mutually agreed upon by applicant and such interested person.

§ 2a.4 Notice, protests, and subsequent procedures.

The manner of giving notice to interested persons of the filing of such applications, the filing of protests thereto, the subsequent handling of such applications, and all other procedural matters relating thereto will be governed by the applicable provisions of § 1.247 of this chapter (Commission's Special Rules of Practice); except that protests to any application governed by the special rules of procedure in this part may be filed on or before, but not after, except for good cause shown, the 45th day following publication in the FEDERAL REGISTER of a notice of the filing of such application.

§ 2a.5 Bases for approval.

Each such application must be determined upon its own particular facts, with every effort being made to dispose of the application on the basis of verified statements. The following quotation, taken from page 40 of the Brady case, supra, has been cited in other proceedings seeking the conversion of irregular-route to regular-route authority and provides a useful framework within which to view application proceedings instituted under the special rules in this part:

Whenever, in the normal development and growth of an irregular-route service, the

movement of traffic between particular points becomes so constant in point of time and of such volume as to suggest a public need for an added regular-route service between such points, the act provides a means by which appropriate authority for such an operation may be obtained. Noting a tendency for its operation to fall into regular routes, it is the obligation of every irregular-route carrier either to check the tendency and preserve its status, or to obtain appropriate authority for the conversion.

* * * * *

A related argument that irregular-route carriers should be allowed to convert to regular-route "upon a showing of past performance" without the introduction of testimony of shipper witnesses, merits only brief comment. To begin with, the reference to "past performance" is not entirely clear in its meaning. If knowingly unlawful "past performance" of unauthorized regular-route service is referred to, they are entitled to little, if any, weight * * *. If, on the other hand, reference is to an increasing and constant volume of lawful past operations in authorized irregular-route service, then clearly such operations are entitled to weight in the disposition of any application for authority to convert to regular-route service, but patently it cannot be said that past operations, standing alone, would in every case constitute sufficient proof of public need for regular-route service to justify a grant of authority to convert. Each such application must be determined upon its own particular facts.

Consistent with the foregoing, and in the light of the National Transportation Policy declared in the Act, where the facts make it clear that applications filed under the rules in this part represent a bona fide effort to aid the Commission in resolving the larger problem occasioned by the controversial distinction between regular- and irregular-route service, it will be the policy of the Commission to hold the applicant carriers only to such burden of proof as is consistent with a realistic approach to the objective here sought to be achieved.

§ 2a.6 Expiration date.

The special rules of procedure in this part, except as they shall be applicable to applications filed under such rules prior to that date, shall expire at midnight of the 1st day of March 1965.

[F.R. Doc. 64-4347; Filed, Apr. 30, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

WHEAT

Notice of Proposed Amendments To Provide for Determination of Base Acreages and Allotments for 1965 and Subsequent Crops

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is preparing to formulate amendments to the regulations for establishing farm acreage allotments, small farm bases and farm normal yields for the 1964 and subsequent crops of wheat to be applicable to the determination of farm base acreages and acreage allotments for the 1965 and subsequent crops.

In determining farm acreage allotments, section 334(c) of the Agricultural Adjustment Act of 1938, as amended, requires, generality, that the county wheat acreage allotment for any year shall be apportioned among the old farms within the county on the basis of the past acreage of wheat, tillable acres, crop-rotation practices, type of soil and topography. Wheat allotments have been in effect continuously since 1954 and county committees have had ample opportunity to review and make appropriate adjustments when necessary to properly reflect the above factors. Under prior year regulations, it had been determined that these statutory factors, except for the acreage of wheat for the most recent crop year, have been adequately reflected in the preceding year's base acreage for regular rotation farms and in the base acreage established for the second year preceding the current year for odd-even rotation farms. It is, therefore, proposed that the preceding year base acreage be used as the tentative base acreage for all old wheat farms and that in those relatively small number of cases where the preceding year base acreage does not adequately reflect the factors of past acreage of wheat and crop-rotation practices, such factors shall be reflected by adjustment. This proposal substantially simplifies base acreage determinations by eliminating the necessity of making numerous computations on the majority of old wheat farms where the preceding year base acreage already reflects all factors.

Prior regulations provided that current year base acreages for odd-even rotation farms be determined by adding 80 per centum of the base acreage for the second year preceding the current year to 20 per centum of the history acreage for the second year preceding the current year. Although this method of adjusting for established crop-rotation practices worked quite satisfactorily, it is not a true representation of the crop-rotation actually being followed on a farm and furthermore, in any instance where a farm loses history because of overplanting the odd-even rotation farm had received highly preferential treatment as compared to the overplanted regular rotation farm. Since an odd-even rotation is merely a complete rotation, involving wheat, carried out in a two-year period rather than in one year as is the case on a regular rotation farm, the base acreage determined for one year of the two-year period is an integral part of the total farm base and consequently any loss of base acreage resulting from overplanting should be reflected in the farm base established for both years of the rotation period.

It is therefore proposed that tentative base acreages for odd-even rotation farms be determined in basically the same manner as for regular rotation farms by using the preceding year's base acreage for the farm as the current year tentative base and adjusting such base acreage to reflect the statutory factor of crop-rotation practices.

With respect to an odd-even rotation farm with a low year base acreage of zero, it is also proposed that the base acreage be changed to a regular rotation base if there is wheat acreage on the farm during such low year.

It is proposed that a new § 728.15a be added as follows:

§ 728.15a Determination of base acreages for old farms for 1965 and subsequent crops.

(a) *Basis for determination.* The county committee shall determine for each old farm a base acreage for the current year as provided in this section in order to reflect past acreage of wheat, tillable acreage available for production of wheat, crop-rotation practices, type of soil and topography. Subject to the provisions of paragraphs (b), (c) and (d) of this section, these factors are determined to be adequately reflected by the base acreage established for the farm for the preceding year.

(b) *Tentative base acreage.* The tentative base acreage for each old farm shall be as follows:

(1) For a regular rotation farm, the base acreage established for the preceding year.

(2) For an odd and even crop-rotation farm, the base acreage established for the preceding year, adjusted upward or downward by application of an adjustment factor. Such adjustment factor for each odd year shall be determined by dividing the 1963 base acreage established under regulations in this subpart by the 1964 base acreage established under such regulations. Conversely, the adjustment factor for each even year shall be obtained by dividing such 1964 base acreage by such 1963 base acreage. If the low year base acreage for any farm is zero, the high year tentative base acreage for such farm will be the base acreage determined for the farm for the second year preceding the current year.

(3) For an old farm having a crop-rotation system under which the acreage devoted to the production of wheat for harvest as grain has varied in a set pattern from year to year over a three- or four-year period, the prior year base acreage selected by the county committee as applicable for the current year for such farm under the rotation system.

(4) For an odd and even crop-rotation farm which the county committee determines should be changed to a regular rotation in the current year because of past or prospective changes in crop-rotation practices, the tentative base shall be the average of the base acreage for the preceding year and the tentative base for the current year determined as provided in subparagraph (2) of this paragraph: *Provided,* That, if an odd and even crop-rotation farm with a low year acreage of zero has wheat acreage in such zero year of the rotation period, the rotation on such farm shall be changed to a regular rotation beginning with the crop year two years subsequent to such zero year.

(c) *Limitations.* Except for farms for which the allotment is pooled because of acquisition by an agency having right of eminent domain, the tentative base acreage for any farm shall not exceed the cropland on the farm. The farm tentative base acreage shall be zero if the county committee determines that all the cropland on the farm will be devoted to non-agricultural uses in the current year other than acquisitions by an agency having right of eminent domain.

(d) *Adjustments.* The tentative base acreage determined for a farm under paragraphs (a), (b) and (c) of this section, as adjusted under this paragraph (d), shall be the base acreage for the farm.

(1) The tentative base acreage for a farm for the current year shall be adjusted downward as provided in subparagraph (2) of this paragraph if the farm wheat acreage for the second year preceding the current year was in excess of the farm wheat allotment for such year (i.e., the 1965 tentative base acreage would be so adjusted for excess acreage in 1963; except, that such wheat acreage shall not be considered as being in excess of the farm wheat allotment if a quantity of wheat equal to the farm marketing excess was stored or delivered to the Secretary to avoid or postpone the marketing penalty. If any wheat is subsequently removed from storage and penalty becomes due, the wheat acreage on the farm in the year in which penalty becomes due shall be considered as being in excess of the farm wheat allotment and the downward adjustment prescribed in subparagraph (2) of this para-

graph shall apply to the tentative base acreage next established for the farm.

(2) The adjusted base acreage shall be 80 per centum of the tentative base for the current year determined under paragraph (b) of this section plus 20 per centum of the wheat history acreage for the second year preceding the current year: *Provided*, That, if the tentative base acreage has been determined under paragraph (b)(4) of this section, the adjusted base acreage shall be 80 per centum of such tentative base plus 20 per centum of the average of wheat allotments determined for the farm for the preceding year and the second year preceding the current year.

(3) A downward adjustment shall be made in the tentative base acreage for a farm for the current year in any case where the wheat history acreage for the second year preceding the current year was less than the base acreage established for such year because of failure to plant at least 75 per centum of the allotment in each of three consecutive years. The adjusted base acreage in any such case shall be 80 per centum of the tentative base for the current year determined under paragraph (b) of this section plus 20 per centum of the wheat history acreage for the second year preceding the current year.

(4) The county committee may adjust the tentative base acreage for a farm when it determines an adjustment is necessary to obtain a farm base acreage which is equitable when compared with base acreages established for other farms which are similar with respect to crop-rotation practices, type of soil, topography and cropland available for the production of wheat. The amount of adjustment under this clause shall not exceed 10 percent of the tentative base acreage.

(5) In any case where a change in operation has occurred on a farm from livestock to wheat production as the primary source of income, the county committee may adjust the tentative base acreage for the farm so as to provide a more efficient farming unit but in no case shall such tentative base acreage be increased above 50 per centum of the acreage indicated by cropland.

(6) The tentative base acreage shall not be adjusted upward for the sole purpose of offsetting the effects of exceeding the farm allotment in a prior year.

(7) For a farm in a State which was not designated as a 1963 commercial wheat State, the county committee may adjust the tentative base up or down to include the effect of 1963 wheat acreage in such base by adding 80 per centum of the 1964 base acreage to 20 per centum of the 1963 wheat history acreage.

Prior to the issuance of the proposed 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 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 28, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-4372; Filed, Apr. 30, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 222]

CONNALLY ACT REGULATIONS

Revocation of Requirement for Reports of Vessel Shipments

On page 11695 of the FEDERAL REGISTER of November 1, 1963 (28 F.R. 11695) there was published a notice of a proposal to revoke, effective January 1, 1964, § 222.18 of the Connally Act Regulations (30 CFR 222.18). The section reads:

Section 222.18 Shipment by barge, tanker, or other vessel; reports; certificates. The shipper, or duly authorized agent of the shipper, a copy of whose authorization has been filed with the Geological Survey, Department of the Interior, Washington 25, D.C., of a cargo of petroleum or petroleum products, or any part thereof, which has been loaded at any port in the States of Texas, Louisiana, Arkansas, or Mississippi, for shipment by tanker, barge, or other vessel, in whole or in part in interstate or foreign commerce, shall transmit by mail to the Geological Survey, Department of the Interior, Washington 25, D.C., with full postage paid, not later than 24 hours after the date of sailing, a report and certification, in duplicate, on form designated OCR-1, made and executed in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon. No such report on Form OCR-1 is required covering the shipment of petroleum or petroleum products where the cargo is loaded and unloaded wholly within a State.

Subsequent to publication of the notice of intention to revoke, the Bureau of Mines has made arrangements with shippers of petroleum for a voluntary reporting program on a monthly summary basis, beginning July 1, 1964, to provide statistical information as to principal tidewater movements of crude oil and other petroleum products.

Accordingly, effective July 1, 1964, and under authority of Executive Order No. 10752 (23 F.R. 973), § 222.18 of the Connally Act Regulations (30 CFR 222.18) is revoked.

Shippers of petroleum and petroleum products who have been submitting reports on Form OCR-1 may obtain information concerning the new voluntary reporting program, and copies of the monthly report form to be used, from the Director, Bureau of Mines, Washington, D.C., 20240.

Dated: April 24, 1964.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 64-4334; Filed, Apr. 30, 1964; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Reg. Doc. No. 5025; Notice 64-21]

FLIGHT ENGINEER REQUIREMENTS

Operating Rules

The Federal Aviation Agency is considering amending the flight engineer requirements set forth in §§ 40.263, 41.263, and 42.263 of the Civil Air Regulations. Under the proposed amendments, the requirements in those sections for an airman holding a flight engineer certificate would be applicable only to those transport category airplanes for which a type certificate was issued before January 1, 1964. As a result, determination of whether such an airman is required for airplanes type certificated after that date would be made during type certification under the provisions of § 4b.720 of the Civil Air Regulations.

The amendments proposed herein have been discussed with various groups representing air carriers, manufacturers, pilots, and flight engineers. These groups generally agreed that the minimum flight crew should be determined in conjunction with type certification of each type of airplane, and governed solely by the provisions of § 4b.720.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Docket Section, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 1, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Docket Section for examination by interested persons.

Section 4b.720 prescribes broad standards for establishing the minimum flight crew necessary for safety in the operations authorized for each type of transport category airplane. However, §§ 40.263, 41.263, and 42.263 also require an airman holding a flight engineer certificate on all airplanes of more than 80,000 pounds maximum certificated takeoff weight used in operations governed by those parts. Those sections further require such an airman on all four-engine airplanes weighing more than 30,000 pounds maximum certificated takeoff weight when found by the Administrator to be necessary for the safe operation of the airplane. In the past the 80,000-pound criteria in Parts 40, 41 and 42 have not always been compatible with those in Part 4b. Application of the former has, in some cases, resulted in the requirement of an additional flight crewmember on no other basis than airplane weight, when the additional flight crewmember was not required by § 4b.720.

The trend in cockpit design of large transport category airplanes is toward compactness and automation. Cockpit development along these lines, which is worthy of encouragement, may lessen cockpit workload to such an extent that the minimum flight crew required can be safely reduced. In view of this, to require a flight engineer solely on the basis of airplane weight may, in the future, be unrealistic and not contribute materially to safety in air transportation. Instead, the Agency believes that the regulations should permit determination of the minimum crew by an analysis and evaluation of the workload imposed upon the crewmembers of a particular type of airplane by its cockpit environment. The continued development of more efficient cockpits could well be thwarted if the regulations are not amended to permit establishment of the minimum flight crew on a basis more objective and less arbitrary than the present weight limitations in Parts 40, 41, and 42. Such a basis is provided for in the currently effective provisions of § 4b.720.

Under § 4b.720, the determination of the number of required pilots, and flight engineers if any, is based upon an evaluation of the workload involved in the operation of the airplane. In considering workload, unless the applicant desires approval for a more limited type of operation, the airplane is assumed to be intended for operation under IFR conditions. Factors other than the types of operation anticipated, such as cockpit design and emergency conditions that are likely to be encountered also are considered in evaluating workload. Although specific quantitative criteria for evaluating workload are difficult to establish, workload can be checked and qualitatively evaluated in mockups, during flight tests, and by simulating emergencies during actual or simulated IFR operations. Actual crew duties can be demonstrated and analyzed in this way.

The following are basic workload functions under IFR and VFR conditions that the Agency considers under § 4b.720 in determining the minimum flight crew required for a transport category airplane:

(1) Flight path control,
(2) Collision avoidance,
(3) Navigation,
(4) Communications,
(5) Aircraft engines, and systems, operation and monitoring, and
(6) Command decisions.

In determining the workload required by these functions, the Agency considers the following factors:

(1) The accessibility, ease, and simplicity of operation of all necessary flight, power, and equipment controls, including emergency fuel shutoff valves, electrical controls, electronic controls, pressurization system controls, and engine controls.

(2) The accessibility and conspicuity of all necessary instruments and failure warning devices such as fire warning, electrical system malfunction, and other failure or caution indicators. The extent to which such instruments or devices direct the proper corrective action is also considered.

(3) The number, urgency, and complexity of operating procedures with particular consideration given to the specific fuel management schedule imposed by center of gravity, structural or other considerations of an airworthiness nature, and to the ability of each engine to operate at all times from a single tank or source which is automatically replenished if fuel is also stored in other tanks.

(4) The degree and duration of concentrated mental and physical effort involved in normal operation and in diagnosing and coping with malfunctions and emergencies.

(5) The extent of required monitoring of the fuel, hydraulic, pressurization, electrical, electronic, deicing, and other systems while en route.

(6) The actions requiring a crewmember to be unavailable at his assigned duty station, including: observation of systems, emergency operation of any control, and emergencies in any compartment.

(7) The degree of automation provided in the aircraft systems to afford (after failures or malfunctions) automatic crossover or isolation of difficulties, to minimize the need for flight crew action to guard against loss of hydraulic or electric power to flight controls or to other essential systems.

(8) The communications and navigation workload.

(9) The possibility of increased workload associated with any emergency that may lead to other emergencies.

The Agency believes that these criteria provide a realistic basis for determining the minimum flight crew requirements for modern transport category airplanes. It will consider incorporating them in the final rule in the form of an appendix to § 4b.720, or otherwise, if this appears to be desirable for clarification because of the amendments to §§ 40.263, 41.263, and 42.263. It should be noted that §§ 40.261, 41.261, and 42.261 require each air carrier to utilize the minimum flight crew specified in the airworthiness certificate or the airplane flight manual in operations subject to Parts 40, 41, and 42. Thus, pursuant to these sections, the minimum flight crew determined to be required for a particular airplane during type certification under the provision of § 4b.720, will also be required for operations subject to Parts 40, 41, and 42.

This proposal is subject to the FAA Recodification Program announced in Draft Release 61-25 (26 F.R. 10698). The final rule, if adopted, may be in recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

These amendments are proposed under the authority of sections 313(a), 601, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424, 1425).

In consideration of the foregoing, it is proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations as follows:

1. By amending § 40.263 of Part 40 by designating the text of the section as paragraph (b) and by adding a new paragraph (a) to read as follows:

§ 40.263 Flight engineer.

(a) The provisions of paragraph (b) of this section apply to airplanes for which a type certificate was issued on or before January 1, 1964. For airplanes type certificated after that date, the requirement for an airman holding a valid flight engineer certificate is determined by type certification under the provisions of § 4b.720 of this chapter.

* * * * *

2. By making amendments to § 41.263 of Part 41 and to § 42.263 of Part 42 similar to that proposed in item 1.

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

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

[F.R. Doc. 64-4354; Filed, Apr. 30, 1964; 8:48 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-AL-28]

FEDERAL AIRWAYS

Proposed Alteration

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations. These proposals relate to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in

accordance with the provisions of Executive Order 10854.

VOR Federal airway No. 480 extends in part from Nenana, Alaska, to McGrath, Alaska. VOR Federal airway No. 506 extends in part from King Salmon, Alaska, to Bethel, Alaska. The FAA has under consideration the extension of Victor 480 from McGrath to Bethel and the extension of Victor 506 from Bethel to Nome. The proposed extension of Victor 480 would be expanded in width from 45 nautical miles from McGrath in graduated steps of one mile for every 5 nautical miles in length to 90 nautical miles from McGrath, thence 20 miles wide to 90 nautical miles from Bethel, thence decreasing in graduated steps of one mile for every 5 nautical miles in length to 45 nautical miles from Bethel. The proposed extension of Victor 506 would be expanded in width in a like manner to 100 nautical miles from Bethel, thence 22 miles wide to 100 miles from Nome, thence decreased in width in the manner above.

The proposed extension of Victors 480 and 506 would provide routes for VOR-equipped aircraft between these terminals. The expanded width of these extensions would provide adequate controlled airspace for aircraft operating along these airways while at a distance greater than 45 nautical miles from these facilities.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on April 22, 1964.

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

[F.R. Doc. 64-4327; Filed, Apr. 30, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-74]

FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 196 is designated from the Tupper Lake, N.Y., Intersection to Plattsburgh, N.Y. The Air Transport Association of America has requested designation of a Federal airway between Utica, N.Y., and Saranac Lake, N.Y., to provide air traffic service for Mohawk Airlines seasonal operations between these permanently certified air carrier stops. Accordingly, the Federal Aviation Agency is considering the extension of Victor 196 from Plattsburgh via the intersection of Plattsburgh 236° and Utica 016° True radials; to Utica.

In serving the above terminals, Mohawk Airlines is required to operate on a circuitous route via airways to remain within controlled airspace. The proposed action would provide a much shorter route within controlled airspace. The airport serving Saranac Lake is northeast of Tupper Lake Intersection and presently served by Victor 196. The extension of Victor 196 as proposed herein would provide a connecting airway between Utica and Saranac Lake.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 24, 1964.

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

[F.R. Doc. 64-4328; Filed, Apr. 30, 1964; 8:46 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63-SW-117]

JET ROUTE

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 15 presently extends in part from the San Antonio, Tex., VORTAC to the Wink, Tex., VOR. The FAA proposes to realign that jet route from the San Antonio VORTAC via the Fort Stockton, Tex., VORTAC to the Wink VOR. Such realignment would permit full-time use of J-15 by avoiding an area of intensive military operations by Webb Air Force Base in its undergraduate pilot training program. Additionally, the proposed action would align J-15 more closely to the underlying low altitude airways, thereby simplifying transition between route structures.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 22, 1964.

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

[F.R. Doc. 64-4329; Filed, Apr. 30, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 85]

CERTAIN AREA DIRECTORS

Redelegation of Authority With Respect to Forestry Matters

APRIL 15, 1964.

Order 551 (an order by which the Commissioner of Indian Affairs delegates authority to Bureau Area Directors), as amended, is further amended by the addition of a new section under the heading "Functions Relating to Forest and Range Management" to read as follows:

SEC. 233. *Sale of forest products, Red Lake Indian Mills.* The exercise of all those matters set forth in 25 CFR Part 144.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 64-4342; Filed, Apr. 30, 1964; 8:48 a.m.]

Geological Survey

[Coal Land Classification Order 250]

MONTANA

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

MONTANA PRINCIPAL MERIDIAN, MONTANA

COAL LANDS

T. 2 S., R. 13 E.,
Sec. 29, lot 8, SW¼SE¼;
Sec. 32, NW¼NE¼.

NONCOAL LANDS

T. 2 S., R. 13 E.,
Sec. 20, S½NE¼, SE¼NW¼, S½;
Sec. 21, S½NW¼, SW¼, NW¼SE¼;
Sec. 28, NW¼, N½SW¼, SW¼SW¼;
Sec. 29, lots 1 to 7, inclusive, NE¼, N½SE¼, SE¼SE¼;
Sec. 31, lots 3 and 10;
Sec. 32, SW¼NE¼.

The total area of lands described aggregates 1,727 acres, more or less, of which approximately 116 acres are classified coal lands and about 1,611 acres are classified noncoal lands.

Dated: April 23, 1964.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 64-4335; Filed, Apr. 30, 1964; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

SAFE USE OF PESTICIDES

Memorandum of Agreement Between Secretary of Agriculture, Secretary of the Interior, and Secretary of Health, Education, and Welfare

The Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Health, Education, and Welfare have entered into a memorandum of agreement concerning areas of mutual interest relating to the safe use of pesticides, including Federal registration, establishment of permissible tolerances in food and feed, and exchange of research findings, the text of which is set forth below.

Done at Washington, D.C., this 27th day of April 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

INTERDEPARTMENTAL COORDINATION OF ACTIVITIES RELATING TO PESTICIDES

by

The Department of Agriculture
The Department of Health, Education, and Welfare
The Department of the Interior

PURPOSE

Coordination of activities of the three departments pertaining to pesticides with special reference to registration and the setting of tolerances to give effect to the pertinent recommendations of the May 15, 1963, report of the President's Science Advisory Committee on "Use of Pesticides."

EXISTING DEPARTMENTAL RESPONSIBILITIES

The following responsibilities of the respective departments relate to the registration of pesticides and the setting of tolerances for pesticide residues:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service. Conserving beneficial wild birds, mammals, fish and their food organisms and habitat, with regard to pesticides.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

U.S. Public Health Service. Protecting and improving the health of man in regard to pesticides.

Food and Drug Administration. Establishing tolerances for pesticides in or on raw agricultural commodities and processed foods.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service. Providing for the safe and effective use of pesticides, including the registration thereof.

AGREEMENT

1. *Information.*

Each department undertakes to keep each of the other departments fully informed of developments in knowledge on this subject from research or other sources which may come into its possession. Additionally, the Department of Agriculture undertakes to furnish to the other two departments on a weekly basis a listing of all proposals affecting registration and re-registration, and the Department of Health, Education, and Welfare undertakes to furnish to the other two departments on a weekly basis a listing of all proposals affecting tolerances. Upon request, the Departments of Agriculture and Health, Education, and Welfare respectively will furnish to the other departments full information about any pending action on registration or the setting of a tolerance.

2. *Procedure.*

(a) Each department will designate a scientist to act on behalf of such department in carrying out the terms of this agreement. The weekly listings from the Departments of Agriculture and Health, Education, and Welfare and any additional information relating thereto will be directed to these representatives.

(b) The departmental representative will review the weekly listing of actions pending. If there is reason to question any of the items on that list, this will be communicated to the originating department within one week stating the specific reason for need for further review.

(c) Upon receipt of such request the originating department will furnish the necessary information and make the necessary arrangements for further review and will withhold final action on the matter for an additional three weeks.

(d) If one department concludes that the proposal should be rejected in whole or in part, this view shall be expressed in writing and shall be supported by appropriate scientific evidence. Upon being notified, the department responsible for final action will take the initiative to work out a basis for agreement.

(e) In the event agreement is not reached among the department representatives within two weeks of the initial objection, the matter will then be referred directly to the Secretary of the department responsible for final action with such information, views, and recommendations as the three department representatives deem appropriate.

(f) The Secretary of the department charged with final action may then avail himself of whatever administrative and scientific review procedures seem appropriate under the circumstances. The other two departments will be notified in advance of the proposed final determination of the issues.

(g) The department representatives will jointly make a quarterly report concerning their activities to the secretaries of the three departments.

(h) The departmental representatives are authorized to review questions involving existing patterns of use of pesticides or tolerances upon which they have reason to believe that critical questions exist.

3. *Conference.*

At least once each year the departmental representatives will arrange a general conference to discuss research needs, research program and policy, and the application of research findings in action programs, including public information relating to pesticides.

4. *Federal Pest Control Review Board.*

The Federal Pest Control Review Board may be asked from time to time to consider broad

questions on policies relating to pesticides involving the interrelationships of control programs, research, registration, tolerances, and general departmental recommendations to the public.

Dated: April 8, 1964.

ORVILLE L. FREEMAN,
Secretary,
Department of Agriculture.

Dated: March 27, 1964.

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

Dated: April 3, 1964.

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

[F.R. Doc. 64-4346; Filed, Apr. 30, 1964; 8:48 a.m.]

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181.1, the lists (29 F.R. 2315, 2765 and 4747) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Superior's Brand Meats, Inc.	31	(*)	(*)				
Carr Packing Co., Inc.	100	(*)					
Salinas Meat Co.	378	(*)	(*)			(*)	
Stoppenbach Sausage Co.	585	(*)	(*)			(*)	
Austin Community Livestock Processors, Inc.	590	(*)	(*)				
New establishments reporting, 5.							
Hernando Packing Co., Inc.	355		(*)				
Kummer Meat Co., Inc.	617					(*)	
E. S. Read & Sons, Inc.	672					(*)	
Species added, 3.							

Done at Washington, D.C., this 28th day of April 1964.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 64-4371; Filed, Apr. 30, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 28-397]

FUEHRER, BRANDL AND CO.

Order Denying Export Privileges for an Indefinite Period

In the matter of Fuehrer, Brandl and Co., 52 Schillerstrasse, Linz/Donau, Austria, and 31 Schottenring, Vienna I, Austria, File 28-397; Respondent.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondent all export privileges for an indefinite period because the said respondent failed to furish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that Fuehrer, Brandl and Co., also known as Oberoesterreichische Transportgesellschaft Fuehrer, Brandl and Co., is a firm engaged in the forwarding business with places of business in Linz/Donau and Vienna, Austria; that the said Investigations Division is conducting an investigation into the disposition of certain strategic commodities which were exported from the United States to Austria; that said respondent participated in the transportation of said commodities after they arrived in Austria. It is impractical to subpoena the respondent and relevant and material interrogatories and request to furnish certain specific documents, relating to its participation in the transportation, were served on it pursuant to § 382.15 of the Export Regulations. Said respondent has failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section, and it has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, its successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor and to any person, firm, corporation, or business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon it or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, trans-

shipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on April 28, 1964.

Dated: April 16, 1964.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-4351; Filed, Apr. 30, 1964; 8:48 a.m.]

Maritime Administration

[Report No. 30]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through April 17, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP	*Gross tonnage*
Total—all flags (209 ships)	1,531,940
British (74 ships)	605,828
Amalia	7,189
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
Ardsirod	7,025
Arlington Court (now Southgate—British flag)	9,662
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Beech Hill	7,150
*Canuk Trader	7,151
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939
Denmark Hill	7,150
East Breeze	8,708
Elm Hill	7,125
Fir Hill	7,119
*Free Enterprise	6,807
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag)	7,201
Kinross	5,388
Kirriemoor	5,923
Linkmoor	8,236
*London Endurance (Tanker)	10,081
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Majesty (Tanker)	12,132
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Lord Gladstone	11,299
*Maple Hill	7,139
Maratha Enterprise	7,166
Mulberry Hill	7,121
Muswell Hill	7,131
Nancy Dee	6,597
Newgate	6,743
*Newheath	5,891
Newhill	7,855
Newlane	7,043
Oak Hill	7,139
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Ruthy Ann	7,361
Santa Granda	7,229
Sea Coral	10,421
Shienfoon	7,127
Shun Fung	7,148
**Southgate (trip to Cuba under ex-name, Arlington Court—British flag).	
Stanwear	8,108
Streatham Hill	7,130
Sudbury Hill	7,140
Suva Breeze	4,970
Sycamore Hill	7,124
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag)	5,269
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Greek (42 ships)	325,858
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hongkong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
**Nicolaos F. (trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope (now Andromachi)	6,712
Perseus (Tanker)	15,852
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Propontis	7,128
Redestos	5,911
**Seirios (sold Japanese ship breakers)	7,239
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,244
**Timios Stavros (now British flag).	
Tina	7,362
Western Trader	9,268
Lebanese (48 ships)	313,997
*Agia Sophia	3,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
Carnation	4,884
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Claire	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Leftric	7,176
Malou	7,145
Mantric	7,255
Marichristina	7,124
*Marymark	4,383
Mersinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
Razani (broken up)	7,253
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theologos	6,529
Toula	4,561
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Italian (7 ships)	51,580
Achille	6,950
Airone	6,969

*Added to Report No. 29 appearing in the FEDERAL REGISTER issue of April 14, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTERY, NAME OF SHIP—Continued	Gross tonnage
Italian—Continued	
Aspromonte	7,154
*Montiron	1,595
Nazareno	7,173
San Nicola (Tanker)	12,461
San Lucia	9,278
Polish (12 ships)	80,586
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Promina	6,960
Trebisnjica (wrecked)	7,145
Spanish (5 ships)	8,159
Castillo Ampudia	3,566
Escorpion	999
Sierra Andia	1,596
Sierra Madre	999
Sierra Maria	999
Norwegian (4 ships)	34,503
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine (now Jezreel—Panamanian flag)	4,750
French (4 ships)	10,028
Circe	2,874
Enee	1,232
**Guinee (now Comfort, Chinese "Formosa" flag)	3,048
Nelee	2,874
Moroccan (4 ships)	32,614
Atlas	10,392
Banora	3,082
Mauritanie	10,392
Toubkal	8,748
Swedish (2 ships)	14,295
**Atlantic Friend (now Atlantic Venture—Liberian flag)	7,805
Dagmar	6,490
Finnish (1 ship):	
Valny (Tanker)	11,691
Chinese (Formosa):	
**Comfort (trip to Cuba under ex-name, Guinee—French flag).	
Liberian:	
**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).	
Panamanian:	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).	

*Added to Report No. 29 appearing in the FEDERAL REGISTER issue of April 14, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

Greek (2 ships):	Gross tonnage
North Empress	10,904
North Queen	9,341

b. Previous reports:

Flag of registry:	Number of ships
British	9
Danish	1
German (West)	1
Greek	14
Italian	4
Japanese	1
Norwegian	2

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through April 17, 1964:

Flag of registry	Number of trips											
	1963							1964				
	Jan.–June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	Total
British	66	14	11	8	10	12	12	15	7	20	6	181
Greek	55	17	7	8	8	2	2	1	5	2		107
Lebanese	28	8	3	4	10	5	6	6	3	11	2	86
Norwegian	9	1	2	1			1	2	1			17
Italian	10	2	2		1	1		1		1	1	19
Yugoslav	6	1	1	2		2		1	1	1		15
Spanish	2	1	1	1		1	2		3			11
Danish	1											1
Finnish	1											1
French				5	1		2				1	9
German (West)	1											1
Japanese	1											1
Moroccan	2	1	1	1	2	1	1		2			11
Swedish	2		1									3
Subtotal	184	45	29	30	32	24	26	26	22	35	10	463
Polish	10	1	1		2	3	1	1	3	1		23
Grand total	194	46	30	30	34	27	27	27	25	36	10	486

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: April 23, 1964.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64-4309; Filed, Apr. 30, 1964; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Application for Construction Permit and Facility License

Please take notice that Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey, pursuant to section 104b of the Atomic Energy Act of 1954, as amended, has filed an application, dated March 26, 1964, for a construction permit and facility license to authorize construction and operation of a boiling water nuclear reactor having a net electrical capacity of 515 megawatts derived from 1600 thermal megawatts. The reactor is to be located at the Oyster Creek site owned by Jersey Central consisting of approximately 800 acres in Lacey Township, Ocean County, New Jersey.

Jersey Central has also requested that in the event that prior to the issuance of a construction permit for the Oyster Creek plant the Commission determines pursuant to section 102 of the Atomic Energy Act of 1954, as amended, that the type of facility described in this application has been sufficiently developed to be of practical value for industrial or commercial purposes, this application be considered to be an application for a Class 103 construction permit and operating license, in which event Jersey Central will furnish such supplemental data as may be appropriate.

A copy of the application is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 24th day of April 1964.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 64-4359; Filed, Apr. 30, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additive Sodium Dodecylphenoxybenzene Sulfonate

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 1394) has been filed by The Dow Chemical Company, Midland, Michigan, 48640, proposing that § 121.2520 *Adhesives* be amended to provide for the use of sodium dodecylphenoxybenzene sulfonate as a component of food-packaging adhesives.

Dated: April 27, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-4356; Filed, Apr. 30, 1964; 8:49 a.m.]

GRIFFITH LABORATORIES, INC.

Notice of Filing of Amended Petition Regarding Food Additive Propylene Oxide

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 an amended petition (FAP 1107) has been filed by The Griffith Laboratories, Inc., 855 Rahway Avenue, Union, New Jersey, proposing the issuance of an amendment to § 121.1076 to provide for the safe use of propylene oxide as a package fumigant in or on cocoa with the residue of propylene oxide not to exceed 300 parts per million. This amended filing is a supplement to the notice of filing which appeared in the FEDERAL REGISTER, page 1334, on January 25, 1964.

Dated: April 27, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-4357; Filed, Apr. 30, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13777; Order E-20749]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of April 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 assigned the above-designated C.A.B. Agreement number.

The agreement, adopted at the 16th meeting of the Traffic Conference 1 Specific Commodity Rates Board held in New York City, February 1964, relates to specific commodity rates. In general, the agreement names rates under existing descriptions to additional points and revalidates for a further period of effectiveness rates under existing descriptions. In addition, the agreement cancels a number of existing rates either because they have proved uneconomic or in light of the low general commodity rates that prevail.

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-1, be 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 suporting 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. 64-4362; Filed, Apr. 30, 1964; 8:49 a.m.]

[Docket No. 14191; Order No. E-20741]

AIR TRAFFIC CONFERENCE OF AMERICA

Approval of Agreement Proposing Standard Agent's Ticket and Area Settlement Plan

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1964.

Agreement among the members of the Air Traffic Conference of America proposing a standard agent's ticket and area settlement plan; Agreement CAB 16874 and 16874-A1, Docket 14191.

On August 23, 1963, by Order E-19945, the Board deferred action on resolutions of the air carrier members of the Air Traffic Conference of America (ATC) entitled "Standard Agent's Ticket and Area Settlement Plan" (Plan), pointing out that the agreements raise problems of concern to the Board and affect significantly the interests of the carriers and the travel agency industry. The order indicated the Board's desire to be further advised on the matter and provided an opportunity for all interested persons to present formally their views. Comments were filed by 22 members of ATC (the carriers), in a joint statement, and by the American Society of Travel Agents (ASTA) and a number of individual agents.[1] Upon considerations of all such responses the Board has decided to approve the resolution under section 412 of the Federal Aviation Act of 1958, as amended (the Act), subject to certain conditions.

To review briefly the Plan's chief characteristics, ATC-appointed agents would be required to use a single standard form of ticket in the sale of passenger air transportation wholly within the continental United States, Canada, and Hawaii. The Plan would be optional for on-line tickets involving travel to or from points outside that area, and it is the carriers' hope that the standard ticket will be acceptable for interline travel by all airline members of the International Air Transport Association (IATA). Agents would report sales and remit moneys due carriers to a designated bank in one of several prescribed geographical areas instead of separately to each carrier principal. The designated area bank would review agents' reports, distribute the remittance due each airline, and notify the Secretary of the Airline Finance and Accounting Conference (AFAC) of an agent's failure to report or of other irregularities. The banks' service charges, and the cost of the standard ticket and other forms required would be borne by the members of ATC. Agents would be required to report sales and remit cash to the airlines more frequently, and sooner after the close of the reporting period than under present rules, and to acquire from AFAC an industry-approved ticket validator designed to accept airline identification plates which would be supplied by each carrier principal. The potential benefits ascribed to the Plan by ATC, recounted in Order E-19945, include, principally, a reduction in agents' workload through use of one universal ticket form with a resultant reduction in the number of sales reports and in types of ticket stock required. For airlines, the Plan is expected to improve cash flow, eliminate competitive pressures among them by having the agency rules relating to delinquency and default administered by an impartial organization, eliminate considerable administrative detail relating to agency matters and minimize the ticket inventory burden.

Comments of the agents and the carriers on various problems resulting from this change in business relationships, and the Board's conclusion on each are given below.

[1] The individual agents and ASTA will be referred to at times herein as "the agents."

Number of reports and remittances per month and length of grace period. A requirement to report and remit 3 times monthly would apply to all ATC agents, and is an increase from present rules providing for semi-monthly reporting with an exception permitting agents operating ten or more locations to report once a month. In addition, the Plan would require the report and remittance of all agents to be delivered to the designated area bank within 3 working days following the last day of the reporting period, or, if mailed, postmarked by midnight of the second working day. Under the comparable requirement of the presently effective ATC Agency Resolution, the report and remittance must be received by the carrier within 7 calendar days of the close of the reporting period, or, if mailed, postmarked within 5 calendar days.[2] These changes in procedure would improve the carriers' cash balances in return for payment by them of the principal recurring cost of the Plan, viz., the area banks' service charges, and of course, would reduce the cash balances held by the agents.

Agents' views. A number of agents expressed the fear that they will be forced out of handling commercial accounts and compelled to close down or abandon domestic air business if they are required to remit every 10 days (and by implication required to bill their customers every 10 days or else procure additional capital), while the carriers make credit available under their Universal Air Travel Plan (UATP) on a monthly billing basis. The request was made that, if agents are required to remit 3 times per month, manufacturing companies, wholesalers, and other commercial customers who also hold carriers' ticket stock be required to do likewise. The view was expressed that improvement in the carriers' cash flow is the Plan's prime objective with any economies to agents of distinctly secondary importance. However, certain agents accepted the necessity of improved cash flow to the carriers from 3 remittances monthly as a means of paying for the Plan. ASTA also supported the 3 remittance feature subject however, to an upward adjustment in the grace period and full participation in the Plan by IATA.

Turning to the shortened grace period, several agents commented that, aside from the effect upon their working capital, there would likely be required costly overtime work or hiring outside help to complete sales reports on time. Ask Mr. Foster Travel Service, Inc. (Ask Mr. Foster) and Thomas Cook & Son Incorporated (Cook), both of which would have approximately 40 ATC-authorized locations coming under the Plan, indicated that although they would continue to require, respectively, 8 and 9 working days to submit full actual reports under their present centralized accounting procedures, they would be willing to remit, within the newly required time limit, an estimated amount due the carriers for the preceding report period.[3]

Finally, some agents continue to contend that the increase in the number of reporting periods from 24 to 36 per year coupled with the shortened grace period for preparing the report inherently increases the risk of delinquency citations and ultimate withdrawal of ticket stock.[4]

Carriers' views. As concerns agents' working capital, the carriers maintain that the extent to which an agent extends credit is his business as an independent business man; that the carriers should not be expected to finance such credit extensions by permitting the agent to retain cash (less commissions) collected from the public for airline tickets; that any other course would ultimately involve airline control of the agent's credit practices; and that the present separation of functions seems preferable to the carriers and, it is believed, to agents.

As to the length of the grace period, the carriers comment that the use of one consolidated report, with one numerical sequence, and with no need to segregate by carrier the auditors coupons for tickets sold, would make it easier for agents to post the report on a daily basis; that the time spent by agency personnel on ticket control, accounting and reporting would be reduced; and that the shortened grace period accordingly should be adequate. As an example that a longer period is not really needed, there was presented a summary of a study by a major trunkline with 4,000 agency locations for the period from August 1 to 15, 1963, showing that, even under the present rules permitting seven calendar days, 57.7 percent and 82.8 percent of agency revenues were received and banked by the carrier by the third and fourth working day, respectively, after the period ended. Finally, the carriers maintain that the risk of an agent being temporarily suspended as delinquent should be decreased, because the simplified report is expected to make possible more expeditious completion and transmittal at the end of the period, and because there will be few or no occasions when an agent would have nothing to report; failure to send a "no sales" report has been a substantial cause of delinquency listings in the past.

Boards' views. The Board has concluded that, to the extent required to offset the bank service charges, the change to three times monthly reporting is reasonable; however, we also believe that the grace period should be adjusted as discussed hereinafter.

As noted above, the argument is made that agents are in the same position as the carriers' commercial and other UATP customers and, accordingly, should be permitted to observe the same monthly remittance frequency. This argument overlooks important differences between an agent and a carrier's direct retail customer. The latter, of course, is the actual user of the air transportation purchased, does not receive a commission on the purchase and, as we have elsewhere determined, is entitled to the reasonable use of free convenience credit such as provided by the UATP.[5]

By contrast, an agent is not the purchaser or user of the air transportation, but rather acts as an instrumentality of the carrier in selling such service for a commission. The special position of the agent long has been recognized, in the Agency Resolution, by a rule providing for remittances on a basis other than that normally employed in a retail credit sales transaction-twice monthly for all but a handful of agents.[6] When an agent makes a sale of air transportation to a client, the amount of the sale, less commission, belongs to, and is available for collection by, the carrier principal. The rule calling for more frequent remittances by agents than required of the carriers' own retail customers reflects this fundamentally different nature of the agency relationship. Under the circumstances, we conclude that it is not unreasonable for the carriers to establish rules for agents different from those applicable to the carrier's direct retail customers, and that they are not obligated to provide agents with a certain level of working capital in order to underwrite credit extensions or for other purposes. Regardless of the competitive climate, the provision of such funds is clearly a basic responsibility of the Agent.

The Board notes that Fugazy Travel Bureau, Inc. (Fugazy) opposes the requirement for 3 remittances monthly,

[2] One agent operating approximately 40 ATC-authorized locations which already reports 3 times monthly is permitted a 9 working day grace period under the present rules.

[3] Cook proposed that an estimated amount equivalent to 7 working days' sales (the difference between the Plan's 2 working day grace period where the report is mailed and Cook's own requirement of 9 working days) be remitted to "and held by" the area bank. However, as indicated in Order E–19945, Fn 5, p. 5, the Board understands that estimated remittances, as soon as they clear, must be distributed on some equitable basis in order for the carriers to secure the necessary cash flow improvement to justify paying the bank service charges.

Subsequent to the period alloted for responses to Order E–19945, Ask Mr. Foster, by letter dated November 6, 1963, stated that it did not wish any of its offices to come under the Plan, even for a trial period. The letter, which we shall accept although late filed, expresses concern over the problems of multiple-location agents, but presents no new information on the matter.

[4] The Plan, as does the basic Agency Resolution, provides for monthly listings of agents not remitting within the specified grace period. Withdrawal of airline identification plates, ticket stock and exchange orders is required where an agent appears on such lists four times during any twelve consecutive months.

[5] See Passenger Credit Plans Investigation, Docket 10917, Order E–19197, January 16, 1963, pp. 6–18.

[6] This frequency was established by an amendment to the Agency Resolution (Agreement CAB 403–A15) adopted by the members of ATC on June 30, 1948. The amendment deleted an existing requirement for four remittances per month. In their comments herein, the carriers state that individual carriers still sometimes require particular agents or agents in particular localities to report more frequently than twice a month.

stating: "As long as the multiple-location agent has had to remit to the airline once each thirty days, he has been able to extend approximately thirty days credit to the large commercial account. By requiring the multiple location agent to remit every ten days, the carriers will make it impossible for Fugazy to continue to serve such accounts." Fugazy indicates that its current volume of business is $35 million, of which more than 90 percent, or approximately $32 million, is done on credit, and that it cannot finance this volume of credit business. Fugazy argues that multiple-location agents provide a number of advantages to the traveling public justifying preferential treatment of such agents in the matter of remitting to carriers only monthly; that the practice is of long standing under Board approval; and that, since this privilege can be taken away only by Government action, Fugazy should be granted a hearing. Fugazy cites cases, involving Board suspension of and narrowing of exemptions to perform air transportation, in which the courts require the Board to afford the carriers an opportunity to be heard, as well as cases arising before other administrative agencies where the courts determined that the constitutional protection of due process requires a hearing before property, rights or privileges could be withdrawn.

While Board review of agreements filed under section 412 of the Act does not require an evidentiary hearing, we have considered whether the Board should grant Fugazy a hearing in the exercise of our discretion. Fugazy has made no affirmative showing that a hearing would yield any pertinent facts not already before the Board, and there do not appear to be any significant disputes of fact which require resolution. We therefore conclude that a hearing would serve no useful purpose, and Fugazy's request for a hearing will be denied.[7]

Fugazy also opposes the proposed length of grace period within which the remittance must reach the area bank and any mandatory requirement for branch reporting directly to area banks. As discussed hereinafter, our action on the agreements will be conditioned to minimize these problems for agents, such as Fugazy, which operate 10 or more offices.

While we are in agreement with the change to 3 remittances monthly, we believe that, based upon the estimates contained in the Plan, the gain to the carriers from the projected improvement in cash flow would be somewhat in excess of the estimated cost of the area banks' service charges to be paid by them.[8] Although it is reasonable for the carriers to make sufficient improvement in cash flow to offset this major recurring cost of the Plan, we fail to see any justification for going further than necessary, particularly in view of the direct impact this would have upon the cash balances held by the agents. Accordingly, we shall require an increase in the grace periods of 3 working days where the report is delivered to the area bank, and 2 where it is mailed, to 4 and 3 working days, respectively.

Aside from ameliorating what the carriers' figures indicate is an overcompensating increase in cash flow, the change may provide a somewhat better opportunity for agents operating 10 or more offices and using central reporting to submit reports within the required time.[9] However, certain of these agents may have difficulty in adjusting their internal procedures so as to accomplish this, and they may not wish to institute branch reporting directly to area banks as an alternative. The Board believes that such agents should be permitted to make estimated remittances, provided that the procedures by which this is accomplished do not result in a more favorable effective time allowance than is accorded to agents generally under the Plan. Therefore, we shall condition our approval of the agreements to permit estimated remittances by agents operating 10 or more ATC-authorized locations and using central reporting. We also shall require that a resolution setting forth procedures governing estimated remittances be filed with the Board not later than one month prior to the date scheduled for implementation of the Plan in the initial bank area. Such procedures should specify fully the basis to be used for computing the estimated remittance, the basis to be used by the area banks for distribution of the estimated amounts to individual carriers, the time within which, and method by which, settling adjustments are to be effected, and any other information which has a bearing on whether the arrangement is equitable to the carriers and agents directly concerned, and to others.

Further, the change in grace period should compensate, at least partially, for any increased exposure of agents to citation for delinquency which may result from the short grace periods and new remitting frequencies contained in the Plan.[10] To be sure, the reduction in paperwork provided by the Plan should facilitate preparation of the sales report throughout the reporting period; however, we note that the Plan requires considerable arrangement of items in the report according to whether they are single, two or four coupon tickets, other traffic documents, refunds, or commissions on credit sales. This may cause some peaking of work at the end of the period which, again, would support some relaxation in the grace period.

In addition, we believe that the threat of withdrawal of airline identification plates and ticket forms should be abated during an agent's period of initial familiarization with the Plan. To this end we shall require that outstanding delinquency citations within the preceding 12 months be voided as of the date an agent enters the Plan.

Acceptability of the standard ticket in international air transportation. ASTA and certain individual agents state that, without all IATA carriers participating fully in the Plan, an agent, unless he represents ATC carriers only, would be required under the Plan to report and remit three times per month to an area bank for sales made for ATC members and, exclusive of the Plan, twice a month to each individual IATA carrier he represents. It is argued that such reporting at separate times to domestic and international airlines represents an additional burden or, at best, no reduction in agents' workload, and that the Plan should not be approved by the Board unless and until also adopted by IATA member airlines.

---

[7] Fugazy's contention that the Board is passing on his "property" rights without granting a hearing misconceives the nature of the Board's action in the ATC Resolution Investigation, Docket 8300 (29 C.A.B. 258, 1959) and in other related proceedings which approved joint carrier agreements affecting travel agents. The Board, under the authority of section 412, passed upon joint carrier agreements to insure compliance with the Act. The Board did not license travel agents or otherwise confer on them any authority or property rights.

[8] The agreement contains an estimate (Exhibit I, p. 4) showing that, at a daily agents' sales volume of $2 million (which includes a substantial volume of international sales), the Plan would produce a gain to the carriers as a group of $300,000 per annum (on a 5 percent interest basis used throughout these calculations). This reflects an arbitrary assumption that the carrier's cash balances would be increased to the extent of 3 days' agents' sales, or $6,000,000; however, the Exhibit does not allow for the greater average number of days cash is presently held by agents now authorized to remit monthly and/or afforded longer than average grace periods, so that the improvement is significantly understated. Thus, figures contained in the agreement for two individual carriers (Exhibit I, p. 2 and p. 3) showing actual collections of agents' sales under present rules in comparison with the way they would be scheduled under the Plan indicate, respectively, an improvement in cash balances of $161,756, or 4.3 days' sales, and $1,653,292 or 4.9 days' sales. Averaging out this improvement at 4.8 days and applying it on an industry basis would produce an improvement of $9,600,000, equivalent to a $480,000 gain per annum. In their comments, however, the carriers indicated that the bank service charges on a $2,000,000 daily volume of business would amount to only $324,000, even at 3 cents per item. Accordingly, the gain to the carriers is $156,000 in excess of the service charges that they would have to pay; we estimate that approximately $144,000 of this excess is eliminated by the addition to the grace period of one working day. A substantially similar result is obtained if the calculations are based on estimated agents' sales and tickets sold for domestic business only.

[9] For example, it would permit branches one working day to complete a standard report and mail it to the home office, one working day in-transit time and one working day (plus part of a second if the report is delivered rather than mailed to the area bank) to check and combine the reports of the various branches.

[10] The adjustment will provide only slightly less liberal grace periods than are contained in the currently effective agency resolution which allows 7 and 5 calendar days after the last day of the reporting period, depending upon whether the report is delivered or mailed. Converting to average working days (by allowing for Saturdays, Sundays, and holidays), the present requirement is about 4.8 and 3.5 days.

The carriers state that by far the greater number of air tickets sold by United States agents are either for wholly domestic transportation or represent an international journey partially or wholly via ATC carriers. In any case, the carriers feel, and certain agents agree, that the Plan has benefits for agents regardless of the extent to which it ultimately may be made applicable to international air transportation.

The Board recognizes that the Plan, in its present form, does not offer those agents which represent both ATC and IATA carriers the same potential for operating efficiencies which would be available in a plan standardizing ticket forms, reports and remittances for all sales of domestic and international air transportation. However, as noted, the agents' large domestic ticketing workload would be brought entirely under the Plan. In addition, the Plan permits use of the standard ticket and other procedures for travel between a point in the continental United States, Hawaii and Canada and a point outside that area where the transportation is performed entirely by one ATC member or where it consists of an interline journey involving two or more ATC carriers only.[11] Also, nothing precludes acceptance of the standard ticket in interline transportation by IATA carriers.[12] Further, the fact that agents' reports to ATC and IATA carriers would cover periods of different length and would not always be due on identical days of the month is not in our opinion, a critical factor. Thus, the Board believes that the actual and permissive areas for operation of the Plan suggest sufficient benefits to justify proceeding here without first resolving all of the uncertainties as to the extent of future participation by IATA carriers.

Timetable for implementation of the plan. In Order E–19945, the Board expressed concern over possible difficulties that might arise should implementation of the Plan in the various bank areas extend over an indefinite, perhaps substantial, period of time. In this connection, the agents' comments included a request that multiple-location agents using central accounting procedures be excluded from the Plan until such time as a single remittance can be accomplished to one area bank in the United States and to one in Canada. The carriers, in their comments, express the belief that a precise timetable should be determined only after the 180-day implementation period in the initial bank area, and that the Plan thereafter probably should be extended to one or two additional bank areas every 30 to 60 days.

We remain concerned over the uncertainty as to time required to implement the Plan fully and, therefore, will impose certain conditions in this regard.[13] Although the Board recognizes the desirability, particularly from the standpoint of adequate indoctrination of agents, the amount of time allowed by the resolutions in the first bank area seems excessive. Thus, the Board will require that the period from initial implementation to the filing with the Board of a resolution on expanded implementation, elimination or modification of the Plan be limited to 6 months.[14] Secondly, assuming, as we do, that the decision then favors extension of the Plan, it is our belief that the interests of all would be best served by rapid implementation in all other areas. We shall require that the resolution submitted to the Board at the end of the six-month initial implementation period incorporate, or be accompanied by, a statement showing the order of implementation of the Plan in the remaining bank areas, the date planned for each such extension and the name of the bank(s) designated for each area. Thereafter, and until the Plan is fully operative, there shall be filed a recurring report showing the actual progress against the schedule, or any changes therein. We shall also require the filing of a statement of the results of the review of the Plan in the first bank area; copies of instructions by ATC and AFAC to agents at the time of issuance; and, other data pertaining to implementation of the Plan as specified elsewhere in this order. Finally, we shall condition the agreement to provide that an agent operating offices in more than one bank area and using central reporting be given the option of entering the Plan at any time up until the Plan becomes effective in all bank areas in which that agent has offices.[14a]

Validator cost and specifications. As indicated in Order E–19945, the Plan would require agents to acquire from AFAC an industry approved validator-ticket writer.[15] A number of agents have expressed concern over having to pay for the new type of validator, at least one of which would be required at each office operated. These agents consider this to be one more business cost which may or may not be offset by improved operating efficiency, and they assert that the carriers should assume the obligation of providing the machines.

The carriers indicate that the validator they are now considering would cost about $70 a piece in quantity lots and would be offered to agents at that price, or at an agent's option, on a rental basis of approximately $12 to $14 annually. The carriers also indicate that many agents are already voluntarily procuring new types of ticket imprinter-validator equipment which will be compatible with the airline identification plate under the Plan, so that the Plan will not require, for such agents, a validator which would not have been acquired in any event.

The Board believes, to assist implementation of the Plan, and during the initial six-month period only, that one of the required validators should be supplied for any agency location made subject to the Plan upon the request of and at no cost to the agents involved.[15a] Thereafter, with respect to such agents and those who enter the Plan at a later date, the Board contemplates that the carriers will develop an equitable program under which agents can lease and/or purchase the equipment. The Board will require that the carriers' resolution on this matter be filed under section 412 of the Act, with all pertinent costs details, by the end of the initial six-month period.[16]

Use of airlines clearing house in lieu of area banks. In Order E–19945, the Board raised a question as to whether such benefits of the Plan as a uniform ticket, volume purchases of tickets, and a central requisition source could be achieved through joint industry efforts not involving the area bank settlement portion of the Plan and attendant costs. In responding to the order, ASTA urged that, if possible, the standard ticket be introduced without the establishment of area settlement banks and, by letter filed December 23, cited certain recently obtained statistics as evidence that agents' remittances could be processed through the Airlines Clearing House for far less than the estimated area bank settlement

[11] It is understood ATC intends that such transportation in fact be under the Plan, unless special circumstances in particular instances dictate otherwise.

[12] Former IATA Resolutions 275 and 275f dealing, respectively, with the form of ticket required and the interchange of on-line passenger tickets were rescinded and replaced by Recommended Practices 1275(a) and 1275 (f) effective December 1, 1962. This action, approved by the Board by Order E–19103, dated December 17, 1962, appears to have eliminated any prohibition against acceptance of the standard ticket by members of IATA.

[13] As noted in Order E–19945, Agreement CAB 16874–A1 provides that the Plan may be implemented in one bank area at one time; that, it will be reviewed 180 days after initial implementation to determine costs and degree of attainment of objectives; and that, based upon such review, the Executive Secretary of ATC, within 255 days of initial implementation will prepare a resolution recommending expanded implementation, elimination, or modification of the Plan. A further period of time beyond the 255 days would be required for Conference action and the filing of the resolution with the Board.

[14] The Board contemplates that the Plan would be reviewed at the end of 4 months instead of 6 months as contemplated in the Plan, and that such review and further ATC action would be accomplished in an additional 2 months.

[14a] We recognize that, during the earlier stages of implementation of the Plan, such agents may not wish to adopt the new procedures on a partial basis. This reflects the inherent difficulty of operating any business enterprise under two separate sets of rules; however, we do not intend that this differentiation between multiple-branch and single location agencies continue for any extended period and, as already indicated, will encourage prompt extension of the Plan to all bank areas.

[15] The Board understands a validator-ticket writer (validator) to be a single piece of equipment.

[15a] We believe that, since the carriers have reserved the right to review the operation of the Plan prior to full and final implementation in all bank areas, it is appropriate for them to bear, to the full extent practicable, the economic risks should it not be thus implemented.

[16] Since the agents are being asked to pay for the validators, the Board would expect the carriers to develop a machine sufficiently versatile to accept existing ATC and IATA carrier ticket stock and adaptable to the needs of IATA should the members of that organization later join in the Plan. This would avoid a duplicate expenditure for two separate pieces of equipment with essentially identical validating functions.

charges.[17] This, ASTA argued, would obviate the need for increased remittance frequencies.

The carriers state that the major benefits of the Plan to agents—the use of single ticket stock and a consolidated sales report—could not be achieved without reporting to a central instrumentality, either a clearing house or an area bank and, because of cost considerations, the latter alternative was deemed preferable. In a response to ASTA's letter, filed December 30, 1963, ATC points out, further, that the Airlines Clearing House does not process individual flight coupons, but works only from recapitulation of interline invoices, with the actual settlement being performed by a single New York bank.

From the foregoing, it would appear to the Board that the present Airlines Clearing House operation, involving primarily a set-off of balances due among carriers, is not readily adaptable to handling the workload which would be involved in processing individual agents' sales reports and supporting auditors coupons. Accordingly, no useful purpose would be served by further delaying action on the Plan for a determination as to whether some other type or types of clearing house arrangement could be devised which might eventually prove feasible.

Reduced carrier risk of loss vs. *agents' bond coverage.* ASTA points to a provision of the Plan, not heretofore included in the Agency Resolution, permitting the withdrawal of ticket stock, exchange orders and airline identification plates from an agent who has failed to remit in full to an area bank within 10 days after the remittance was due.[18] ASTA maintains that there is no justification for such a rule, since there is ample protection of the carriers' interests in the already existing provision relating to default and termination of an agent's sales agency agreement for failure to remit within 15 days of the due date.

The Board believes that the provision may be of possible advantage by providing, upon an agent's failure or delay in reporting, an intermediate procedure less stringent than the outright termination of the agency agreement by ATC which occurs after 15 days. However, we note that the number of days from the beginning of the report period to the date ticket stock is withdrawn is 31 under present rules (for a 30 day month) and 20 under the Plan, a reduction of 35 percent.[19] The Plan effects no reduction in the amount of bond which agents are required to maintain, despite this reduction in risk of loss to the carriers. Under the circumstances, a percentage reduction in the amount of agents' bond might be appropriate and could well apply, not only to the requirement based on gross sales of air transportation, but to minimum and maximum requirements as well. This is a matter which the Board expects the carriers to consider fully in their continuing review of bonding and, unless sooner adjusted, to be dealt with by resolution or report to the Board, not later than the end of the six-month initial implementation period.

Retention of ticket stock until 7 days after satisfaction of amounts due. The Plan provides that where ticket forms, exchange orders and airline identification plates have been withdrawn from an agent for failure to remit to the area bank, they shall not be returned to the agent until 7 days after the Executive Secretary of ATC mails a notice to each member that he has been advised that the agent has satisfied or adjusted all amounts due any member.

ASTA has pointed out that, used in conjunction with the 10-day rule, the provision would permit removal of an agent's ticket stock for a 7-day period even though he was never held in default. By letter of June 20, 1963, ASTA also objected to the similar 7-day provision in the presently effective Agency Resolution, applicable to reinstated agents.[20]

Although the Board notes that the 7-day rule in the basic resolution is of long standing, we presently see no significant useful purpose in requiring a reinstated agent, or one who has satisfied all amounts due carriers, to wait an additional 7-day period before resuming operations. Accordingly, our approval herein shall not extend to the 7 days waiting period provided for in Paragraph 15 of the resolution. Should the instant agreements for any reason not be finally adopted by the members of ATC, we shall expect similar elimination of the 7-day rule from the basic Agency Resolution.

Finally, it is to be noted that certain comments received indicate skepticism as to various other features of the Plan. Thus, one or more agents maintain that the effect of a new procedure requiring the agents to compute the commission separately on each ticket cannot be known until the Plan is implemented; that it would be simple to continue to use individual carrier ticket stock rather than to have to change constantly the airline identification plate in the validator; that the Plan is of no help in relation to agents' existing internal procedures; that an agency should be allowed to use its own report form which is adaptable to its existing accounting machine equipment; and, that discrepancies and "items in dispute" will be more difficult to settle as between airline and agent because of the injection of a third party with no knowledge of such matters as fares and routings, but with full power to determine agents' delinquencies.

Such comments, reflecting understandable concern over the extent of proposed changes in procedures, equipment and report and ticket forms point up, we believe, the difficulty of developing a program of the magnitude here involved which would satisfy all of the needs or provide equal benefits to more than 4,000 individual agents having different overall business activities, operating problems and automation requirements. The Board recognizes that the Plan is likely to be considered more satisfactory by some agents than by others, and that, in fact, it will not be free from all difficulties or provide equally advantageous adjustments to each and every segment of the agency industry. Nevertheless, we have concluded that, viewed broadly, the Plan represents a worthwhile forward step in the continuing development of conference procedures under which agent-carrier business affairs are conducted, and that it can be of significant practical benefit to individual agents and carriers alike. On this basis, we find that the agreements, as conditioned herein, are not adverse to the public interest or in violation of the Act.

Certain provisions of the instant agreements common to the basic Agency Resolution have been amended as to the latter only.[21] Also, as indicated herein, we understand that the Plan is intended to be effective in Hawaii, although the present text does not so provide. We assume that these subsequent revisions will be reflected in the text of the Plan at a suitable opportunity.

Accordingly, it is ordered:

1. That Agreements CAB 16874 and 16874–A1 be and they hereby are approved subject to the conditions enumerated below;

2. That an agent be permitted 4 working days from the last day of the reporting period within which to physically deliver the report and remittance to the designated area bank; if mailed, the report and remittance may be postmarked not later than midnight of the third such working day;

3. That an agent operating 10 or more ATC-authorized locations making a combined report and remittance for such locations be permitted to do so in the form of an estimate, and that the carriers' resolution establishing procedures for accomplishing this shall be filed with the Board under section 412 of the Act not later than one month prior to the date of initial implementation of the Plan; [22]

---

[17] Since information cited in ASTA's letter filed December 23, 1963 only recently became available to ASTA, we shall permit the late filing of such letter and of ATC's response thereto.

[18] The Board understands that the intent of the resolution is to refer to a date 10 days after the last day of the report period, and so interprets the provision.

[19] For agents with 10 or more offices presently reporting monthly the number of days a potential default can build up would decrease from 46 to 20 or by nearly 57 percent. The exposure here has existed as an exception to the general rule, the present mandatory bonding requirement being keyed roughly to a risk of loss period of one month.

[20] Such comments were submitted in connection with a pending amendment to the ATC Agency Resolution (CAB 5044–A97). It appears appropriate, however, to deal with the matter in the context of the instant resolutions.

[21] CAB 5044–A95, treating the subject of agents not under appointment by a carrier, approved by Order E–20209, dated November 22, 1963; and CAB 5044–A97, dealing with temporary suspension and reinstatement of agents and exchange of delinquency information with IATA, not yet acted on by the Board.

[22] Nothing in such procedures shall be construed as prohibiting a separate combined remittance to a Canadian bank for offices located in Canada.

4. That, for purposes of Paragraph 16 of Agreement CAB 16874 and Paragraph VII C of the basic ATC Agency Resolution, outstanding delinquency citations, if any, shall be voided as of the date an agency or any of its ATC-authorized locations enter the Plan;

5. That the resolution to be prepared by the Executive Secretary of ATC proposing expanded implementation, abandonment or changes in the Plan be acted upon by the carriers and filed with the Board under section 412 of the Act not later than six months from the date of initial implementation of the Plan;

6. That the resolution specified in the preceding paragraph shall contain, or there shall be filed concurrently with the Board, a schedule showing the order and projected date of implementation of the Plan in the remaining bank areas and the name of the bank(s) designated for each area, and thereafter, there shall be filed by the fifteenth day of each month a report showing, for the preceding calendar month, the actual dates of implementation in additional bank areas, and any changes in the schedule;

7. That an agent operating ATC-authorized locations in more than one bank area making a combined report and remittance for such offices shall be permitted to enter the Plan at any time up until the date on which the Plan becomes effective in all bank areas in which the agent has offices;

8. That during the six-month initial implementation period, one of the ATC required validators shall be supplied to each agency office becoming subject to the Plan, upon the request of and at no cost to the agent;

9. That, not later than the end of the six-month initial implementation period, the carriers shall file a resolution with the Board under section 412 of the Act setting forth full details of the validator program now referred to in general terms in Paragraph 22 and Exhibit IV of Agreement CAB 16874;

10. That the approval herein shall not apply to that portion of Paragraph 15 of Agreement CAB 16874 which imposes a 7 day waiting period between the time when an agent satisfies or adjusts all amounts due any member of ATC and the time when he may be reissued ticket forms, exchange orders and airline identification plates;

11. That, not later than the end of the six-month initial implementation period, ATC shall file with the Board a statement showing results of the review of the Plan by the Interconference Area Settlement Plan Committee, referred to in Agreement CAB 16174–A1;

12. That, not later than the end of the six-month initial implementation period, the carriers shall file a resolution with the Board under section 412 of the Act modifying the bonding program in line with the reduction in the carriers' risk of loss provided by the Plan, or, in the alternative, a report describing fully the reasons for not enacting such resolution;

13. That data relating to implementation of the Plan, including, but not necessarily limited to, instructions to agents, area banks and the carriers, be filed with the Board upon issuance;

14. That, at least one month prior to the date scheduled for implementation of the Plan in the initial bank area, there be filed with the Board notice of such date; and

15. That the data required to be filed in ordering paragraphs 6, 11, 13 and 14 shall be filed in triplicate in this Docket with the Board's Docket Section.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-4361; Filed, Apr. 30, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-7]

FLORIDA POWER AND LIGHT CO.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (SO-OE-3902) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The Florida Power and Light Company, Miami, Florida, proposes to increase by 86 feet the height of two existing, and construct two additional, concrete exhaust stacks near Fort Lauderdale, Florida, at latitude 26°05'07" N., longitude 80°07'32" W. The overall height of the stacks would be 359 feet above mean sea level (340 feet above ground).

The Florida Power and Light Company submitted a previous proposal for stacks at this location at a height of 419 feet AMSL (400 feet AGL). This proposal resulted in the issuance of a determination of hazard to air navigation (OE Docket No. 64-SO-1).

The construction site is located approximately 10,130 feet northeast of the airport reference point, 6,950 feet northeast of the northeast end of Runway 4/22 and 2,000 feet southeast of the extended runway centerline at the Fort Lauderdale-Hollywood International Airport (formerly Broward County International). At the proposed height, the structures would exceed the inner horizontal surface as defined in § 77.25(a)(1) of the Federal Aviation Regulations as applied to this airport by approximately 199 feet.

The aeronautical study disclosed that the proposed construction would require that the take-off minimums, for aircraft departing on Runway 4, be increased from a 200-foot ceiling, ½ mile visibility, to a 300-foot ceiling, one mile visibility, for aircraft of more than two engines. Since this runway is the shortest on the airport and not extensively used, this increase would not have a substantial adverse effect upon its use.

The construction would be located in proximity to routes used by visual flight rules aircraft when proceeding between the airport and the coast; however, at the proposed height, it would not have a substantial adverse effect upon normal VFR operations or upon aircraft conducting the special VFR procedure.

Based on the aeronautical study, it is the finding of the Agency that the proposed construction would have no substantial adverse effect upon aeronautical operations, procedures, or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed construction would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed construction would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on April 24, 1964.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-4330; Filed, Apr. 30, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15429, 15430; FCC 64-358]

DOVER BROADCASTING CO., INC., AND TUSCARAWAS BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Dover Broadcasting Company, Inc., Dover-New Philadelphia, Ohio, requests: 101.7 mc, No. 269; 3 kw; 33 ft., Docket No. 15429, File No. BPH-3560; The Tuscarawas Broadcasting Company, New Philadelphia, Ohio, requests: 101.7 mc, No. 269; 3 kw; 229.6 ft., Docket No. 15430, File No. BPH-4196; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of April 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which applicants propose to provide FM broadcast service are significantly differ-

ent in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant; and

It further appearing, that the Dover Broadcasting Company, Inc., is licensee of FM broadcast station WCNO, Canton, Ohio, which serves a substantial portion of the area which the proposed Dover-New Philadelphia station will serve and that, in considering the proposal of the Dover Broadcasting Company, Inc., in the hearing ordered below it will be pertinent to consider the size, extent and location of the areas served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; and such other factors as will tend to demonstrate that the overlap involved will or will not be in contravention of § 73.240(a) of the Commission's rules; and

It further appearing, that the application of the Dover Broadcasting Company, Inc., requests authority to identify its proposed station with both Dover and New Philadelphia, Ohio, but does not include a showing, as required by § 73.210 (b) of the Commission's rules, in support of this aspect of its proposal, and that, therefore, an issue will be specified to determine whether the proposed operation of the Dover Broadcasting Company, Inc., is consistent with the provisions of § 73.210(b) of the rules; and

It further appearing, that, upon due consideration of the applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the FM broadcast facilities proposed;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM services (at least 1 mv/m) to such areas and populations.

2. To determine whether a grant of the application of the Dover Broadcasting Company, Inc., would be in contravention of the provisions of § 73.240 (a) of the Commission's rules with respect to multiple ownership of FM broadcast stations.

3. To determine whether the proposal of the Dover Broadcasting Company, Inc., is consistent with the requirements of § 73.210(b) of the Commission's rules to warrant an authorization for dual-city operation.

4. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the FM broadcast station as proposed.

(b) The proposals of each with respect to the management and operation of the FM broadcast station as proposed.

(c) The programing services proposed in each of the above-captioned applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as requested by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-4367; Filed, Apr. 30, 1964; 8:49 a.m.]

[Docket No. 15428; FCC 64-357]

MID-UTAH BROADCASTING CO. (KEYY)

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Mid-Utah Broadcasting Company (KEYY), Provo, Utah, has: 1450 kc, 250 w, U, Class IV, requests: 1450 kc, 250 w, 1 kw-LS, U, Class IV, Docket No. 15428, File No. BP-15964; for construction permit.

1. The Commission has before it for consideration (1) the above-captioned application; (2) a "Petition to Deny," filed October 28, 1963, by the Pioneer Broadcasting Company, licensee of Station KONI, Spanish Fork, Utah; (3) an "Opposition to Petition to Deny," filed January 23, 1964, by the applicant; (4) a "Reply to Opposition to Petition to Deny," filed March 3, 1964, by the petitioner; and (5) related affidavits, exhibits, et al.

2. The Commission finds that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed.

3. The petitioner contends that the applicant's proposal would, in contravention of § 73.37 of the Commission's rules, involve an overlap of the 25 mv/m groundwave contour of Station KEYY with that of KONI (a station operating on 1480 kc, a frequency 30 kc removed), and that the proposal would cause interference to KONI. The applicant, in its "Opposition," denies both contentions. Both the petitioner and the applicant have submitted engineering data to support their respective positions regarding the question of overlap.

4. The applicant contends that the "Petition to Deny" must be dismissed on the ground that the accompanying affidavit and related exhibits fail to satisfy the requirement of section 309(d)(1) of the Communications Act of 1934, as amended, that allegations of fact be supported by an "affidavit of a person with personal knowledge thereof." Under the particular circumstances of this case, however (see paragraph 5), there is no need for the Commission to determine the legal sufficiency of the objecting licensee's petition.

5. Upon consideration of the engineering data submitted by the applicant and petitioner, the Commission is satisfied that a substantial question exists as to whether the proposed operation of Station KEYY would be in contravention of § 73.37 of the rules. Indeed, the Commission reaches the same conclusion upon consideration of only the engineering data submitted by the applicant (ignoring altogether, for this purpose, the petitioner's engineering affidavit and exhibits). That being the case, the Commission will, on its own motion, designate the application for hearing on a § 73.37 issue. Having so found, we will not, prior to hearing, impose upon the petitioner the burden of further demonstrating that the proposal would cause the type of harm which § 73.37 was designed to preclude. James E. Walley (KAOR), FCC 64-121 (adopted February 12, 1964).

6. The Commission also agrees with the petitioner's claim to standing as a "party in interest" on the basis of competition between KEYY and KONI for advertising revenues. F.C.C. v. Sanders Brothers Radio Station, 309 U.S. 470, 9 R.R. 2008 (1940).

---

[1] Commissioners Hyde and Lee absent.

7. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KEYY and the availability of other primary services to such areas and populations.

2. To determine whether the 25 mv/m groundwave contour of the proposed operation of Station KEYY would overlap the 25 mv/m groundwave contour of Station KONI, Spanish Fork, Utah, in contravention of § 73.37 of the Commission's rules, and, if so, whether circumstances exist which warrant a waiver of said section.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That Pioneer Broadcasting Company, licensee of Station KONI, Spanish Fork, Utah, is made a party to the proceeding.

It is further ordered, That the "Petition to Deny" filed October 28, 1963, by the Pioneer Broadcasting Company is granted to the extent indicated above.

It is further ordered, That, in the event of a grant of the above-captioned application, the construction permit shall contain the following conditions:

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 22, 1964.

Released: April 27, 1964.

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

[F.R. Doc. 64-4368; Filed, Apr. 30, 1964; 8:49 a.m.]

[Docket Nos. 13243, 13248; FCC 64-355]

TIDEWATER BROADCASTING CO., INC., AND EDWIN R. FISCHER

Order Amending Issues

In re applications of The Tidewater Broadcasting Company, Inc., Smithfield, Virginia, Docket No. 13243, File No. BP-12814; Edwin R. Fischer, Newport News, Virginia, Docket No. 13248, File No. BP-13114; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of April 1964;

The Commission having under consideration a petition to reopen the record and enlarge the issues filed March 16, 1964 by The Tidewater Broadcasting Company, Incorporated, comments thereon of the Chief, Broadcast Bureau, filed March 31, 1964, and other matters of record herein;

It appearing, that because of a common ownership interest in The Tidewater Broadcasting Company, Incorporated and The Accomack-Northampton Broadcasting Company, Incorporated, licensee of Station WESR, Tasley, Virginia, a question arises whether grant of the proposal of the former would contravene the provisions of § 73.35(a) of the Commission's rules;

It appearing, that it is appropriate to grant the relief requested, but that any evidentiary hearing on the added issue should be held in abeyance so long as the stay (imposed by order released August 3, 1961, FCC 61-935) of the effective date of the Initial Decision in the above-captioned proceeding remains in effect;

It is ordered, That the petition to reopen the record and enlarge the issues filed March 16, 1964, by The Tidewater Broadcasting Company, Incorporated is granted:

It is further ordered, That the record in the above-captioned proceeding is reopened for the purpose of enlarging the issues to include the following issue: To determine whether a grant of the proposal of the Tidewater Broadcasting Company, Incorporated, would be in contravention of the provisions of § 73.35 (a) of the Commission's rules with respect to multiple ownership of standard broadcast stations, and, if so, whether circumstances exist which would justify waiver of the rule.

It is further ordered, That the stay is to remain in effect until further order of the Commission.

Released: April 27, 1964.

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

[F.R. Doc. 64-4369; Filed, Apr. 30, 1964; 8:49 a.m.]

[1] Commissioners Hyde and Lee absent.

FEDERAL MARITIME COMMISSION

[Commission Order No. 1 (Amdt. 8)]

MANAGING DIRECTOR, AND DIRECTOR OF DOMESTIC REGULATION BUREAU

Delegation of Authority

The purpose of this amendment is to delegate to the Managing Director, the authority to approve, pursuant to section 15, Shipping Act, 1916, unprotested terminal leases, licenses, assignments or other agreements of a similar character.

A new subpart to section 7, Commission Order No. 1 (amended) March 31, 1963, is hereby instituted:

7.07 Authority to approve, pursuant to section 15, Shipping Act, 1916, unprotested terminal leases, licenses, assignments or other agreements of a similar character for the use of terminal property or facilities between persons subject to the Shipping Act, 1916.

JOHN HARLLEE,
Rear Admiral, U.S. Navy (Retired), Chairman.

APRIL 22, 1964.

Commission Order No. 201.1 is supplemented by a new subsection 6.07 to redelegate to the Director, Bureau of Domestic Regulation, the authority to approve pursuant to section 15, Shipping Act, 1916, unprotested terminal leases, licenses, assignments or other agreements of a similar character as provided in Commission Order No. 1 (amended) Amendment 8.

TIMOTHY J. MAY,
Managing Director.

APRIL 22, 1964.

[F.R. Doc. 64-4345; Filed, Apr. 30, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19013 etc.]

E. E. FOGELSON ET AL.

Order on Application for Rehearing Further Consolidating Proceedings

APRIL 23, 1964.

E. E. Fogelson, Docket No. G-19013; James G. Brown & Assoc., Oper., et al.,

Docket No. CI60–750; Yucca Petroleum Corporation, Docket No. CI60–768; James G. Brown & Assoc., Oper., et al., Docket No. CI60–770; Monsanto Chemical Company, Docket No. CI61–94; Armour Properties, Docket No. CI61–102; Marathon Oil Company (Plymouth), Docket No. CI61–169; Cree Drilling Company, Inc., Docket No. CI61–193; Western Oil Fields, Inc., Oper., et al., Docket No. CI61–273; Anchor Oil Company, Docket No. CI61–292; Continental Oil Company, Docket No. CI61–375; Pan American Petroleum Corporation, Docket No. CI61–438; Irvin Producing Company, Docket No. CI61–579; Stubblefield Brothers, Docket No. CI61–605; Caroline Hunt Sands & Lloyd B. Sands, Docket No. CI61–643; Cricket Oil Co., et al., Docket No. CI61–650; Union Oil Company of California, Docket No. CI61–715; Hamilton Brothers, Ltd., Docket No. CI61–849; Champlin Oil & Refining Company, Docket No. CI61–888; Petro-Associates, Inc. (Operator), et al., Docket No. CI61–936; D. D. Feldman, Docket No. CI61–1452; Foree Drilling Co., Oper., et al., Docket No. CI61–1726; Schafer Oil Corporation, Docket No. CI61–1774; Carl M. Archer, Docket No. CI61–1782; Dan E. Archer, Docket No. CI61–1783; Transwestern Pipeline Company, Docket No. G–20464, et al.; Phillips Petroleum Company, Docket No. G–18201; A. G. Hill, Docket No. CI61–497.

Cree Drilling Company, Inc., by application filed March 30, 1964, has applied for rehearing and reconsideration of our order issued March 4, 1964, in Docket No. G–19013, et al., in which we granted producer applications for certificates but denied certain others including Cree in Docket No. CI61–193, where it was not shown that the pipeline receiving the gas, Transwestern Pipeline Company, had permanent certificates for all of the necessary facilities. We thereupon consolidated these dockets, including CI61–193, with Transwestern's Docket No. G–20464, et al.

Cree now contends that its interest in leases in Roberts County, Texas, which are involved here, is shared with Phillips Petroleum Company (which has a temporary certificate in Docket No. G–18201), A. G. Hill (who has a temporary certificate in Docket No. CI61–497) and Shell Oil Company, which it points out has a permanent certificate issued November 19, 1962, in Docket No. CI61–737, and that the gas from all of these owners, including Cree, is sold to Transwestern and passes through the same facilities. Cree asks the Commission for a permanent certificate or in the alternative that the temporary certificate previously granted to Cree remain outstanding and that the Commission consolidate its application with those of A. G. Hill and Phillips.

While we granted Shell a permanent certificate, this reflected a rate settlement, Shell Oil Company, et al., Docket No. G–9446, et al., 28 FPC 257. We do not believe it proper to grant a permanent certificate to Cree for the reasons stated in our order of March 4, 1964. We will, however, grant Cree's alternative request and consolidate the applications of A. G. Hill and Phillips with Docket No. G–20464 for consideration therein along with Cree's application. The temporary certificate issued to Cree in Docket No. CI61–193 will, of course, remain outstanding.

The Commission orders: The proceedings in Phillips Petroleum Company, Docket No. G–18201, and A. G. Hill, Docket No. CI61–497, are hereby consolidated with those in Docket No. G–20464, et al.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–4332; Filed, Apr. 30, 1964; 8:47 a.m.]

[Docket No. CP64–205]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

APRIL 24, 1964.

Take notice that on March 16, 1964, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas, 77001, filed in Docket No. CP64–205 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the twelve-month period commencing on the date of issuance of such authorization and the operation of minor lateral and field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total cost of the proposed facilities will not exceed a maximum of $2,000,000, and no single project will exceed a cost of $500,000 which costs are to be financed by cash on hand or by short-term bank loans.

The purpose of this "budget-type" application is to authorize Applicant to establish additional connections in fields from which Applicant is already authorized to receive gas where it is not possible to construct facilities under the exemption provided by § 2.55(d) of the Commission's rules, to provide necessary booster compressor facilities in such fields, and to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 15, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–4333; Filed, Apr. 30, 1964; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

GEOFFREY BAKER

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended:

Deletion. First Investors Corporation, Welling Fund, Inc., The First Pennsylvania Banking & Trust Co., Custodian Stockholder.

This amends statement previously published in the FEDERAL REGISTER, August 15, 1963 (28 F.R. 8391).

Dated: February 15, 1964.

GEOFFREY BAKER.

[F.R. Doc. 64–4337; Filed, Apr. 30, 1964; 8:47 a.m.]

BREVARD E. CRIHFIELD

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Dynalectron Corporation.
Hoover Ball Bearing.
Huyck Corporation.
Japan Fund, Inc.
Universal Controls.
General Instruments.
Stein, Rowe & Farnham Stock Fund.

This amends statement previously published in the FEDERAL REGISTER, August 15, 1963 (28 F.R. 8390).

Dated: February 15, 1964.

BREVARD E. CRIHFIELD.

[F.R. Doc. 64–4338; Filed, Apr. 30, 1964; 8:47 a.m.]

SAM M. EWING

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsec-

tion 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last report, published in the FEDERAL REGISTER August 15, 1963 (28 F.R. 8391).

Dated: February 15, 1964.

SAM M. EWING.

MARCH 31, 1964.

[F.R. Doc. 64-4339; Filed, Apr. 30, 1964; 8:48 a.m.]

KENNETH G. FLORY

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement submitted and published in the FEDERAL REGISTER, September 21, 1963 (28 F.R. 10347).

Dated: April 15, 1964.

KENNETH G. FLORY.

[F.R. Doc. 64-4340; Filed, Apr. 30, 1964; 8:48 a.m.]

ROBERT J. HARBISON

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last filing published in the FEDERAL REGISTER August 15, 1963 (28 F.R. 8390).

Dated: February 15, 1964.

ROBERT J. HARBISON, III.

[F.R. Doc. 64-4341; Filed, Apr. 30, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4208]

EASTERN SHORE PUBLIC SERVICE COMPANY OF VIRGINIA AND DELAWARE POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of Promissory Notes by Subsidiary Company and Acquisition and Pledge Thereof by Holding Company

APRIL 27, 1964.

Notice is hereby given that Delaware Power & Light Company ("Delaware"), 600 Market Street, Wilmington, Delaware, 19899, a registered holding company and an electric utility company, and its wholly-owned public-utility subsidiary company, Eastern Shore Public Service Company of Virginia ("Virginia"), have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, 12(d), and 12(f) of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Virginia proposes, from time to time prior to April 30, 1966, to issue and sell to Delaware for cash its 4½ percent promissory notes, due October 1, 1973, in an aggregate face amount not exceeding $1,000,000. Delaware proposes to acquire said notes at the principal amount thereof, plus accrued interest, and proposes to pledge them with Chemical Bank New York Trust Company, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delaware to said Trustee dated as of October 1, 1943.

The 4½ percent interest rate on the promissory notes is the same as the rate paid by Delaware on its most recent interim bank loan financing. Delaware expects later this year to issue and sell new bonds, and the joint application-declaration states that all promissory notes thereafter issued by Virginia shall bear interest at a rate which is equal to Delaware's cost of money with respect to the new bonds (adjusted to the nearest 1/10 of 1 percent.

Virginia will use the proceeds from the issuance and sale of said notes to reimburse its treasury for moneys previously expended for construction requirements and to provide funds for future construction expenditures. Proposed additions to Virginia's property and plant are estimated at $1,043,898 for 1964, $545,000 for 1965, and $668,000 for 1966.

It is stated that, other than the State commission filing fee of $250 and miscellaneous traveling expenses, only nominal expenses are to be incurred in connection with the proposed transactions and that charges of counsel are estimated not to exceed $250.

A joint application relating to the proposed transactions has been filed by Delaware and Virginia with the State Corporation Commission of Virginia, the State commission of the State in which Virginia is organized and doing business. A copy of the requisite State commission order is to be filed herein by amendment.

Notice is further given that any interested person may, not later than May 14, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-4331; Filed, Apr. 30, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-VII Disaster No. 1]

MANAGER OF DISASTER FIELD OFFICE, GREEN BAY, WIS.

Delegation Relating to Financial Assistance Functions; Rescission

Notice is hereby given that Delegation of Authority No. 30-VII Disaster No. 1 (29 F.R. 4691), is hereby rescinded in its entirety.

Effective date. April 13, 1964.

RICHARD E. LASSAR, *Regional Director, Chicago.*

[F.R. Doc. 64-4311; Filed, Apr. 30, 1964; 8:45 a.m.]

[Delegation of Authority No. 30-IV (Amdt. 3)]

RICHMOND REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, Delegation of Authority No. 30-IV, as amended, 28 F.R. 4936, 6204, and 8303 is hereby amended by:

A. Deleting subitem I.C.3.a. and substituting the following in lieu thereof:

I. * * *
C. * * *
3. To approve the following:
a. Business Loans.
1. Direct not exceeding $100,000.
2. Participation not exceeding $250,000.

B. Deleting subitem I.K.1. a. through d. and substituting the following in lieu thereof:

I. * * *
K. * * *
1. To approve the following loans:
a. Direct not exceeding $50,000.
b. Participation not exceeding $150,000.

c. Simplified Bank Participation not exceeding $250,000.

d. Simplified Early Maturities not exceeding $250,000.

Effective date. March 11, 1964.

CLARENCE P. MORE,
Regional Director,
Richmond Regional Office.

[F.R. Doc. 64-4312; Filed, Apr. 30, 1964; 8:45 a.m.]

[Delegation of Authority No. 30-V (Amdt. 2)]

ATLANTA REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179, and 29 F.R. 4842, Delegation of Authority No. 30-V, as amended, 28 F.R. 4930 and 8180 is hereby amended by:

A. Deleting subitem I.C.3.a. and substituting the following in lieu thereof:

I. * * *
C. * * *
3. To approve the following:
a. Business Loans
1. Direct not exceeding $100,000
2. Participation not exceeding $250,000.

B. Deleting subitem I.K.1. a. through d. and substituting the following in lieu thereof:

I. * * *
K. * * *
1. To approve the following loans:
a. Direct not exceeding $50,000.
b. Participation not exceeding $150,000.
c. Simplified Bank Participation not exceeding $250,000.
d. Simplified Early Maturities not exceeding $250,000.

Effective date. March 11, 1964.

JAS. F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F.R. Doc. 64-4313; Filed, Apr. 30, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 28, 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. 38987: *Liquid caustic soda from Geismar, La.* Filed by O. W. South, Jr., agent (No. A4506), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Geismar, La., to Enka, N.C., Kingsport and Port Rayon, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 13 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 38988: *Liquid caustic soda from points in Louisiana.* Filed by O. W. South, Jr., agent (No. A4507), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Baton Rouge, North Baton Rouge, and Geismar, La., to Augusta, Ga., Clearwater, Graniteville, and Langley, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 13 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 38989: *Gravel from Riverton, Ind., to Mason, Ill.* Filed by Illinois Freight Association, agent (No. 240), for and on behalf of Illinois Central Railroad Company. Rates on gravel, passing through a 3/8-inch screen (not suitable for concrete construction), in carloads, from Riverton, Ind., to Mason, Ill.

Grounds for relief: Motortruck competition.

Tariff: Supplement 112 to Illinois Central Railroad Company tariff I.C.C. A-11687.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-4348; Filed, Apr. 30, 1964; 8:48 a.m.]

FEDERAL REGISTER
Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

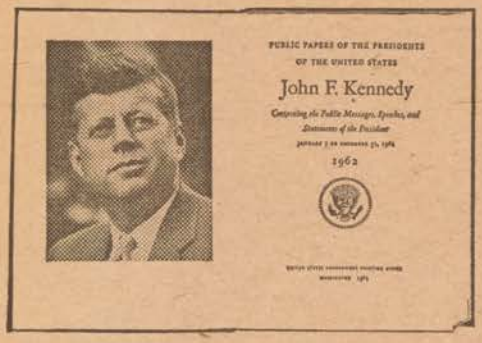
The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Latest Edition in the series of . . .

PUBLIC PAPERS OF THE PRESIDENTS OF THE UNITED STATES



John F. Kennedy, 1962

Contains verbatim transcripts of the President's news conferences and speeches and full texts of messages to Congress and other materials released by the White House during the period January 1–December 31, 1962.

Among the 557 items in the book are: special messages to the Congress on education, national health needs, and foreign aid; reports to the American people concerning the state of the national economy, nuclear testing and disarmament, and the Cuban crisis; joint statements with leaders of foreign governments; and a special interview with representatives of the radio and television networks in which the President reviewed some of the highlights of his first 2 years in office.

A valuable reference source for scholars, reporters of current affairs and the events of history, historians, librarians, and Government officials.

1108 pages *Price: $9.00*

VOLUMES *of* PUBLIC PAPERS *of the* PRESIDENTS
currently available:

HARRY S. TRUMAN:

1945	$5.50
1946	$6.00
1947	$5.25

DWIGHT D. EISENHOWER:

1953	$6.75	1957	$6.75
1954	$7.25	1958	$8.25
1955	$6.75	1959	$7.00
1956	$7.25	1960–61	$7.75

JOHN F. KENNEDY:

1961	$9.00
1962	$9.00

Volumes are published annually, soon after the close of each year. Earlier volumes are being issued periodically, beginning with 1945.

Contents:

- **Messages to the Congress**
- **Public speeches**
- **News conferences**
- **Radio and television reports to the American people**
- **Remarks to informal groups**
- **Public letters**

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