

# FEDERAL REGISTER

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Pages 4041-4094

**Agencies in this issue—**

The President  
Civil Service Commission  
Commodity Credit Corporation  
Consumer and Marketing Service  
Federal Communications Commission  
Federal Maritime Commission  
Federal Power Commission  
Food and Drug Administration  
Interstate Commerce Commission  
Post Office Department  
Railroad Retirement Board  
Securities and Exchange Commission  
Small Business Administration

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# 5-Year Compilations of Presidential Documents Supplements to Title 3 of the Code of Federal Regulations

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# Presidential Documents

## Title 3—THE PRESIDENT

Proclamation 3646

NATIONAL MARITIME DAY, 1965

By the President of the United States of America

### A Proclamation

International commerce and the ships which make it possible have contributed immeasurably to America's greatness. The sea and ships are an integral part of this country's past, present, and future.

In war and peace merchant ships and merchant seamen have served us well. The forms of ships may change—from the tiny sailing ship *Mayflower*, to the nuclear ship *Savannah* and the automated liners of tomorrow—but their purpose remains the same: to carry people and goods between nations in peaceful commerce or, if need be, to carry the men and equipment needed to protect our interests and our friends overseas.

We must be ever mindful of the state of our merchant fleet. A balanced, economical, and efficient merchant fleet, manned by well-trained and skilled seamen, is a vital national resource. The importance of American merchant seapower is underscored by our burgeoning trade, and the increasing demands for ocean transportation that result. The creation and maintenance of a strong and competitive fleet to meet these demands is a complex task requiring the best efforts of government, management, and labor.

I take particular pleasure in noting that this year marks the fifteenth anniversary of the establishment of the Maritime Administration in the Department of Commerce. That agency has the responsibility for insuring that the United States possesses a merchant marine adequate to meet our economic and military requirements for an American-flag merchant marine. It has served us well.

That the American people might be constantly reminded of the importance of the merchant marine in our national life, the Congress in 1933 designated May 22 of each year as National Maritime Day and requested the President to issue a proclamation annually calling for the observance of that day. On that day in 1819 the SS *Savannah* set forth for the first transoceanic voyage of any steamship.

Maritime Day should serve to remind all Americans that the maintenance of our merchant marine cannot be left to the Government alone, and that our fleet must ultimately be supported by Americans who ship their cargo on American ships.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby urge the people of the United States to honor our American Merchant Marine on Saturday, May 22, 1965, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day in tribute to the American Merchant Marine.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fourth day of March in the year of our Lord nineteen hundred and sixty-five, and [SEAL] of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,  
*Secretary of State.*

[F.R. Doc. 65-3237; Filed, Mar. 26, 1965; 10: 57 a.m.]



# Republican Platform

## Principles

1. To preserve the Union as it is, and to maintain the integrity of the National Government.

2. To support the National Government in its efforts to suppress the rebellion.

3. To restore the Union as it was, and to re-organize the States on the basis of the Constitution.

4. To support the National Government in its efforts to suppress the rebellion.

5. To support the National Government in its efforts to suppress the rebellion.

6. To support the National Government in its efforts to suppress the rebellion.

7. To support the National Government in its efforts to suppress the rebellion.

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24. To support the National Government in its efforts to suppress the rebellion.

25. To support the National Government in its efforts to suppress the rebellion.

26. To support the National Government in its efforts to suppress the rebellion.

27. To support the National Government in its efforts to suppress the rebellion.



## Proclamation 3647

## WORLD TRADE WEEK, 1965

By the President of the United States of America

## A Proclamation

WHEREAS the vigorous growth of our reciprocal trade with nations around the world advances the attainment of a more abundant life for every American; and

WHEREAS the continued expansion of the international exchange of the products of people's labors is mutually profitable to all trading nations and builds greater good will among them; and

WHEREAS we are working together with other nations to enlarge the opportunities for global marketing, by both developed and developing countries, through reciprocal reduction of trade barriers in the Kennedy Round of multilateral trade negotiations; and

WHEREAS more and more American businessmen are engaging in trade with overseas businessmen; and

WHEREAS American export progress, serving as an inspiring illustration of the strength of our private enterprise, encourages businessmen throughout the United States to seek new opportunities in the world's growing markets; and

WHEREAS American products, by their quality and variety, offer witness to the vigor and creativity of our economy in all parts of the world; and

WHEREAS it is essential that we continue to expand our export trade, so that we may further improve our international balance of payments, accelerate the progress of our advancing American industry, and increase the employment of American workers:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning May 16, 1965, as World Trade Week; and I request the appropriate Federal, State, and local officials to cooperate in the observance of that week.

I also urge business, labor, agricultural, educational, professional, and civic groups, as well as the people of the United States generally, to observe World Trade Week with gatherings, discussions, exhibits, ceremonies, and other appropriate activities designed to promote continuing awareness of the importance of world trade to our economy and our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fourth day of March in the year of our Lord nineteen hundred and sixty-five, [SEAL] and of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,  
*Secretary of State.*

[F.R. Doc. 65-3238; Filed, Mar. 26, 1965; 10:57 a.m.]



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The PROTECTOR 2000 is a...  
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## Proclamation 3648

## SMALL BUSINESS WEEK, 1965

By the President of the United States of America

## A Proclamation

WHEREAS small business has through our history contributed to our cherished system of free, competitive enterprise; and

WHEREAS the Nation's 4.7 million small businesses:

- include nine of every ten businesses that supply the needs and wants of the American people;
- provide more than a third of the Nation's goods and services;
- contribute significantly to the well-being of our citizens, to the defense of freedom, and to the exploration of new scientific frontiers; and

WHEREAS small business concerns, by continuing to grow in number and strength, will provide additional jobs needed by a growing Nation; and

WHEREAS small business holds open the door of opportunity for men and women of all races and creeds; and

WHEREAS small business is a source of new ideas, new methods, and new products which enrich the lives of our citizens and stimulate our economic growth; and

WHEREAS small businessmen are leaders in the business and civic affairs of their communities, and will continue to play a leading role in community-wide action to eliminate poverty wherever it exists;

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning May 23, 1965, as Small Business Week; and I call upon chambers of commerce, boards of trade, and other public and private organizations to participate in ceremonies recognizing the contribution of small business to our goal of a better and more productive life for all our people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fourth day of March in the year of our Lord nineteen hundred and sixty-five, and [SEAL] of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,  
*Secretary of State.*

[F.R. Doc. 65-3239; Filed, Mar. 26, 1965; 10:57 a.m.]



EXPERIMENTAL DESIGN

1. The purpose of this experiment is to determine the effect of temperature on the rate of reaction between hydrogen peroxide and potassium iodide.

2. The independent variable is temperature, and the dependent variable is the rate of reaction, measured by the time taken for a fixed volume of iodine to be produced.

3. The experiment was carried out at five different temperatures: 10°C, 20°C, 30°C, 40°C, and 50°C. The concentration of hydrogen peroxide and potassium iodide was kept constant throughout.

4. The results show that the rate of reaction increases as the temperature increases. This is consistent with the Arrhenius equation, which states that the rate constant increases exponentially with temperature.

5. The activation energy of the reaction was calculated from the Arrhenius plot, and found to be approximately 50 kJ/mol. This value is in good agreement with the literature value for this reaction.

6. The experiment was repeated three times at each temperature to ensure the reliability of the results. The average values and standard deviations are given in the table below.

7. The results of the experiment are summarized in the following table:

8. The data shows a clear trend of increasing reaction rate with increasing temperature. The rate of reaction is approximately 1.5 times faster at 40°C than at 30°C, and 2.5 times faster at 50°C than at 30°C.

9. The experiment was carried out under standard conditions, and the results are in good agreement with the theoretical predictions. The activation energy of the reaction is a measure of the energy barrier that must be overcome for the reaction to occur.

10. The experiment was carried out using a range of temperatures, and the results show that the rate of reaction is highly sensitive to temperature. This is a common feature of many chemical reactions.

11. The experiment was carried out using a range of concentrations, and the results show that the rate of reaction is also sensitive to concentration. This is also a common feature of many chemical reactions.

12. The experiment was carried out using a range of catalysts, and the results show that the rate of reaction is significantly increased by the presence of a catalyst. This is a common feature of many chemical reactions.

13. The experiment was carried out using a range of different conditions, and the results show that the rate of reaction is highly sensitive to these conditions. This is a common feature of many chemical reactions.



**Executive Order 11210**  
**ESTABLISHING A TEMPORARY COMMISSION ON**  
**PENNSYLVANIA AVENUE**

WHEREAS Pennsylvania Avenue between the Capitol and the White House serves as the main ceremonial avenue connecting the centers of the Legislative and Executive Branches of the United States Government; and

WHEREAS parts of Pennsylvania Avenue have been in large measure developed in a manner consistent therewith; and

WHEREAS other parts of Pennsylvania Avenue have deteriorated in condition and design or are otherwise ill suited to the ceremonial purposes of the Avenue and to the National dignity; and

WHEREAS the President's Ad Hoc Committee on Federal Office Space called the attention of the President to the deterioration and obsolescence of Pennsylvania Avenue and recommended that he enlist the aid of the finest architectural talent in the Nation to develop plans for the improvement of Pennsylvania Avenue to reflect its National significance; and

WHEREAS the President requested distinguished members of the architectural and city planning profession to serve on a Council on Pennsylvania Avenue and to develop a plan for the improvement of the Avenue to a level commensurate with its National purpose; and

WHEREAS Congress, in support of this objective, appropriated funds to assist in the preparation of such plans; and

WHEREAS the President's Council on Pennsylvania Avenue has developed a general plan for the improvement of the Avenue, and the Council has been dissolved; and

WHEREAS the plan developed by the President's Council on Pennsylvania Avenue has been subjected to extensive review by the National Capital Planning Commission and other interested departments and agencies and has been deemed appropriate in its main outlines; and

WHEREAS the Congress will be asked to consider legislation to provide for the improvement of Pennsylvania Avenue:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

**SECTION 1. *Temporary Commission on Pennsylvania Avenue.*** (a) There is hereby established the Temporary Commission on Pennsylvania Avenue (hereinafter referred to as the Commission).

(b) The Commission shall be composed of the Secretary of the Interior, the Secretary of the Treasury, the Secretary of Labor, the Secretary of Commerce, the Attorney General, the Postmaster General, the Administrator of General Services, the Housing and Home Finance Administrator, the Chairman of the Commission of Fine Arts, the Chairman of the National Capital Planning Commission, the Secretary of the Smithsonian Institution, the President of the Board of Commissioners of the District of Columbia, the Director of the National Gallery of Art, and such other members as may be appointed by the President. The Chairman shall invite the Architect of the Capitol to be a member of the Commission.

(c) The President shall appoint from among its members a Chairman of the Commission who shall direct its activities.

(d) Members of the Commission who are officers or employees of the Federal Government shall receive no additional compensation by virtue of membership on the Commission. Other members of the



Commission shall be entitled to receive compensation and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 55a; 5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(e) The Commission shall meet at the call of the Chairman.

SEC. 2. *Functions of the Commission.* (a) The Commission shall advise the President with respect to:

(1) the component parts of the general plan submitted by the President's Advisory Council on Pennsylvania Avenue respecting their feasibility and practicability from the standpoint of financial, engineering, planning, and other relevant considerations;

(2) the development of an orderly, phased program for carrying out the improvement of Pennsylvania Avenue;

(3) effects of the proposed improvements on owners and occupants of private property in and adjoining the area to be improved and actions respecting the improvement program that will assure its achievement with minimum harmful effects upon such private interests and with the least disruption of business within and adjoining the area;

(4) appropriate legislation for carrying out the program of improvement;

(b) Take steps to assure that such recommendations as it may develop respecting plans and programs for the improvement of Pennsylvania Avenue and the Comprehensive Plan for the National Capital and other plans prepared or being prepared by the National Capital Planning Commission are properly coordinated.

(c) Promote an understanding of the plan and its objectives among the public generally; and

(d) Undertake such other actions as may be permitted by law and requested by the President in furtherance of the objectives of this order.

SEC. 3. *Commission staff and consultants.* (a) The Chairman is authorized to appoint such personnel as may be necessary to assist the Commission in connection with the performance of its functions.

(b) The Commission is authorized to obtain services in accordance with the provisions of Section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

SEC. 4. *Federal agencies.* (a) As deemed necessary to facilitate the work of the Commission, the Chairman may request the head of any Executive department or agency whose activities may relate to the objectives of the Commission to designate a liaison officer to consult with the Commission on matters of common concern.

(b) Upon request of the Chairman, each Executive department or agency is authorized and directed, consistent with law, to furnish the Commission available information which the Commission may require in the performance of its functions.

(c) Each Federal agency represented on the Commission shall furnish such necessary assistance to the Commission as may be authorized by Section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

(d) The National Capital Planning Commission is hereby designated as the agency which shall provide administrative services for the Commission.

LYNDON B. JOHNSON

THE WHITE HOUSE,  
March 25, 1965.

[F.R. Doc. 65-3225; Filed, Mar. 25, 1965; 4: 22 p.m.]



# Rules and Regulations

## Title 7—AGRICULTURE

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

#### SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

### PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

#### Further Postponement of Effective Date of Certain Amendments to Poultry Soups

The effective date of the provisions of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), as set forth in the amendments of the regulations published on July 7, 1964 (29 F.R. 8456), insofar as such provisions relate to soups (whether dehydrated, canned or otherwise prepared) containing poultry ingredients, is hereby postponed until May 1, 1965, pursuant to the authority of said Act. During such period of postponement, the provisions of § 81.208 (a) and (b) of the regulations, as published August 15, 1962 (27 F.R. 8098, 7 CFR 81.208 (Supp. 1963)), shall be in effect with respect to such soups.

This action is necessary in order to afford equitable treatment to all poultry soup processors in view of the issuance of a preliminary injunction on behalf of one processor of dehydrated soups in an action which is pending in the United States District Court for the District of New Jersey. In order to accomplish its purpose, this action must be made effective on April 1, 1965 when a prior order (30 F.R. 2588) of postponement of effective date expires. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found for good cause that notice of rule-making and other public procedure with respect to this action are impracticable and good cause is found for making it effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210; 30 F.R. 1260; 30 F.R. 2160)

This action shall become effective on April 1, 1965.

Done at Washington, D.C., this 23d day of March 1965.

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

[F.R. Doc. 65-3127; Filed, Mar. 26, 1965; 8:46 a.m.]

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

[Navel Orange Reg. 79]

### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

#### § 907.379 Navel Orange Regulation 79.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the

period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 25, 1965.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 28, 1965, and ending at 12:01 a.m., P.s.t., April 4, 1965, are hereby fixed as follows:

- (i) District 1: 700,000 cartons;
- (ii) District 2: 700,000 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 26, 1965.

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

[F.R. Doc. 65-3248; Filed, Mar. 26, 1965; 11:33 a.m.]

[Valencia Orange Reg. 111]

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

#### Limitation of Handling

#### § 908.411 Valencia Orange Regulation 111.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication



hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 18, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., March 28, 1965, and ending at 12:01 a.m., P.s.t., January 30, 1966, no handler shall handle any Valencia oranges grown in District 1 which are of a size smaller than 2.09 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.09 inches in diameter.

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

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

Dated: March 24, 1965.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Marketing Service.

[P.R. Doc. 65-3130; Filed, Mar. 26, 1965; 8:46 a.m.]

[Valencia Orange Reg. 112]

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

##### Limitation of Handling

§ 908.412 Valencia Orange Regulation 112.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 25, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 28, 1965, and ending at 12:01 a.m., P.s.t., April 4, 1965, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 99,114 cartons.

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

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

Dated: March 26, 1965.

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

[P.R. Doc. 65-3249; Filed, Mar. 26, 1965; 11:33 a.m.]

[Grapefruit Reg. 25]

#### 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

§ 909.325 Grapefruit Regulation 25.

(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 March 18, 1965, to consider recommendations for 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 March 22, 1965; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers 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) Except as otherwise provided in subparagraph (2) of this paragraph, during the period beginning at 12:01 a.m., P.s.t., March 28, 1965, and ending at 12:01 a.m., P.s.t., April 25, 1965, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade and which are not free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That the tolerance prescribed for the U.S. No. 2 grade shall be the tolerances applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit having peel more than one inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than  $3\frac{1}{16}$  inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than  $3\frac{1}{16}$  inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerance 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  $3\frac{1}{16}$  inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size  $4\frac{1}{16}$  inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than  $3\frac{1}{16}$  inches in diameter directly to a destination in Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 2 the grapefruit does not measure less than  $3\frac{1}{16}$  inches in diameter: *Provided*, That a tolerance of 5 percent, by count, of grapefruit smaller than  $3\frac{1}{16}$  inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than  $3\frac{1}{16}$  inches in diameter, such percentage shall be based only on the grapefruit in such lot which are  $3\frac{1}{16}$  inches in diameter and smaller.

(3) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" 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: March 24, 1965.

FLOYD P. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Marketing Service.

[F.R. Doc. 65-3129; Filed, Mar. 26, 1965; 8:46 a.m.]

[Lemon Reg. 154]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

#### § 910.454 Lemon Regulation 154.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before

the effective date hereof. Such committee meeting was held on March 23, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 28, 1965, and ending at 12:01 a.m., P.s.t., April 4, 1965, are hereby fixed as follows:

- (i) District 1: 9,300 cartons;
  - (ii) District 2: 199,950 cartons;
  - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: March 25, 1965.

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

[F.R. Doc. 65-3213; Filed, Mar. 26, 1965; 8:49 a.m.]

[Grapefruit Reg. 7, Amdt. 4]

## PART 944—FRUIT; IMPORT REGULATIONS

### Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of Grapefruit Regulation 7 (§ 944.103, 29 F.R. 12762, 13603; 30 F.R. 257, 754) are hereby amended to read as follows:

#### § 944.103 Grapefruit Regulation No. 7.

(a) On and after 12:01 a.m., e.s.t., March 26, 1965, the importation of any grapefruit into the United States is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than  $3\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit;

(2) White seedless grapefruit shall (i) grade at least U.S. No. 1 Russet: *Provided*, That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright may be imported if such grapefruit meet the requirements as to form (shape) and color specified for the U.S. No. 1 grade, and (ii) be of a size not smaller than  $3\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of white seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; or



(3) Pink seedless grapefruit shall (i) grade at least U.S. No. 1 Russet; *Provided*, That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright may be imported if such grapefruit meet the requirements as to form (shape) and color specified for the U.S. No. 1 grade, and (ii) be of a size not smaller than  $3\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of pink seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001-1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 53 (§ 905.460); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this regulation relieves restrictions on the importation of grapefruit.

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

Dated, March 24, 1965, to become effective at 12:01 a.m., e.s.t., March 26, 1965.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Marketing  
Service.

[F.R. Doc. 65-3166; Filed, Mar. 26, 1965;  
8:49 a.m.]

#### Chapter XIV—Commodity Credit Corporation, Department of Agriculture

##### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 8]

#### PART 1468—MOHAIR

##### Subpart—Payment Program for Mohair

###### NO PAYMENTS FOR 1964 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Mohair, as amended (27 F.R. 7417; 28 F.R. 579, 1033, 6532, 10289, 12160, 12735; 29 F.R. 3754, 18153) are further amended by adding the following new paragraph (d) at the end of § 1468.205:

###### § 1468.205 Rate of payment.

(d) No payments will be made on mohair sold in the 1964 marketing year (i.e., the period from January 1 through December 31, 1964) because the national average price of 94.3 cents a pound, grease basis, received by producers for mohair marketed during that period exceeded the support price of 72 cents a pound (§ 1468.202(d)).

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702-708, 68 Stat. 910-912, as amended, secs. 401-403, 72 Stat. 994-995, sec. 151, 75 Stat. 306; 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1781-1787, as amended)

Effective date: Date of signature.

Signed at Washington, D.C., on March 23, 1965.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 65-3131; Filed, Mar. 26, 1965;  
8:46 a.m.]

[Amdt. 10]

#### PART 1472—WOOL

##### Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

###### PAYMENT RATES FOR 1964 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), as amended (27 F.R. 933, 9714; 28 F.R. 579, 1034, 6532, 10290, 12160, 12735; 29 F.R. 3754, 18153; 30 F.R. 1250), are further amended as follows:

1. At the end of § 1472.1105 the following new paragraph (d) is added:

###### § 1472.1105 Rate of incentive payment.

(d) The national average price received by producers for shorn wool marketed during the 1964 marketing year (i.e., the period from January 1 through December 31, 1964) was 53.2 cents a pound, grease basis, which was 8.8 cents a pound below the incentive price of 62 cents. Therefore, the rate of incentive payment for the 1964 marketing year is 16.5 percent.

2. At the end of § 1472.1121 the following new paragraph (d) is added:

###### § 1472.1121 Rate of payment.

(d) The rate of payment on unshorn lambs sold during the 1964 marketing year is 35 cents per hundredweight of live animals based on a difference of 8.8 cents a pound between the incentive price of 62 cents and the national average price of 53.2 cents a pound received by producers for shorn wool during the 1964 marketing year (§ 1472.1105(d)).

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702-708, 68 Stat. 910-912, as amended, secs. 401-403, 72 Stat. 994-995, sec. 151, 75

Stat. 306; 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1781-1787, as amended)

Effective date: Date of signature.

Signed at Washington, D.C., on March 23, 1965.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 65-3132; Filed, Mar. 26, 1965;  
8:46 a.m.]

#### SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 1]

#### PART 1488—SALES OF AGRICULTURAL COMMODITIES

##### Subpart A—Sales of Agricultural Commodities Under the CCC Export Credit Sales Program (GSM-3)

The regulations issued by Commodity Credit Corporation (30 F.R. 2129) are hereby amended as follows:

###### § 1488.3 Submission of applications.

(b) \* \* \*

(6) A statement that an acceptable assurance of payment from a bank in the United States will be submitted assuring payment of the obligation under the credit arrangement.

The Notice to Exporters following the regulations is amended to read as follows:

###### NOTICE TO EXPORTERS

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Effective date: Date of signature.

Signed at Washington, D.C., on March 24, 1965.

RAYMOND A. IOANES,  
Vice President, Commodity  
Credit Corporation, and Ad-  
ministrative, Foreign Agricultural  
Service.

[F.R. Doc. 65-3133; Filed, Mar. 26, 1965;  
8:46 a.m.]



## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

#### Department of Agriculture

1. Section 213.3113 is amended to show that the title of the Agricultural Marketing Service has been changed to Consumer and Marketing Service. Effective upon publication in the FEDERAL REGISTER, subparagraph (l) of paragraph (a) and the headnote of paragraph (f) of § 213.3113 are amended as set out below.

#### § 213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Consumer and Marketing Service: agricultural commodity trader (grain) and (meat), agricultural commodity aid (grain), and poultry and tobacco inspection positions.

(f) *Consumer and Marketing Service.* \* \* \*

2. Section 213.3313 is amended to show that the title of the Agricultural Marketing Service has been changed to Consumer and Marketing Service. Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (m) of § 213.3313 is amended as set out below.

#### § 213.3313 Department of Agriculture.

(m) *Consumer and Marketing Service.*

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7531, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 65-3168; Filed, Mar. 26, 1965; 8:49 a.m.]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

[Release 34-7552]

#### PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

#### Optional Registration Form for Issuers Reporting to FPC, ICC or FCC

The Securities and Exchange Commission has adopted a new Form 12 (listed

No. 59—3

and described as 17 CFR 249.212) under the Securities Exchange Act of 1934. This form may be used for the registration of securities on a national securities exchange pursuant to section 12(b) of the Act or for the registration of equity securities pursuant to the recently enacted section 12(g) of the Act by certain issuers which file reports with the Federal Power Commission, the Interstate Commerce Commission or the Federal Communications Commission.

Notice of the proposed form was published January 16, 1965, in Securities Exchange Act Release No. 7496 (30 F.R. 590). A number of helpful comments were received in response to this release and certain changes in the form have been made as a result of the consideration of the comments submitted and further consideration of the proposed form by the Commission.

Registration statements on the new form consist largely of copies of the annual reports of such issuers to the other Federal agencies together with certain other exhibits, including copies of material contracts. However, use of the form is optional and any issuer may use Form 10 (listed and described as 17 CFR 249.210) if it desires to do so.

In the form the term "registration statement" is used to refer both to an application for registration of securities on a national securities exchange and to a registration statement filed pursuant to section 12(g) of the Act. The general rules and regulations contain a definition of the quoted term which makes its applicability clear.

The facing sheet of this form asks for the registrant's I.R.S. employer identification number. The Commission's electronic data processing program requires the use of a single number for each registrant. The I.R.S. number, which is readily available, will provide a means whereby all filings made by a registrant with the Commission under one or more acts can be readily identified through use of its equipment.

*Commission action.* The Securities and Exchange Commission, acting pursuant to sections 12 and 23a of the Securities Exchange Act of 1934, as amended, hereby adopts Form 12 (listed and described as 17 CFR 249.212) to read as set forth below. Since use of the form is optional it shall become effective immediately upon publication March 12, 1965.

By the Commission, March 12, 1965.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

§ 249.212 Form 12, for issuers which file reports with certain other federal agencies.

The following form may be used for registration pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934 of securities issued by any issuer which files annual reports with the Fed-

eral Power Commission on that Commission's Form No. 1 or Form No. 2 and whose annual report to stockholders for its last three fiscal years contained financial statements (other than schedules) prepared and certified substantially in accordance with Regulation S-X, Part 210 of this chapter, any issuer which files annual reports with the Interstate Commerce Commission pursuant to section 20, 220, or 313 of the Interstate Commerce Act or any issuer which files annual reports with the Federal Communications Commission pursuant to section 219 of the Communications Act of 1934.

#### GENERAL INSTRUCTIONS

##### A. Rule as to Use of Form 12.

This form may be used for registration pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934 of securities issued by any of the issuers specified below:

(a) Any issuer which files annual reports with the Federal Power Commission on that Commission's Form No. 1 or Form No. 2 and whose annual report to stockholders for its last three fiscal years contained financial statements (other than schedules) prepared and certified substantially in accordance with Regulation S-X (17 CFR Part 210).

(b) Any issuer which files annual reports with the Interstate Commerce Commission pursuant to sections 20, 220, or 313 of the Interstate Commerce Act.

(c) Any issuer which files annual reports with the Federal Communications Commission pursuant to section 219 of the Communications Act of 1934.

##### B. Application of General Rules and Regulations.

(a) The general rules and regulations under the Act contain certain general requirements which are applicable to registration on any form. These general requirements should be carefully read and observed in the preparation and filing of registration statements on this form.

(b) Particular attention is directed to Regulation 12B (17 CFR 240.12b-1 et seq.) which contains general requirements regarding matters such as the kind and size of paper to be used, legibility, information to be given whenever the title of securities is required to be stated, and the filing of the registration statement. The definitions contained in Rule 12b-2 (17 CFR 240.12b-2) should be especially noted.

##### C. Preparation of Registration Statement.

This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the registration statement on paper meeting the requirements of Rule 12b-12 (17 CFR 240.12b-12). The registration statement shall contain the item numbers and captions, but the text of the items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b-13 (17 CFR 240.12b-13).

##### D. Signature and Filing of Registration Statements.

Eight complete copies of the registration statement, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one complete copy of each statement shall be filed with each exchange on which registration is applied for. At least one of the copies of each statement filed with the Commission and one copy filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.



SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C., 20549

## FORM 12

FOR REGISTRATION OF SECURITIES PURSUANT TO  
SECTION 12 (b) OR (g) OF THE SECURITIES  
EXCHANGE ACT OF 1934

(Exact name of registrant as specified in its  
charter)

(State or other jurisdiction of incorporation  
or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive offices)

(Zip Code)

Securities To Be Registered Pursuant to  
Section 12(b) of the Act:

Title of each class

Name of each exchange on which to be  
registered

Securities To Be Registered Pursuant to  
Section 12(g) of the Act:

(Title of class)

(Title of class)

INFORMATION REQUIRED IN REGISTRATION  
STATEMENT

**Item 1. Number of Equity Security Holders.**  
State in the tabular form indicated below,  
as of a specified date, the approximate number  
of holders of record of each class of  
equity securities of the registrant.

(A)	(B)
Title of class	Number of record holders

**Instructions.** 1. Attention is directed to  
the definition of the term "equity security"  
in Section 3(a)(11) of the Act.

2. The information shall be given as of the  
end of the last fiscal year or as of any sub-  
sequent date, except that if the latest deter-  
mination of the number of record holders of  
any class of equity securities was made for  
some other purpose within 90 days prior to  
the end of the last fiscal year, the informa-  
tion with respect to such class may be given  
as of the date of such determination.

**Item 2. Capital Stock To Be Registered.**

If capital stock is to be registered here-  
under, state the title of the class and furnish  
the following information. (See Instruction  
1):

(a) Outline briefly (1) dividend rights;  
(2) voting rights; (3) liquidation rights; (4)  
preemptive rights; (5) conversion rights;  
(6) redemption provisions; (7) sinking fund  
provisions, and (8) liability to further calls  
or to assessment by the registrant.

(b) If the rights of holders of such stock  
may be modified otherwise than by a vote of  
a majority or more of the shares outstanding,  
voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the  
repurchase or redemption of shares by the  
registrant while there is any arrearage in the  
payment of dividends or sinking fund instal-  
lements. If there is no such restriction,  
so state.

**Instructions.** 1. If a description of the  
securities comparable to that required here,  
is contained in any other filing with the  
Commission, such description may, subject  
to Rule 24 (17 CFR 201.24) of the Commis-  
sion's rules of practice, be incorporated by  
reference to such other filing in answer to  
this item. If the securities are to be regis-  
tered on a national securities exchange and  
the description has not previously been filed  
with such exchange, copies of the description  
shall be filed with copies of the registration  
statement filed with the exchange.

2. This item requires only a brief summary  
of the provisions which are pertinent from  
an investment standpoint. A complete  
legal description of the provisions referred to  
is not required and should not be given. Do  
not set forth the provisions of the governing  
instruments verbatim; only a succinct  
résumé is required.

3. If the rights evidenced by the securities  
to be registered are materially limited or  
qualified by the rights evidenced by any  
other class of securities or by the provisions  
of any contract or other document, include  
such information regarding such limitation  
or qualification as will enable investors to  
understand the rights evidenced by the  
securities to be registered.

**Item 3. Debt Securities to be Registered.**

If the securities to be registered hereunder  
are bonds, debentures or other evidences of  
indebtedness, outline briefly such of the fol-  
lowing as are relevant:

(a) Provisions with respect to interest,  
conversion, maturity, redemption, amortiza-  
tion, sinking fund or retirement.

(b) Provisions with respect to the kind and  
priority of any lien securing the issue, to-  
gether with a brief identification of the prin-  
cipal properties subject to such lien.

(c) Provisions restricting the declaration  
of dividends or requiring the maintenance of  
any ratio of assets, the creation or mainte-  
nance of reserves or the maintenance of  
properties.

(d) Provisions permitting or restricting  
the issuance of additional securities, the  
withdrawal of cash deposited against such  
issuance, the incurring of additional debt,  
the release or substitution of assets securing  
the issue, the modification of the terms of  
the security, and similar provisions.

**Instruction.** Provisions permitting the  
release of assets upon the deposit of equiv-  
alent funds or the pledge of equivalent  
property, the release of property no longer  
required in the business, obsolete property or  
property taken by eminent domain, the ap-  
plication of insurance moneys, and similar  
provisions, need not be described.

(e) The name of the trustee and the na-  
ture of any material relationship with the  
registrant or any of its affiliates; the per-  
centage of securities of the class necessary to  
require the trustee to take action, and what  
indemnification the trustee may require be-  
fore proceeding to enforce the lien.

(f) The general type of event which con-  
stitutes a default and whether or not any  
periodic evidence is required to be furnished  
as to the absence of default or as to com-  
pliance with the terms of the indenture.

**Instruction.** The instructions to Item 2  
shall also apply to this item.

**Item 4. Other Securities to be Registered.**

If securities other than those referred to  
in Items 2 and 3 are to be registered here-  
under, outline briefly the rights evidenced  
thereby. If subscription warrants or rights  
are to be registered, state the title and  
amount of securities called for, the period  
during which and the price at which the war-  
rants or rights are exercisable.

**Instruction.** The instructions to Item 2  
shall also apply to this item.

**Item 5. Exhibits.**

List below all exhibits filed as a part of  
the registration statement:

## SIGNATURE

Pursuant to the requirements of Section  
12 of the Securities Exchange Act of 1934,  
the registrant has duly caused this registra-  
tion statement to be signed on its behalf by  
the undersigned, thereto duly authorized.

(Registrant)

By \_\_\_\_\_  
(Signature)\*

Date \_\_\_\_\_

\*Print the name and title of the signing  
officer under his signature.

## INSTRUCTIONS AS TO EXHIBITS

Subject to Rule 12b-32 (17 CFR 240.12b-  
32) regarding the incorporation of exhibits  
by reference, the following exhibits shall be  
filed as a part of the registration statement  
on this form. Such exhibits shall be appro-  
priately lettered or numbered for convenient  
reference. Exhibits incorporated by refer-  
ence may be referred to by the designation  
given in the previous filing. Where exhibits  
are incorporated by reference, the reference  
shall be set forth in the list of exhibits called  
for by Item 5.

1. Copies of the charter and bylaws or in-  
struments corresponding thereto as presently  
in effect.

2. (a) Specimens or copies of all securities  
to be registered hereunder, and copies of all  
constituent instruments defining the rights  
of holders of long-term debt of the registrant  
and of all subsidiaries for which consolidated  
or unconsolidated financial statements are  
required to be filed.

(b) There need not be filed, however, (1)  
any instrument with respect to long-term  
debt not to be registered hereunder if the  
total amount of securities authorized there-  
under does not exceed 5 percent of the total  
assets of the registrant and its subsidiaries  
on a consolidated basis and if there is filed  
an agreement to furnish a copy of such in-  
strument to the Commission upon request,  
(2) any instrument with respect to any class  
of securities if appropriate steps to assure  
the redemption or retirement of such class  
will be taken prior to or upon delivery by  
the registrant of such securities to be regis-  
tered, or (3) copies of instruments evidenc-  
ing script certificates for fractions of shares.

3. Copies of all pension, retirement or other  
deferred compensation plans, contracts or  
arrangements. If any such plan, contract  
or arrangement is not set forth in a formal  
document, furnish a reasonably detailed  
description thereof. Copies of any available  
booklet or other written description of any  
such plan, contract or arrangement shall also  
be filed.

4. Copies of any plan setting forth the  
terms and conditions upon which outstand-  
ing options, warrants or rights to purchase  
securities of the registrant or its subsidiaries  
from the registrant or its affiliates have been  
issued, together with specimen copies of such  
options, warrants or rights; or, if they were  
not issued pursuant to such a plan, copies  
of each such option, warrant or right.

5. Copies of any voting trust or similar  
agreement, known to the registrant, relating  
to more than 10 percent of any class of securi-  
ties to be registered hereunder.

6. (a) Copies of every material contract  
not made in the ordinary course of business  
which is to be performed in whole or in part  
at or after the filing of the registration state-  
ment. Only contracts need be filed as to  
which the registrant or a subsidiary of the  
registrant is a party or has succeeded to a  
party by assumption or assignment, or in  
which the registrant or such subsidiary has  
a beneficial interest.



(b) If the contract is such as ordinarily accompanies the kind of business conducted by the registrant and its subsidiaries, it is made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(1) Directors, officers, promoters, voting trustees, or persons owning of record or known to own beneficially more than 10 percent of any class of equity securities of the registrant, are parties thereto, except where the contract merely involves the purchase or sale of current assets having a determinable price, at such price;

(2) The registrant's business is substantially dependent upon it;

(3) It calls for the acquisition or sale of fixed assets for a consideration exceeding 10 percent of all fixed assets of the registrant and its consolidated subsidiaries;

(4) It is a lease under which a material part of the property of the registrant and its subsidiaries is held; or

(5) The amount of the contract, or its importance to the business of the registrant and its subsidiaries, are material, and the terms and conditions are of a nature of which investors reasonably should be informed.

(c) Any management contract or bonus or profit-sharing plan, contract or arrangement (or if not set forth in any formal document, a written description thereof), except contracts providing for labor bonuses or payments to a class of security holders, as such, shall be deemed material and shall be filed.

7. If the registrant filed annual reports with the Federal Power Commission, furnish copies of the following reports and statements:

(a) the registrant's annual report to the Federal Power Commission for each of its last three fiscal years;

(b) the registrant's annual report to stockholders for each of its last three fiscal years (copies of such reports filed with manually signed copies of the registration statement shall contain manually signed certificates of the certifying accountant or accountants);

(c) the annual reports to the Federal Power Commission on Form No. 1 or Form No. 2 filed by each majority-owned subsidiary of the registrant, which filed such a report, for each of its last three fiscal years; and

(d) for each other majority-owned subsidiary of the registrant whose financial statements were not included, on either an individual or a consolidated basis, in the registrant's annual report to stockholders, the financial statements called for by the form appropriate for registration of securities of such subsidiary.

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries may be omitted to the extent that all subsidiaries for which they are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

8. If the registrant files annual reports with the Interstate Commerce Commission or the Federal Communications Commission, furnish copies of the following reports and statements:

(a) the registrant's annual reports to the Interstate Commerce Commission or the Federal Communications Commission on either a separate or system basis for each of the last three fiscal years;

(b) its annual reports to stockholders, if any, covering the comparable period (if no such reports were published, the registrant should so state in the list of exhibits called for by Item 5);

(c) the annual reports to the Interstate Commerce Commission or the Federal Communications Commission (on either a separate or system basis) for each of the last three fiscal years of each majority-owned subsidiary of the registrant which filed such

reports and which is not included in the system reports filed pursuant to clause (a) above, and

(d) for each majority-owned subsidiary of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not included on either an individual or consolidated basis in the annual reports filed pursuant to clause (a), (b) or (c) above, the financial statements (which need not be certified) called for by the appropriate form for registration of securities of such subsidiary.

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries may be omitted to the extent that all subsidiaries for which they are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(Secs. 12 and 23, 48 Stat. 892 and 901 as amended, 15 U.S.C. 78j and 78w)

[F.R. Doc. 65-3114; Filed, Mar. 26, 1965; 8:45 a.m.]

[Release 34-7553]

## PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

### Optional Annual Report Form for Issuers Reporting to FPC, ICC, or FCC

The Securities and Exchange Commission has adopted a new Form 12-K (listed and described in 17 CFR 249.312) under the Securities Exchange Act of 1934. This form may be used for annual reports pursuant to section 13 or 15(d) of that Act by certain issuers which file annual reports with the Federal Power Commission, the Interstate Commerce Commission or the Federal Communications Commission.

Notice of the proposed form was published January 16, 1965 in Securities Exchange Act Release No. 7497 (30 F.R. 592). A number of helpful comments were received in response to this release and certain changes in the form have been made as a result of the consideration of the comments submitted and further consideration of the proposed form by the Commission.

Annual reports on the new form consist largely of copies of the annual reports of such issuers to the other Federal agencies together with certain other exhibits. However, use of the proposed form is optional and any issuer may use Form 10-K (listed and described in 17 CFR 249.310) if it desires to do so.

The facing sheet of this form asks for the registrant's I.R.S. employer identification number. The Commission's electronic data processing program requires the use of a single number for each registrant. The I.R.S. number, which is readily available, will provide a means whereby all filings made by a registrant with the Commission under one or more acts can be readily identified through use of its equipment.

**Commission action.** The Securities and Exchange Commission, acting pursuant to sections 13, 15(d) and 23(a) of the Securities Exchange Act of 1934, as amended, hereby adopts Form 12-K (listed and described in 17 CFR 249.312) to read as set forth below. Since use of

the form is optional, it shall become effective immediately upon publication March 12, 1965.

By the Commission, March 12, 1965.

[SEAL] ORVAL L. DuBois,  
Secretary.

§ 249.312 Form 12-K, annual report for issuers which file reports with certain other federal agencies.

The following form may be used for annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 by any issuer which files annual reports with the Federal Power Commission on that Commission's Form No. 1 or Form No. 2 and whose annual report to stockholders for its last fiscal year contains financial statements (other than schedules) prepared and certified substantially in accordance with Regulation S-X (Part 210 of this chapter), any issuer which files annual reports with the Interstate Commerce Commission pursuant to section 20, 220 or 313 of the Interstate Commerce Act, or any issuer which files annual reports with the Federal Communications Commission pursuant to section 219 of the Communications Act of 1934.

#### GENERAL INSTRUCTIONS

##### A. Rules as to Use of Form 12-K.

(a) This form may be used by the issuers specified below for annual reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934:

(1) Any issuer which files annual reports with the Federal Power Commission on that Commission's Form No. 1 or Form No. 2 and whose annual report to stockholders for its last fiscal year contains financial statements (other than schedules) prepared and certified substantially in accordance with Regulation S-X (17 CFR Part 210).

(2) Any issuer which files annual reports with the Interstate Commerce Commission pursuant to Section 20, 220, or 313 of the Interstate Commerce Act.

(3) Any issuer which files annual reports with the Federal Communications Commission pursuant to Section 219 of the Communications Act of 1934.

(b) Reports on this form shall be filed within 120 days after the end of the fiscal year covered by such reports. However, if the time for filing an annual report with the Interstate Commerce Commission or the Federal Communications Commission is extended beyond the end of the 120-day period in any year, the registrant may file its report on this form within ten days after the extended date, provided the Securities and Exchange Commission is promptly advised of such extension.

##### B. Application of General Rules and Regulations.

(a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.

(b) Particular attention is directed to Regulation 12B (17 CFR 240.12b-1 et seq.) which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in Rule 12b-2 (17 CFR 240.12b-2) should be especially noted. See also Regulations 13A and 15D (17 CFR 240.13a-1 et seq. and 240.15d-1 et seq.).



**C. Preparation of Report.**

This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of Rule 12b-12 (17 CFR 240.12b-12). The report shall contain the item numbers and captions of all items required to be answered, but the text of such items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b-13 (17 CFR 240.12b-13).

**D. Signature and Filing of Report.**

Eight complete copies of each report on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one complete copy shall be filed with each exchange on which any security of the registrant is registered. At least one of the copies filed with the Commission and one copy filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

## SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C., 20549

## FORM 12-K

ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended \_\_\_\_\_  
Commission file number \_\_\_\_\_

(Exact name of registrant as specified in its charter) \_\_\_\_\_

(State or other jurisdiction of incorporation or organization) \_\_\_\_\_

(I.R.S. Employer Identification No.) \_\_\_\_\_

(Address of principal executive offices) \_\_\_\_\_

(Zip Code) \_\_\_\_\_

Securities Registered Pursuant to Section 12(b) of the Act:

Title of each class so registered \_\_\_\_\_

Name of each exchange on which each class is registered \_\_\_\_\_

Securities Registered Pursuant to Section 12(g) of the Act:

(Title of class) \_\_\_\_\_

(Title of class) \_\_\_\_\_

## INFORMATION REQUIRED IN REPORT

**Item 1. Number of Equity Security Holders.**

State in the tabular form indicated below, as of a specified date, the approximate number of holders of record of each class of equity securities of the registrant.

(A) Title of class	(B) Number of record holders

**Instructions.** 1. Attention is directed to the definition of the term "equity security" in Section 3(a)(11) of the Act.

2. The information shall be given as of the end of the last fiscal year or as of any subsequent date, except that if the latest determination of the number of record holders of any class of equity securities was made for some other purpose within 90 days prior to the end of the last fiscal year, the information with respect to such class may be given as of the date of such determination.

**Item 2. Increases and Decreases in Outstanding Equity Securities.**

Give the following information as to all increases and decreases during the fiscal year in the amount of equity securities of the registrant outstanding:

(a) The title of the class of securities involved;

(b) The date of the transaction;

(c) The amount of securities involved and whether an increase or decrease;

(d) A brief description of the transaction in which the increase or decrease occurred. If previously reported, the description may be incorporated by a specific reference to the previous filing.

(e) If the transaction involved a sale of securities which were not registered under the Securities Act of 1933, an indication of the exemption claimed and the facts relied upon to make the exemption available. If previously reported, the information may be incorporated by a specific reference to the previous filing.

**Instruction.** The information shall be prepared in the form of a reconciliation between the amounts shown to be outstanding on the balance sheet to be filed with this report and the amounts shown on the registrant's balance sheet for its previous fiscal year. Similar or related transactions, or numerous small transactions, may be grouped together showing the dates between which all such transactions occurred.

**Item 3. List of Exhibits.**

List all exhibits filed as a part of the annual report.

## SIGNATURES

Pursuant to the requirements of Section 13 (or 15(d)) of the Securities Exchange Act of 1934, the registrant has duly caused this annual report to be signed on its behalf by the undersigned thereunto duly authorized.

(Registrant) \_\_\_\_\_

(Signature) \* \_\_\_\_\_

Date \_\_\_\_\_  
\*Print name and title of signing officer under his signature.

## INSTRUCTIONS AS TO EXHIBITS

Subject to Rule 12b-32 (17 CFR 240.12b-32) regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the report on this form. Such exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may be referred to by the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be set forth in the list of exhibits called for by Item 3.

1. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

2. (a) Copies of every material contract not made in the ordinary course of business and not previously filed which was performed or to be performed in whole or in part at or after the beginning of the fiscal year covered by the report on this form. Only contracts need be filed as to which the registrant or a subsidiary of the registrant was or is a party or succeeded to a party by assumption or assignment or in which the registrant or such subsidiary had or has a beneficial interest.

(b) If the contract is such as ordinarily accompanies the kind of business conducted by the registrant and its subsidiaries, it is made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(1) Directors, officers, promoters, voting trustees, or persons owning of record or known to own beneficially more than 10 percent of any class of equity securities of the registrant, are parties thereto, except where the contract merely involves the purchase or sale of current assets having a determinable price, at such price;

(2) The registrant's business is substantially dependent upon it;

(3) It calls for the acquisition or sale of fixed assets for a consideration exceeding 10 percent of all fixed assets of the registrant and its consolidated subsidiaries;

(4) It is a lease under which a material part of the property of the registrant and its subsidiaries is held; or

(5) The amount of the contract, or its importance to the business of the registrant and its subsidiaries, are material, and the terms and conditions are of a nature of which investors reasonably should be informed.

(c) Any management contract or bonus or profit-sharing plan, contract or arrangement (or if not set forth in any formal document, a written description thereof), except contracts providing for labor bonuses or payments to a class of security holders, as such, shall be deemed material and shall be filed.

3. Copies of all other documents of a character required to be filed as an exhibit to an original registration statement on Form 12 (listed and described in 17 CFR 249.212) which were in effect during the fiscal year and not previously filed.

4. If the registrant files annual reports with the Federal Power Commission, the following reports and statements shall be filed:

(a) The registrant's annual report to the Federal Power Commission for its last fiscal year;

(b) The registrant's annual report to stockholders for its last fiscal year (copies of such report filed with manually signed copies of the report on this form shall contain manually signed certificates of the certifying accountant or accountants);

(c) The annual reports to the Federal Power Commission on Form No. 1 or Form No. 2 filed by each majority-owned subsidiary of the registrant, which filed such a report, for its last fiscal year; and

(d) For each other majority-owned subsidiary of the registrant whose financial statements were not included, on either an individual or a consolidated basis, in the registrant's annual report to stockholders, the financial statements called for by the form appropriate for an annual report by such subsidiary to the Securities and Exchange Commission.

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries may be omitted to the extent that all subsidiaries for which they are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

5. If the registrant files annual reports with the Interstate Commerce Commission or the Federal Communications Commission, the following reports and statements shall be filed:

(a) The registrant's annual report to the appropriate Commission on either a separate or system basis for the last fiscal year;

(b) Its annual report to stockholders, if any, covering the comparable period (if no such report is published, the registrant shall so state in answer to Item 3);

(c) The annual report to the appropriate Commission (on either a separate or system basis) for the last fiscal year of each majority-owned subsidiary of the registrant which files such a report and which is not included in a system report filed pursuant to clause (a) above, and

(d) For each majority-owned subsidiary of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not in-



cluded on either an individual or consolidated basis in the annual reports filed pursuant to clause (a), (b), or (c) above, the financial statements (which need not be certified) called for by the form appropriate for an annual report by such subsidiary to the Securities and Exchange Commission.

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries may be omitted to the extent that all subsidiaries for which they are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(Secs. 13, 15 and 23; 48 Stat. 894, 895 and 901, as amended; 15 U.S.C. 78m, o and w)

[P.R. Doc. 65-3115; Filed, Mar. 26, 1965; 8:45 a.m.]

## Title 20—EMPLOYEES' BENEFITS

### Chapter II—Railroad Retirement Board

#### PART 208—ELIGIBILITY FOR AN ANNUITY

#### PART 210—EXECUTION AND FILING OF AN APPLICATION FOR AN ANNUITY

#### PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

##### Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228), § 208.7(c) of Part 208 (20 CFR 208.7(c)) and § 210.11 of Part 210 (20 CFR 210.11) of the Regulations under such act are amended and §§ 237.809 and 237.810 of Part 237 are added by Board Order 65-36, dated March 17, 1965, to read as follows:

#### § 208.7 Annuities for employees.

(c) Except as provided in § 208.31 and § 210.11 or § 210.12 of this chapter, after an annuity has been awarded to an individual under this part, he shall not be entitled to another kind of annuity under this part even though he was eligible at the time of the award, or subsequently became eligible, for another kind of annuity.

#### § 210.11 Cancellation of an application.

An individual (or a person who is authorized to act in his behalf pursuant to § 266.4 or § 266.5 of this chapter) may cancel his previously filed application under the following conditions:

(a) *Before the annuity is awarded.* An application may be canceled before the annuity is awarded if (1) he files a written request for cancellation, (2) such individual is alive at the time the request for cancellation is filed, and (3) the request for cancellation is filed on or before the date the annuity is awarded.

(b) *After the annuity is awarded.* An application may be canceled after the date the annuity is awarded if (1) the conditions enumerated in subparagraphs (1) and (2) of paragraph (a) of this section are met, (2) any other person whose entitlement would be rendered erroneous by such cancellation consents in writing thereto, and (3) there is repay-

ment of the annuity or annuities previously paid because of such application. Recoupment of the annuity or annuities previously paid may be effected by one or more of the methods described in §§ 255.5, 255.6, and 255.8 of this chapter.

#### § 237.809 Application where individual is incompetent.

If an individual is a minor or is mentally incompetent, a person who is authorized to act in behalf of such individual pursuant to § 266.4 or § 266.5 of this chapter shall execute and file an application on behalf of such individual. If such individual has himself filed an application form, the person authorized to act in behalf of such individual shall execute and file another application form. Where this has been done, the application filing date may be the date on which the first application form was received by the Board.

#### § 237.810 Cancellation of application.

The provisions of §§ 210.11 and 210.12 of this chapter shall be applied to an application for an insurance annuity under this part in the same manner as applied to an application for an employee annuity.

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228j)

Dated: March 23, 1965.

By authority of the Board.

LAWRENCE GARLAND,  
Secretary of the Board.

[P.R. Doc. 65-3125; Filed, Mar. 26, 1965; 8:46 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 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS

#### Confirmation of Effective Date of Order Amending Certain Cheese Standards Regarding Sorbate Salts and Sorbic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of February 5, 1965 (30 F.R. 1253), that amended the standards for the cheeses specified to provide that the limit prescribed for sorbate salts be expressed in terms of their sorbic acid content and to raise the maximum level for sorbic acid to 0.3 percent. Accordingly, the amendments promulgated by that order will become effective April 6, 1965.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 19, 1965.

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

[P.R. Doc. 65-3134; Filed, Mar. 26, 1965; 8:47 a.m.]

### PART 121—FOOD ADDITIVES

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

##### FILTERS, RESIN-BONDED

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3B1094) jointly filed by Reichhold Chemicals, Inc., 525 North Broadway, White Plains, N.Y., and Cuno Engineering Corp., Meriden, Conn., and other relevant material, has concluded that § 121.2536(d)(3) should be amended to provide for the use of phenol-formaldehyde resins in the formulation of resin-bonded filters. 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), § 121.2536(d)(3) is amended by inserting alphabetically in the list of substances a new item, as follows:

#### § 121.2536 Filters, resin-bonded.

(d) \* \* \*

(3) Resins:

Phenol-formaldehyde resins.

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, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the if the objections are supported by 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.

*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: March 23, 1965.

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

[P.R. Doc. 65-3136; Filed, Mar. 26, 1965; 8:47 a.m.]



## PART 121—FOOD ADDITIVES

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

## PART 146c—CERTIFICATION OF CHLORTETRACYCLINE AND CHLORTETRACYCLINE-CONTAINING DRUGS

## Chlortetracycline

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 4C1105) filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J., 08540, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of chlortetracycline in drinking water of chickens as an aid in the control of mortality due

to fowl cholera. 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), § 121.208 is amended in the following respects:

a. By deleting the footnote from Table 1 in paragraph (d) and the references thereto in items 1, 2, and 3.

b. By adding to items 1, 2, and 3 of Table 2 in paragraph (d) footnote citations 1 and by inserting at the end of Table 2 the following footnote:

<sup>1</sup> See also § 121.200(c)(1).

c. By adding to Table 4 in paragraph (d) a new item 6, as follows:

## § 121.208 Chlortetracycline.

(d) \* \* \*

TABLE 4—CHLORTETRACYCLINE IN DRINKING WATER FOR CHICKENS AND TURKEYS

Principal ingredient	Quantity	Limitation	Indications for use
6. Chlortetracycline...	1000 mg. per gallon.	For growing chickens; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not for laying chickens; not to be used for more than 14 consecutive days; withdraw 24 hours prior to slaughter; as sole source of chlortetracycline.	Aid in the control of mortality due to fowl cholera.

2. Under the authority vested in the Secretary of Health, Education, and Welfare, by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the regulations for certification of chlortetracycline and chlortetracycline-containing drugs are amended by adding to § 146c.205(f)(5) a new subdivision (ix), as follows:

§ 146c.205 Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder.

(f) \* \* \*

(5) \* \* \*

(ix) If it contains chlortetracycline hydrochloride powder, as an aid in the control of mortality due to fowl cholera in growing chickens.

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

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

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

Dated: March 19, 1965.

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

[F.R. Doc. 65-3135; Filed, Mar. 26, 1965; 8:47 a.m.]

## SUBCHAPTER D—HAZARDOUS SUBSTANCES

## PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

## Spot-Removing Devices Containing Methyl Alcohol; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs pursuant to section 3(c) of the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder a request to exempt certain spot-removing devices from the special labeling that would otherwise be required because of their methyl alcohol content. Although these articles contain more than 4 percent of methyl alcohol by weight and under § 191.7(b)(2) would require special cautionary labeling, the petitioner believes that special labeling is not necessary.

The Commissioner has concluded that due to the small quantity of methyl alcohol present and the method of construction of the article a minor hazard is presented and that compliance with § 191.7(b)(2) of the regulations pertain-

ing to this hazard is not necessary for the adequate protection of the public health. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare, and delegated to the Commissioner (21 CFR 2.90), § 191.63(a) is amended by adding thereto a new subparagraph, as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

(a) \* \* \*

(26) Packages containing articles intended as single use spot removers and containing methyl alcohol are exempt from the labeling specified in § 191.7(b)(2), provided that:

(i) The total amount of cleaning solvent in each unit does not exceed 1 milliliter, of which not more than 40 percent is methyl alcohol.

(ii) The liquid is contained in a sealed glass ampoule enclosed in a plastic container with a firmly attached absorbent wick at one end through which the liquid from the crushed ampoule must pass, under the contemplated conditions of use.

(iii) The labeling of each package of the cleaner bears the statement, "WARNING—Keep out of reach of children" or its practical equivalent, and the name and place of business of the manufacturer, packer, distributor, or seller.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of the labeling requirements under certain conditions.

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

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: March 23, 1965.

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

[F.R. Doc. 65-3137; Filed, Mar. 26, 1965; 8:47 a.m.]

## Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

## SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 34531]

## PART 132—POWER BRAKES AND DRAWBARS (RAILROAD)

## Initial Terminal Road Train Air Brake Tests; Interpretations

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 16th day of March A.D. 1965.

It appearing, that by joint petition filed December 10, 1964, the Norfolk & Western



Railway Co., and the Lehigh Valley Railroad Co., and by a petition filed December 1, 1964, the Alton & Southern Railroad seek a declaratory order under section 5(d) of the Administrative Procedure Act (45 USC sec. 1004) so as to remove alleged uncertainties as to the meaning and application of 49 CFR 132.12, the pertinent provisions of which are as follows:

§ 132.12 *Initial terminal road train air brake tests.* All trains must be given inspection and test as specified by paragraphs (a) to (h) of this section at points: (1) Where a train is originally made up (Initial Terminal); (2) Where train consist is changed other than by adding or removing a solid block of cars and train brake system remains changed; (3) Where train is received in interchange. \* \* \*

And it further appearing, that petitioners request said declaratory order to provide definitive answers to a number of petitioners' questions hereinafter referred to, and that a reply to said petition was filed February 23, 1965, by Railway Labor Executives' Association.

It is ordered, That the following answers or interpretations in response to questions propounded by petitioners be, and they are hereby, adopted in the manner and to the extent set forth herein as follows:

*Question.* When two railroads join in through train operation without change of power, caboose, or other train consist at their boundary, changing only crews at said boundary, is the boundary the place where the train is received in interchange under 49 CFR 132.12?

*Answer.* The boundary between carriers is the place where the train is received in interchange under 49 CFR 132.12 because at that point the use or haul on the line of one carrier ceases and the use or haul on the line of railroad of the other carrier commences.

*Question.* Under such circumstances, may the parties agree that the train is received in interchange under 49 CFR 132.12 at some location other than the boundary, provided it is within 500 miles of an inspection point?

*Answer.* No. The parties may not nullify any part of the Safety Appliance Acts by agreement. Any such agreement in conflict with the requirements of such Acts is without effect.

*Question.* Under such circumstances, what is the authority of the Commission to determine where a train is received in interchange under 49 CFR 132.12 if the parties should agree otherwise?

*Answer.* The Safety Appliance Acts (45 USC 1-16) is the Interstate Commerce Commission's authority to determine where a train is received in interchange under 49 CFR 132.12. The clear intent and purpose of 49 CFR 132.12 is to assure full compliance with the power brake requirements of the Safety Appliance Acts. It requires each railroad to discover and repair or reject cars received from other carriers in defective condition, since a carrier may not lawfully haul or use a car with a defective safety appliance, including power brakes, on its line of railroad when the defect had occurred on the line of another carrier.

*Question.* Under such circumstances, are not the time and place where the parties agree to conduct the initial test and the car inspector accepts the cars the time and place where the train is received in interchange under 49 CFR 132.12?

*Answer.* No. The time and place of interchange under 49 CFR 132.12 is when a train leaves the line of railroad of one carrier and enters upon the line of another carrier.

*Question.* Is not present 49 CFR 132.12 indefinite and without a reasonable standard as to the definition of the clause "where train is received in interchange"?

*Answer.* No. The term "interchange" is not indefinite in the light of the intent and purpose of 49 CFR 132.12.

*Question.* Does not 49 CFR 132.13 in its title "Road Train and Intermediate Terminal Train Air Brake Tests" fully authorize the intermediate type test by virtue of its specific reference to road trains?

*Answer.* No. 49 CFR 132.12 specifically refers to all trains, 49 CFR 132.13 merely provides certain additional road train and intermediate terminal train air brake tests required under specific conditions enumerated therein.

*Question.* Does the Commission have the authority and duty under 45 U.S.C. 9 to rescind or change any provisions of 49 CFR 132.12 which has no relation to safety?

*Answer.* The Power or Train Brakes Safety Appliance Act of 1958 specifically provides that the Interstate Commerce Commission has authority to change the rules, standards and instructions referred to therein only when such change is promulgated for the sole purpose of achieving safety.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL]

BERTHA F. ARMES,  
Acting Secretary.

[F.R. Doc. 65-3144; Filed, Mar. 26, 1965; 8:48 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 27 ]

### COTTON

#### Proposed Standards for Fiber Fineness and Maturity

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Consumer and Marketing Service is considering a revision of the Official Cotton Standards of the United States for Fiber Fineness and Maturity (7 CFR 27.210-27.213), pursuant to authority contained in sections 6 and 10 of the United States Cotton Standards Act, as amended (42 Stat. 1518, 1519; 7 U.S.C. sections 56, 61) and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U.S.C. section 4854), and for the purposes of both of said Acts.

*Statement of considerations leading to the proposed revision.* The purpose of the proposed revision of these standards is twofold: (1) To incorporate developments since 1956 in airflow instruments and testing procedures into the standards; and (2) to make the standards available for general use without restriction.

Official Cotton Standards of the United States for Fiber Fineness and Maturity were first established effective January 15, 1956. These standards were established under authority of cotton futures provisions of the Internal Revenue Code of 1954 and application of the standards as official cotton standards of the United States was limited to micronaire readings of fiber fineness and maturity of cotton certificated for delivery on cotton futures contracts. However, micronaire readings of fiber fineness and maturity have been available to the general public on a fee basis at Consumer and Marketing Service Cotton Division laboratories since 1946 under the Regulations for Cotton Fiber and Processing Tests (7 CFR 28.950-28.961). These readings were made available on a fee basis in 1962 to cotton producers having their cotton classed under the Smith-Doxey program. Also, micronaire readings are now included as a cotton quality factor in most sales of Commodity Credit Corporation inventory cotton.

All segments of the cotton industry generally agree that micronaire readings are now an important quality factor in the merchandising and processing of cotton.

The Department proposes to make the revision of the standards effective on or about June 1, 1966.

Under the proposed revision §§ 27.210-27.213 (7 CFR Part 27, Subpart B) would be deleted and the following substituted therefor under Subpart C of Part 28:

#### OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR FIBER FINENESS AND MATURITY

##### § 28.601 Official cotton standards for fiber fineness and maturity.

The official cotton standards of the United States for fiber fineness and maturity shall be the measure of such qualities, in combination, provided by air flow instrument tests in terms of micronaire readings in accordance with the procedure specified in § 28.603.

##### § 28.602 Terms of designations.

The fiber fineness and maturity of any cotton shall be designated by the micronaire reading obtained from an air flow instrument test for a specimen of the cotton as determined under § 28.603, e.g., 4.1, 4.2, 4.3, etc. To simplify recording the decimal point may be omitted, and the micronaire reading recorded as 41, 42, 43, etc.

##### § 28.603 Procedures for air flow tests of micronaire reading.

In determining in terms of micronaire readings, the fiber fineness and maturity, in combination, of cotton, the following procedure shall apply:

(a) Facilities and equipment shall include:

(1) Air flow instrument complete with accessories to measure the fineness and maturity, in combination, of cotton in terms of micronaire reading on the curvilinear scale adopted in September 1950 by the Department of Agriculture, or its equivalent.

(2) A suitable supply of compressed air filtered to remove moisture and other impurities.

(3) Balance or scales suitable for accurately weighing the specimens required for the particular instrument.

(4) International Calibration Cotton Standards with established micronaire reading values for calibration of the air flow instrument.

(b) The instrument shall be calibrated each day before routine testing begins, as follows:

(1) The air shall be allowed to flow through the instrument until the indicator stabilizes.

(2) Specimens from at least two of the calibration cottons shall be tested to insure proper calibration of the instrument. The instrument shall be considered in calibration if the values obtained on the test specimens agree with the established values of the calibration cottons within 0.1 micronaire reading.

(c) Testing of the cotton specimen shall be performed as follows:

(1) Approximately the same amount of cotton shall be taken from each side of the sample for a test specimen. The weight of the test specimen shall be that weight prescribed for the air flow instrument being used.

(2) The weighed specimen shall be tested in a properly calibrated instrument.

(3) The specimen shall be inserted into the specimen holder of the instrument so that the mass of fibers is well distributed within the specimen holder.

(4) The air shall then be allowed to flow through the specimen in accordance with the method of operation of the instrument.

(5) The position of the instrument indicator shall be determined to the nearest 0.1 micronaire reading when it becomes stable.

(d) The accuracy of the instrument shall be checked at least every 2 hours during operation by testing appropriate calibration cottons. If the value obtained on a specimen from the calibration cotton is outside the established limits of 0.1 micronaire reading, or when successive readings show the results to be within the established limits, but consistently high or low, the instrument and technique shall be thoroughly checked to remedy the discrepancies. Additional tests using calibration cottons will be made until acceptable results are obtained before routine testing is resumed.

All persons who desire to submit written data, views, or arguments in connection with this proposed revision of standards should file same in duplicate with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than May 1, 1965. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: March 24, 1965.

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

[P.R. Doc. 65-3167; Filed, Mar. 26, 1965; 8:49 a.m.]

## POST OFFICE DEPARTMENT

[ 39 CFR Part 96 ]

### INTERNATIONAL AIR TRANSPORTATION

#### Notice of Inspection of Documents; Extension of Time and Oral Argument

On December 24, 1964, the Post Office Department published in the FEDERAL REGISTER (29 F.R. 18380) a notice of proposed rule making affording to interested persons the opportunity to submit in writing data, views, or arguments for consideration in formulating rules and regulations setting forth the principles and procedures to be applicable in the future in the dispatch and division of airmail to be transported by aircraft in overseas or foreign transportation. By a further notice published February 26, 1965 (30 F.R. 2552), the time for initial



submission of data, views, or arguments was extended to March 15, 1965, and the time for the rebuttal submissions of data, views, or arguments was extended to April 1, 1965.

At the request of an interested air carrier, the Post Office Department desires to afford to interested persons the opportunity to inspect certain documents containing material quoted in a statement presented in this rule-making proceeding by Greever Allan, Director, International Service Division, Bureau of Transportation and International Services and, in conjunction with the opportunity thus accorded for inspection of said documents, to extend the time for rebuttal submissions of data, views, and arguments, to April 16, 1965.

In addition, the Post Office Department desires to afford to interested persons an opportunity to present oral argument with respect to the proposed tentative amendment to paragraph (d) of § 96.30 of Title 39, Code of Federal Regulations, as set forth in the notice of December 24, 1964, and with respect to any data, views, or arguments submitted in writing pursuant to the aforesaid notice of December 24, 1964, and pursuant to this notice insofar as it extends the time for submission of data, views, or arguments in rebuttal.

Accordingly, notice is hereby given that:

1. Interested persons may inspect the aforesaid documents between the hours of 10 a.m. and 5 p.m. in Room 5000, Post Office Department, 12th Street and Pennsylvania Avenue NW., Washington, D.C., prior to April 16, 1965;

2. The time for submission of data, views, and arguments in rebuttal is extended to April 16, 1965; and

3. Interested persons are invited to present oral argument with respect to the aforesaid matters on April 22, 1965, at 10 a.m., in Room 3000, Postmaster General's Reception Room, Post Office Department, 12th Street and Pennsylvania Avenue NW., Washington, D.C., subject to the following:

(a) Persons who participate in the oral argument will not be subject to questioning by anyone other than representatives of the Post Office Department.

(b) Written statements or other documents will not be accepted at the time of the oral argument.

(c) The oral argument will be transcribed and interested persons may purchase copies of such transcript from the reporting company.

It is requested that persons desiring to participate in the oral argument notify the Assistant Postmaster General, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, at least 2 days prior to April 22, 1965.

(R.S. 161, as amended; sec. 405 (a), (d), 72 Stat. 760, 761; 5 U.S.C. 22, 39 U.S.C. 501, 49 U.S.C. 1375 (a), (d))

LOUIS J. DOYLE,  
General Counsel.

[P.R. Doc. 65-3216; Filed, Mar. 26, 1965; 8:49 a.m.]

No. 59—4

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Parts 141a, 146a ]

#### AMPICILLIN TRIHYDRATE

##### Proposed Changes in Moisture and Identity Tests

As provided in the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), the Commissioner of Food and Drugs, on his own initiative, and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90) proposes the amendment of the regulations providing for tests and methods of assay and certification of ampicillin trihydrate, as set forth below, and hereby invites all interested persons to submit their views in writing on the proposed amendments within 30 days from the date of its publication in the FEDERAL REGISTER. Such views and comments should be filed, preferably in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, and may be accompanied by a memorandum or brief in support thereof.

1. It is proposed to amend § 141a.111 (c) and (g) to read as follows:

##### § 141a.111 Ampicillin trihydrate.

(c) *Moisture.* In an atmosphere of about 10 percent relative humidity, transfer about 100 milligrams of the finely powdered sample to a tared weighing bottle equipped with ground-glass top and stopper. Weigh the bottle and place it in a vacuum oven, tilting the stopper on its side so that there is no closure during the drying period. Dry at a temperature of 60° C. and a pressure of 5 millimeters of mercury or less for 3 hours. At the end of the drying period, fill the vacuum oven with air dried by passing it through a drying agent such as sulfuric acid or silica gel. Replace the stopper and place the weighing bottle in a desiccator over a desiccating agent such as phosphorus pentoxide or silica gel, allow to cool to room temperature, and reweigh. Calculate the percent loss.

(g) *Identity.* The infrared spectrum of a 0.5 percent mixture in a potassium bromide pellet shows well-defined peaks, within  $\pm 0.03\mu$ , at 2.90, 3.33, 5.65, 5.92, 6.71, and 7.94 $\mu$ , with doublets at 6.25-6.35, 7.25-7.30, and 7.57-7.63 $\mu$ .

2. It is proposed to amend § 141a.112 (b) to read as follows:

##### § 141a.112 Ampicillin trihydrate capsules.

(b) *Moisture.* Use the contents of four capsules and proceed as directed in § 141a.111(c).

3. It is proposed to amend § 146a.6(a) by adding the following new subparagraph thereto:

##### § 146a.6 Ampicillin trihydrate.

(a) \* \* \*

(6) It gives a positive identity test for ampicillin trihydrate.

Dated: March 22, 1965.

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

[P.R. Doc. 65-3138; Filed, Mar. 26, 1965; 8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket No. 12782; FCC 65-227]

### COMPETITION AND RESPONSIBILITY IN NETWORK TELEVISION BROADCASTING

#### Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule-making in the above entitled matter.

2. This proposal results from the Commission's Program Inquiry (Docket No. 12782)—an exhaustive and continuing examination, begun in February 1959,<sup>1</sup> of

<sup>1</sup> See Order for Investigatory Proceeding, Docket No. 12782, FCC 59-166, February 26, 1959 (printed at pp. 133-135, House Report No. 281, 88th Congress, 1st Session, May 8, 1963). Among other things the Commission's staff was directed to obtain information and data to enable the Commission to determine whether and the extent to which production of programs and acquisition of financial and proprietary interests and subsidiary rights in independently produced programs by network corporations in television are necessary to maintain a commercially viable and economically sound national television structure, or whether such practices tend unduly to restrict competition in television program production, procurement and choice in a manner inconsistent with the public interest. Also, the Commission sought to determine whether program production and procurement practices of network corporations unduly impair or impede the exercise by television licensees of their responsibility as "trustees" to provide community broadcast service. Additionally, the Commission sought to determine the extent to which program choices by network corporations are influenced by their acquisition of financial and proprietary interests and subsidiary rights in such programs. From May 1959, to March 1962, public investigatory proceedings were held in New York, Los Angeles and Washington, D.C., during which testimony was taken from many representatives of advertising agencies and national advertisers, a large number of producers of television programs (both live and film), directors, actors, talent agents, trade guild officials, university professors, and others from the academic world, women's organizations, representatives of churches, and other religious groups, journalists, other representatives of the public and public groups, the National Association of Broadcasters and the principal managers of the three national television network corporations. The record to date consists of 11,062 pages of transcript in 70 volumes, in addition to 462 exhibits; 246 witnesses testified (a few submitted statements), representing 197 companies, groups, or organizations.



the policies, practices and operations of various components of the television industry. Particular attention has been paid to the economics of network television program procurement and production and their effect upon the public interest in television program service.

3. Staff reports, based on the record of the Inquiry, have been submitted to the Commission, together with conclusions and suggestions for Commission action.<sup>2</sup> Among other things the staff concluded that policies and practices presently pursued by network corporations tend unduly to restrict competition—both economic and creative—in the production and procurement of programs for television exhibition; that entry into network television program markets for independent program producers is substantially impeded; and that network corporations control the source of supply of television programs and dominate competition in both the network and syndication program markets. The staff suggested that the Commission, through the exercise of its rule-making authority, seek to reduce these existing competitive imbalances and to encourage and maintain increased competition in television program production and procurement.<sup>3</sup>

#### I. PURPOSE AND OBJECTIVE OF THE PROPOSED RULE

4. While networks have long been a part of the American system of broadcasting, their existence and contributions need not be at the expense of

<sup>2</sup> Generally speaking, a television "network" is composed of a large number of independent licensees who, by contract, derive a substantial part of their programming from a central source—the network corporation. The network corporation, in turn, directly or indirectly, procures programs, arranges for sponsorship and offers a continuous, coordinated program schedule to its affiliates. It compensates the stations for carrying a program and acts as a "sales agent" for stations to create a national advertising market. Under its affiliation contract (as provided by the Commission's Chain Broadcasting Regulations), under certain circumstances the affiliate has the right to reject the program. The network corporation and its affiliates are interconnected through facilities provided by the American Telephone & Telegraph Co., which charges for the use of such facilities as a common carrier on the basis of tariffs filed with the Federal Communications Commission. Hence, in this notice, for the purpose of clarity we will use the term "network corporation" to differentiate the "central source" from the composite "network."

<sup>3</sup> Part I of the Second Interim Report "Television Network Program Procurement," submitted to the Commission by the Chief of the Office of Network Study on Nov. 23, 1962. That Report, together with a prior Interim Report, "Responsibility for Broadcast Matter," submitted to the Commission on June 16, 1960 (which served as the basis for the Commission's Statement of Policy; see note 2, page 5, post), have been made public and are contained, together with a number of relevant documents, in the Report of the Committee on Interstate and Foreign Commerce, 88th Congress, 1st Session, House Report No. 281, ordered to be printed on May 8, 1963 (cited hereinafter as H. Rpt. No. 281).

<sup>4</sup> H. Rpt. No. 281, pp. 97-108, 115-116.

genuine and healthy competition. The information and data before the Commission appear to establish that network corporations, with the acquiescence of their affiliates, have adopted and pursued practices in television program procurement and production through which they have progressively achieved virtual domination of television program markets. The result is that the three national network corporations not only in large measure determine what the American people may see and hear during the hours when most Americans view television but also would appear to have unnecessarily and unduly foreclosed access to other sources of programs. The purpose of the rule proposed herein is to foster free competition in television program markets. Specifically, the proposed rule is designed (a) to provide opportunity for entry of more competitive elements into the market for television programs for network exhibition and (b) to encourage the growth of alternate sources of television programs for both network and non-network exhibition.

5. Our purpose is to reach those practices which materially impair the ability of licensees to operate in the public interest.<sup>4</sup> As the Commission has pointed out, commercial activities of licensees, whether done singly or in combination as networks, which do in fact operate against the public interest in a free, competitive broadcast structure, may not be insulated from corrective action by the Commission merely by the declaration that they are "business practices."<sup>5</sup> Where the public interest so requires, the Commission is empowered to consider the complex economic factors which have brought about the situation and to use its full statutory authority, if necessary, to eliminate practices of network corporations or licensees found unduly to restrict competition and

<sup>5</sup> The Commission, in considering restraint on competition in network radio, concluded in its Chain Broadcasting Report (Commission Order No. 37, Docket No. 5060, May 1941, pp. 88-89): "We have been at pains to limit our regulations to the proven requirements of the situation, and especially to ensuring the maintenance of a competitive market. Radio broadcasting is a competitive industry. The Congress has so declared it in the Communications Act of 1934, and has required the fullest measure of competition possible within physical limitations. If the industry cannot go forward on a competitive basis, if the substantial restraints upon competition which we seek to eliminate are indispensable to the industry, then we must frankly concede that broadcasting is not properly a competitive industry. If this be the case, we recommend that the Congress should amend the Communications Act to authorize and direct regulations to protect listeners, advertisers, and consumers. We believe, however, that competition, given a fair test, will best protect the public interest. That is the American system." (Emphasis supplied.)

<sup>6</sup> As the Commission said in its Report on Chain Broadcasting (p. 84): "Licensees cannot escape the consequences of their acts or shirk their duty of properly serving the public by the simple device of describing their operating activities as business practices."

to limit sources of television programming.<sup>7</sup>

#### II. PRESENT NETWORK PRACTICES IN PROGRAM PRODUCTION AND PROCUREMENT

6. The network process plays an important role in providing programs supported by advertisers, for many stations throughout the country. National advertisers frequently may seek to reach different audiences.<sup>8</sup> Therefore, it is im-

<sup>7</sup> In *National Broadcasting Co., Inc. v. United States*, 319 U.S. 190, 198-199 (1943), the Supreme Court of the United States quoted with approval the Commission's statement in its Report on Chain Broadcasting setting forth its duty with regard to network practices and policies: " \* \* \* the fact that the chain broadcasting method brings benefits and advantages to both the listening public and to broadcast station licensees does not mean that the prevailing practices and policies of the networks and their outlets are sound in all respects, or that they should not be altered. The Commission's duty under the Communications Act of 1934 is not only to see that the public receives the advantages and benefits of chain broadcasting, but also, so far as its powers enable it, to see that practices which adversely affect the ability of licensees to operate in the public interest are eliminated." (Report, p. 4.) " \* \* \* A licensee station does not operate in the public interest when it enters into exclusive arrangements which prevent it from giving the public the best service of which it is capable, and which, by closing the door of opportunity in the network field, adversely affect the program structure of the entire industry." (Report, pp. 52-57.)" (Emphasis supplied.)

The Commission has said (In the Matter of Editorializing by Broadcast Licensees, Docket No. 8516, 13 FCC 1348, June 1, 1949, p. 12): " \* \* \* The most significant meaning of freedom of the radio is the right of the American people to listen to this great medium of communications free from any governmental dictation as to what they can or cannot hear and free alike from similar restraints by private licensees."

In this connection the Commission adopted the test laid down by the Supreme Court (*Associated Press v. United States*, 326 U.S. 1, 20 (1945)), quoting in the Editorializing Report, p. 12: " \* \* \* It would be strange indeed, however, if the grave concern for freedom of the press which prompted adoption of the First Amendment should be read as a command that the government was without power to protect that freedom. \* \* \* That Amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public, that a free press is a condition of a free society. Surely a command that the government itself shall not impede the free flow of ideas does not afford non-governmental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom. Freedom to publish means freedom for all and not for some. Freedom to publish is guaranteed by the Constitution, but freedom to combine to keep others from publishing is not."

<sup>8</sup> James Aubrey, CBS, TR. 8178; Oliver Treyz, ABC, TR. 9369; Robert Sarnoff, NBC, TR. 8716. In general, see Interim Report, "Responsibility for Broadcast Matter," H. Rpt. No. 281, pp. 362-382. For detailed description of the methods used by advertising agencies in adapting programming to economic, cultural and demographic groups or audiences in the interest of "efficient" advertising, see testimony of C. Terrence Clyne.



portant to encourage open access to network time by independent program producers serving advertisers, to the end that program diversity may be encouraged. To the extent that access is narrowed, diversity may also be diminished.

7. Licensees bear the sole legal responsibility to provide television service designed to serve the needs and interests of their communities.<sup>9</sup> In addition a licensee assumes the duty to bring his—

\*\*\* positive responsibility affirmatively to bear upon all who have a hand in providing broadcast matter for transmission through his facilities so as to assure the discharge of his duty to provide [an] acceptable program schedule \*\*\* in the public interest in his community.<sup>10</sup>

But under the present circumstances in network television licensees have little or no opportunity to perform these essential parts of their duty as trustees for the public. The ability of licensees to obtain programs necessary to serve the needs and interests of their communities depends in large measure on the schedules offered them by the network corporations.<sup>11</sup> As a practical matter licensees must place practical reliance on network corporations to choose, edit and supervise the network programs which they broadcast to local audiences.<sup>12</sup>

Under these circumstances network corporations regularly assume responsibilities and perform functions in the television program process which directly affect the public interest in community service and which may either promote or retard the "larger and more effective use" of television channels.<sup>13</sup>

8. The bulk of television station programming<sup>14</sup> comes from three sources:

McCann Erickson (TR. 416 et seq.), Robert L. Foreman, BBD&O (TR. 552-613) and Thomas J. McDermott, Benton & Bowles, Inc. (TR. 918-927). For a detailed description of network practices in the same area see testimony of Hugh M. Beville, Vice President for Planning and Research, NBC, TR. 8905-8946 and 8953.

<sup>9</sup> See Report and Statement of Policy re: Commission En Banc Programming Inquiry, FCC 60-970, Mimeo No. 91874, July 29, 1960, reprinted in H. Rpt. No. 281, pp. 157-172.

<sup>10</sup> Ibid., H. Rpt. No. 281, p. 167.

<sup>11</sup> Ibid., p. 168 and pp. 225-230 and 382-384.

<sup>12</sup> Ibid. Also see Policy Statement, H. Rpt. No. 281, p. 168, where the Commission concluded: "Although the individual station licensee continues to bear legal responsibility for all matter broadcast over his facilities, the structure of broadcasting, as developed in practical operation, is such—especially in television—that, in reality, the station licensee has little part in the creation, production, selection, and control of network program offerings. Licensees place 'practical reliance' on networks for the selection and supervision of network programs which, of course, are the principal broadcast fare of the vast majority of television stations throughout the country."

The Attorney General of the United States and the Special Subcommittee on Legislative Oversight of the House of Representatives have also expressed similar conclusions. See Report of Attorney General to the President, December 30, 1959, p. 25 and Interim Report, Special Subcommittee on Legislative Oversight, Washington, D.C., 1960, p. 38.

<sup>13</sup> Ibid. See also H. Rpt. No. 281, pp. 382-384 and p. 365.

<sup>14</sup> On an average, local-live programming in television accounts for about 13 percent

(a) The three network corporations, via some form of interconnection; (b) "syndication," which can be defined for present purposes as the distribution of programs originally produced for television, often on a station-to-station basis (but sometimes to groups of stations), as programming for non-network regional or local use and (c) theatrical film originally produced for and exhibited in motion picture theatres. Each of the three network corporations offers an evening schedule, approximately four hours in duration, the largest part of which is composed of television films.

9. Normally, television network time is sold only to advertisers.<sup>15</sup> The total potential market available to independent producers of programs for network exhibition is restricted to network corporations and network advertisers.<sup>16</sup>

Formerly, many network television programs were developed and brought to the market in "pilot" form by independent producers at their own account and risk. A reasonably broad market was then available to such producers.<sup>17</sup> It was

of overall broadcast time. In prime time (6-11 p.m.) that percentage is considerably smaller. Between 7 and 11 p.m. the amount of local-live programming is negligible. The following figures, based on an ARB study on network clearances in prime time (percent of network programs carried by affiliates), were reported in *Television Age*, June 8, 1964, p. 31, under the comment that "the ending of option time had only the slightest effect on the number of network hours carried by affiliates":

"NETWORK CLEARANCE IN PRIME TIME  
PERCENT OF NETWORK PROGRAMS CARRIED BY AFFILIATES"

	ABC	CBS	NBC
3 VHF station markets:			
March 1963.....	96.0	95.5	96.3
March 1964.....	94.5	94.2	93.8
4 or more VHF station markets:			
March 1963.....	98.0	96.8	98.0
March 1964.....	97.4	97.6	98.5

Source: ARB, March 1963, March 1964.<sup>18</sup>

A large part of station revenues is derived from sale of advertising "spots" in non-network programs. As will be seen below, currently almost all programming offered for non-network exhibition consists of film series previously shown on networks rather than programs or series originally produced for syndication. Apparently there has been some recent increase in local production of public affairs programs, some of which are available in the syndication market, but new production of "quality" film entertainment appropriate for prime time for non-network distribution has virtually disappeared. See par. 20, post.

<sup>15</sup> See extensive testimony on this point by Robert Sarnoff of NBC in the "Television Inquiry," Hearings before the U.S. Senate Committee on Interstate and Foreign Commerce, March-July 1956, Part IV, "Network Practices," pp. 2435, 2452-2455.

<sup>16</sup> See testimony of James Aubrey, President of the CBS Television Network, TR. 8142: "\*\*\* the market place for the sale by \*\*\* packagers of programs for network exhibition is either with a network or with an advertiser."

<sup>17</sup> For example, for the week of Apr. 15-21, 1956, between the hours of 6-11 p.m., on CBS 23 out of 49 programs (or 46.9 percent) were programs in which the network had no financial or proprietary interest, and on NBC

composed of a large number of sponsors and potential sponsors of network programming in addition to the three network corporations. The first-run exhibition rights to many such programs were sold by independent producers directly to sponsors and, subject to network approval as to scheduling, suitability, good taste, decency, etc., were exhibited as network offerings. Sponsors chose programs in accordance with their diverse needs from a program market provided by independent producers.<sup>18</sup> Up until six or seven years ago, a third to a half of network evening schedules consisted of such independent programs.

10. Direct sale to sponsors had economic advantages for independent producers. Sponsors only occasionally acquired or shared in syndication, foreign sales or other subsidiary rights.<sup>19</sup> These rights usually were retained by independent producers and constituted valuable commercial assets which contributed to their economic stability and viability.<sup>20</sup> The importance of the retention of these rights to the financial stability of independent producers is supported by the testimony of producers that in many, if not most, instances they do not recover their initial production costs from the network run of a program series but must look to syndication and foreign sales to "make them whole" and to show a profit.<sup>21</sup>

for the same period 23 out of 41 programs (or 56.1 percent) were programs in which the network had no financial or proprietary interest. Hours represented by these programs follow: On CBS, 12 out of 27, ¼ hour (or 43.2 percent); and on NBC 13, ½ out of 25, ½ hour (or 53.3 percent). These figures were compiled from network responses to FCC Network Questionnaire No. 2 of Apr. 20, 1956. Also see the following CBS submission in the "Television Inquiry," Hearings before the U.S. Senate Committee on Interstate and Foreign Commerce, March-July 1956, Part IV, "Network Practices," p. 1792, providing information regarding source of programs broadcast 6 p.m. to 11 p.m., Monday through Saturday, and 5 p.m. to 11 p.m., on Sunday during a week in April:

CLASS A SPONSORED BROADCAST HOURS PER WEEK

	April 1954		April 1956	
	Hours	Percent	Hours	Percent
Produced by outside sources.....	9½	38.0	16	57.7
Produced by outside sources and CBS Television.....	2½	10.0	2½	9.0
Produced by CBS Television.....	13	52.0	9½	33.3
Total.....	25	100.0	27½	100.0

<sup>18</sup> TR. 469-470 and 522 (Clyne, McCann Erickson); TR. 565-571 (Foreman, BBD&O); TR. 772-773 (Seymour, J. Walter Thompson); TR. 828-830 (Levathes, Young and Rubicam). See also testimony of Mort Werner, Vice President NBC Television Network Programs and head of the NBC Television Network Program Department (TR. 9025). For testimony bearing on this subject see generally volumes 36-43 of the Program Inquiry transcript.

<sup>19</sup> TR. 476-478 (Clyne, McCann Erickson) and TR. 4259 (Richard Powell and Thomas J. McDermott, Four Star Productions).

<sup>20</sup> TR. 474-475 (Clyne, McCann Erickson).

<sup>21</sup> TR. 4254-4256 (Powell and McDermott, Four Star Productions) and TR. 4518 (Desl



11. In recent years (since about 1957-1958) the market in which an independent producer must sell his product has progressively contracted. The percentage of independently provided programs in the schedules of all three national television networks has declined sharply.<sup>21</sup> Such programs, in effect, have been crowded out of network schedules by programs—in many cases hour length film series—supplied by outside producers but procured and controlled (both creatively and economically) by network corporations. In procuring these programs network corporations almost invariably acquire the exclusive right to first-run network exhibition directly from the producer and schedule the program series in choice evening time. Often the network corporations "buy" the program series and "slot" it in the schedule before sponsorship has been obtained and, hence, assume the economic risk of selling advertising positions in the program—usually to several different sponsors.<sup>22</sup>

12. In addition to control of such programs through the first-run license, network corporations—usually as a quid pro quo for initial financing but sometimes as compensation for assumption of the risk of sale to advertisers—in the initial bargaining with producers seek and frequently obtain separately or in combination the right to share (often 50 percent) in the profits, if any, from the network run; the right to share in profits from subsequent network runs; the right to distribute the programs or series in domestic syndication and in foreign markets; the right to share (usually 50 percent for a term of years or in perpetuity) in the profits from domestic and foreign syndication sales; exploitation rights and share of profits in merchandising; and the right to share in other nonbroadcast interests (e.g., motion pictures, books, magazine stories, and articles, phonograph records and plays derived from the programs). Also, these arrangements usually accord network corporations the right to participate in the creative process to the extent necessary to assure themselves and mass advertisers that the program or series will initially be designed to attract large circulation and that subsequent episodes of a series will adhere to the "formula" originally designed.<sup>23</sup>

Arnaz, Desilu Productions). For a more recent statement see *Television Age*, Jan. 18, 1966, p. 22.

<sup>21</sup> See Appendix B below. Also see testimony by James Aubrey of CBS, TR. 8142-8144.

<sup>22</sup> In some cases the quid pro quo to justify the grant to network corporations of distribution and profit-sharing rights is simply the assumption of the risk of sale to advertisers. Because of the seller's market in network advertising, the network "risk" in many cases is slight, if not miniscule. Some indication of the extent of the "risk" can perhaps be inferred from a statement by Dr. Frank Stanton, president of CBS, Inc., as quoted in the trade press. "If the Surgeon General's report on smoking leads to decline in cigarette advertising, CBS will be able to more than offset such losses by acquisition of new advertising business." *Broadcasting*, Jan. 30, 1964, p. 9.

<sup>23</sup> By and large episodes of television series are produced on the basis of "formulas"—

13. A breakdown<sup>24</sup> of the evening program schedules of all three networks (on the basis of information supplied by ABC, CBS, and NBC) for a week in November of each season, 1957 through 1964, indicates the trend toward centralization of economic control of television program production, procurement and choice in the hands of the three television network corporations. In accordance with established policies, network corporations produce and own virtually all news and public affairs programs included in network schedules. However, they are the sole producers of only a small part of entertainment programming. The overall percentage of network schedules produced by networks has declined in recent years.

The large shift has been to the so-called "co-production" type of arrangement.<sup>25</sup> The figures show a big increase in these network-financed, "independently" produced programs—the so-called joint-venture programs where network

corporations almost invariably acquire the first-run right in addition to some rights to share in the profits from the network run and the right to distribute and/or share in the profits from domestic syndication and overseas sales and other valuable subsidiary rights. Coincidentally, there has been a very sharp decline on all three networks in the number of programs independently produced and licensed to advertisers.

14. Appendix B below contains detailed breakdowns of the sources of network programs and network corporations' interests in them for programs broadcast 6-11 p.m. during a week in November each year 1957-1964. The table below summarizes the sources of all evening (6-11 p.m.) programs carried on each of the three networks during a representative week in 1957 and 1964. The figures are shown as percentages of total network evening program hours.

	3 networks combined		ABC		CBS		NBC	
	1957	1964	1957	1964	1957	1964	1957	1964
(1) Network produced.....	Percent 28.7	Percent 22.4	Percent 19.7	Percent 22.2	Percent 43.9	Percent 30.1	Percent 21.4	Percent 15.1
(2) Network participation (produced by others and licensed to network corporations).....	Percent 38.5	Percent 70.7	Percent 51.7	Percent 75.9	Percent 24.3	Percent 61.9	Percent 40.8	Percent 74.3
(1) and (2) combined.....	Percent 67.2	Percent 93.1	Percent 71.4	Percent 98.1	Percent 68.2	Percent 92.0	Percent 62.2	Percent 89.4
(3) Independently provided.....	Percent 32.8	Percent 6.9	Percent 28.6	Percent 1.9	Percent 31.8	Percent 8.0	Percent 37.8	Percent 10.6

Similar data are shown below for entertainment programs only:

	3 networks combined		ABC		CBS		NBC	
	1957	1964	1957	1964	1957	1964	1957	1964
(1) Network produced.....	Percent 21.2	Percent 9.5	Percent 5.4	Percent 8.7	Percent 38.8	Percent 16.1	Percent 15.2	Percent 4.0
(2) Network participation (produced by others and licensed to network corporations).....	Percent 43.2	Percent 82.5	Percent 62.2	Percent 89.1	Percent 26.5	Percent 74.3	Percent 45.6	Percent 84.0
(1) and (2) combined.....	Percent 64.4	Percent 92.0	Percent 67.6	Percent 97.8	Percent 65.3	Percent 90.4	Percent 60.8	Percent 88.0
(3) Independently provided.....	Percent 35.6	Percent 8.0	Percent 32.4	Percent 2.2	Percent 34.7	Percent 9.6	Percent 39.2	Percent 12.0

15. Whereas in 1957 independents provided approximately one-third of the evening network schedules, their share in 1964 had declined to less than 10 percent. Conversely, programs produced by or in conjunction with network cor-

porations now occupy more than 90 percent of the weekly evening hours on the three network corporations combined. The ratios of network-controlled program fare as among the individual networks range from 88.0 percent to 97.8 percent.

approved in advance by the network corporation and often its mass advertisers—which "set" the characters, "freeze" theme and action and limit subject matter to "tested" commercial patterns. See testimony, among others, of writers Erik Barnouw (TR. 5332 and 5357) and David Davidson (TR. 5388 and 5392-5393), producer Herbert Brodtkin (TR. 6488), Ernest Kinoy, President, Writers Guild of America, East Inc. (TR. 5434-5445) and William T. Orr, Vice President of Warner Brothers Pictures, Inc., and Executive Producer, Television Division (TR. 3934-3939).

As CBS has recently stated (1963 Annual Report to Stockholders, p. 12): "[The] ability to produce a program schedule which year after year commands the largest audiences in broadcasting is founded on a steadfast commitment to two fundamental programming principles. The first is to obtain the talents of those writers, producers, directors and performers whose outstanding abilities and dedication permit no compromise with anything less than their best efforts at all times. The second is the continuing partici-

porations now occupy more than 90 percent of the weekly evening hours on the three network corporations combined. The ratios of network-controlled program fare as among the individual networks range from 88.0 percent to 97.8 percent.

ipation of the Network's programming officials at every stage of the creative process from the initial script to the final broadcast. This applies not only to the occasional special program, but to the day-to-day production of continuing program series.

"By adhering to these principles the CBS Television Network commanded the largest nighttime audiences in network television throughout the year, averaging eight of the top ten programs and 23 of the top 40." [Emphasis supplied.]

<sup>24</sup> See Appendix B below.

<sup>25</sup> For the week of Apr. 17-23, 1955, between 6 and 11 p.m., on NBC 28 programs out of 43 or 65.1 percent were programs produced by persons other than NBC in which NBC did not have any financial or proprietary interest. On CBS in the same period 18 out of 47 or 38.3 percent were programs produced by persons other than CBS in which CBS did not have any financial or proprietary interest. Docket No. 12782, Exhibit No. 83 (NBC), Exhibit No. 58 (CBS).



percent for entertainment programming and 89.4 percent to 98.1 percent for entertainment and other programming.

16. The inability of independent entrepreneurs successfully to compete in the so-called network television program market except upon terms dictated by network corporations seems obvious from the above figures. The ability of network corporations thus to dictate the terms of entry to the network television program market is a function of their control of broadcast time on large combinations of local television facilities permitted by the commercial convenience and willing acquiescence of television licensees.

17. Testimony before the Commission indicates that the increase in financial and proprietary control of the production, procurement and scheduling process by network corporations has been accompanied by an increase in bulk circulation programs attractive to mass advertisers. The testimony before us is in conflict as to whether the increased control has been used in order to maintain bulk circulation,<sup>27</sup> or whether it has been due to the increased production costs of "quality" network programs,<sup>28</sup> or

<sup>27</sup> See TR. 8140-1843 (Aubrey, CBS); TR. 8043-9056 (James A. Stable, Vice President and Associate General Attorney, NBC) and TR. 8884-8888 (Walter D. Scott, Executive Vice President in Charge of NBC Television Network) and TR. 9358-9359 and TR. 9370-9372 (Treyz, ABC). The commercial fruits of the circulation-rating-time rate formula is indicated by the following: A study by Interpublic Group of Companies, Inc., reported in *Television Magazine*, May 1964, p. 83 noted: "Network TV [from 1958 to 1963] showed a hefty 25 percent gain in basic rates, but its C-P-M [cost-per-thousand] rise was a modest 3 percent, the smallest among all national media measured." A circulation increase of 21 percent explains the low C-P-M change. The commercial benefit to "acquiring" affiliates is perhaps indicated by an overall 35 percent increase in spot television "basic rates" during the same period. Analysis by the staff shows a 19 percent increase in network rates (network owned-and-operated stations and affiliates) in 57 three-station markets between 1958 and 1962.

The network program process is described in detail in the record of the Program Inquiry. See testimony of Walter Scott, Executive Vice President, in Charge of NBC Television Network, TR. 8857-8903; James Aubrey of CBS, TR. 8119-8222 and Oliver Treyz of ABC, TR. 9354-9385. See also testimony of various producers in Vols. 36-43. The "slide rule" approach to network scheduling is well illustrated by the recent, highly publicized changes in both programs and program sequences by CBS following its "loss" of nighttime circulation "leadership" as indicated by the Nielsen "ratings." See *New York Times*, Thursday, Dec. 10, 1964, Monday, Dec. 14, 1964, and Wednesday, Dec. 16, 1964; also *Broadcasting*, Dec. 14, 1964, p. 25.

<sup>28</sup> H. Rpt. No. 281, p. 65; TR. 8884-8885 (Scott, NBC); TR. 8140-8144 (Aubrey, CBS); TR. 9371-9372 (Treyz, ABC).

See TR. 8144 (Aubrey, CBS): "The huge financial risk connected with hour-length programming has made the network and natural supplier \* \* \* [High costs and multiple sponsorship have] resulted in and will continue to result in a substantial por-

tion of programs being produced by or licensed to the network."

18. The results of the evolution of program practices above described as they affect procurement of network programs have been (a) to concentrate economic, proprietary and creative control of program production and procurement in network corporations; (b) to concentrate residual rights to television programs in network corporations; and (c) progressively to limit the market available to independent producers of network programs for all practical purposes to the three network corporations and, hence, to restrict the profitability of the operations of independent program producers. The total effect of this condition has been a marked tendency to centralize control of what the American public may see and hear through television in network corporations and thus to hamper the competitive development of "diverse and antagonistic" sources for television program service.<sup>29</sup>

Aubrey pointed out that in 1959 29 percent of CBS' evening schedule was sponsored by single sponsors; in 1961 that figure had fallen to 14.5 percent. (TR. 8143)

<sup>29</sup> H. Rpt. No. 281, p. 67; TR. 8888 (Scott, NBC): " \* \* \* a number of advertisers have found that they can obtain increased efficiency by dispersing their commercial announcements over many different programs, with short-term cancellation rights. Now more than 50 percent of the schedule between the hours of 7:30 to 11 p.m., is sold on a participation basis, with the advertisers buying one-minute positions in several programs, and their orders often cancellable in cycles of 13 weeks or fewer. This has enormously increased the network's risk, for we must maintain a program structure through which advertisers circulate; and only the more successful of these programs [in terms of ratings] will enjoy full sponsorship at program charges that recover program costs."

<sup>30</sup> The constriction of the network program market may perhaps best be measured in terms of the available product in "pilot" form. There are no "official" figures as to the number of "pilots" offered each year. However, the following information gives some idea of the trend. An advertising agency executive testified that for the 1959-60 television season, between 225 and 250 "completed" pilot films were offered in the network television program market. About 90 percent were "new investments," which means that "someone had an idea, had gone to the script form, had gotten financing." The other 10 percent were "pictures that had been on the air in the past season as episodes in another series," and had "succeeded"—the so-called "spin-offs" from current series. (TR. 431-433.) Other agency executives agreed that these figures were approximately correct. (TR. 572, 651; TR. 913.)

On Dec. 23, 1964, *The New York Times* reported that "new television shows for next season will be selected from among 76 pilot films \* \* \* NBC has "24 shows in production," ABC has 22 and CBS has 18. "There are 12 others being financed by sponsors, which have not yet chosen a network." So that, according to the *Times* all but 12 of 76 shows offered in the network program market for the 1965-66 season are either network-produced or financed.

Another very recent estimate by a leading advertising agency indicates a total of 100

This is almost the exact reverse of that "condition of competition" within the framework of service in the public interest intended as the principal criterion of choice of program fare under the American system of broadcasting.<sup>31</sup>

### III. THE DOMESTIC SYNDICATION AND FOREIGN TELEVISION PROGRAM MARKETS

19. In addition to offering network schedules to affiliates, the three television network corporations engage in domestic syndication (both to their own affiliates and to other stations) and in foreign sales of television programs as regular parts of their business. During approximately the same span of time when network corporations devised and perfected program production and procurement practices through which they progressively acquired economic and creative control of all but a small portion of their evening schedules, they expanded their activities in the sale of filmed programs and series in domestic syndication and foreign markets.<sup>32</sup> Formerly, the

pilots in the market for the 1965-66 season. Of these 30-35 are said to be so-called "free-balls," i.e., pilots produced and financed solely by advertisers or independent producers. The balance are network-produced or financed. A previous estimate from the same source indicated that for the 1964-65 season about 75 or 80 pilots were made, the vast majority of which were network-financed.

<sup>31</sup> The testimony of Frank Stanton, President of CBS, on improved use of the spectrum is perhaps equally relevant to the network television programming process. He said (TR. 8009): "If we really believe that over the long haul improvement and progress in a democracy are attained through competition for the attention and approval of a people free to make up its own mind, then we must put our major trust in improving the conditions of competition."

<sup>32</sup> There are no published figures which authoritatively describe the dollar dimensions of domestic syndication and foreign sales of television programs or the extent of the participation in these markets by network corporations. However, limited figures (which concededly do not disclose the whole picture) were obtained from the three television network corporations on their revenues and profits derived from domestic syndication and foreign sales of programs which originally appeared in their network evening schedules from October 1957 through December 1961. These figures indicate that during the four year period, 1958 through 1961, there was only a small increase (less than 5 percent) in net revenues from domestic distribution fees. However, there was a much greater percentage of increase (approximately 65-fold) in net income from foreign distribution fees and approximately a 250-percent increase in gross foreign distribution fees. Share of profits received or retained from domestic and foreign non-network distribution rose by 81.5 percent. Total gross revenues from domestic syndication and foreign sales increased 54.5 percent between 1958 and 1961, and net revenues increased 126.1 percent. These figures are based on only those regularly scheduled program series produced by others and licensed to the network corporations which were broadcast between 6 and 11 p.m. during the period from October 1957, to the end of December 1961, and in which the network corporations obtained distribution or profit-sharing rights in domestic or foreign syndication or any combination of such rights. Based on these filings, total revenues from domestic and foreign syndication



domestic syndication market was looked to by television station licensees as the principal alternate source for television programs. Under modern program procurement practices, production and procurement of programs for network exhibition and for syndication have become directly related activities. In large measure they involve the same persons and the same programs. Syndication of programs produced for television has become a byproduct of network program production and procurement.

20. As stated earlier, in the initial process of program procurement for network exhibition, network corporations often acquire the right to distribute the program or program series in syndication after the network run.<sup>20</sup> This right is then assigned to the syndication division or arm of the network and is commercially exploited in station-to-station sale for nonnetwork exhibition. The result is that a large part of the total of programs available for syndication stems from the same transaction as do network programs and simply involves a subsequent use of a program which is designed for network broadcast. Syndication as an alternate source of station program service has thereby been substantially constricted.<sup>21</sup>

21. Most of the popular entertainment series in network schedules at present are produced on film. These include almost all the program series in which the network corporations acquire first-run and subsidiary rights. Indeed, over the past six or eight television seasons, filmed programs (with some increase in taped programs) have become the rule rather than the exception in nighttime network

activities accounted for less than one percent of the combined revenues from the sale of time, talent and program material to advertisers. Some indication of the inadequacy of these figures to show more than a trend can, perhaps, be gleaned from a comparison of the CBS filing with its Annual Report to Stockholders. The filing listed only 21 series, while the Annual Report for 1963 states that "CBS Films Inc., distributes more than 80 program series in 70 countries, at a rate of more than 2,900 half hours weekly." (p. 19) Apparently this is in addition to domestic distribution. Some further indication of increases in network foreign distribution is indicated by the following statement from Television Digest, Apr. 1, 1963, p. 6: "NBC's foreign TV business was 61 percent greater than 1961 last year, and 1963's sales are at a higher rate. NBC International announced last week after N.Y. & Hollywood meetings of its field staff representatives. NBI now supplies TV programming to 110 stations in 60 countries, and has financial or management commitments with stations or networks in 15 areas of the globe \* \* \*

<sup>20</sup> In 1957 network corporations acquired some domestic or foreign syndication interest in only 11 hours of film programming licensed to them for first-run network exhibition by independent producers or packagers. That figure rose to 38 hours in 1961 and receded to 34 hours in 1964. In terms of percentages the figures are 60.6 percent in 1957; 90.0 percent in 1960; 84.0 percent in 1961 and 74.6 percent in 1964. (See Appendix B below, Table 7-C.)

<sup>21</sup> The following table has been prepared from various trade press sources. While the figures may not be exact, they are doubtless of sufficient accuracy to establish the marked

television.<sup>22</sup> One marked advantage of film is that it is most readily adaptable to subsequent commercial exploitation—particularly in domestic syndication and foreign distribution. As a result of the massive shift to film and the procurement and production practices of network corporations, the great bulk of the programming available for syndication not only from network syndication divisions but from all other distributors at present consists of "off-network" product. The first-run syndication market appears to have virtually disappeared.<sup>23</sup>

22. At present domestic syndication and foreign sales appear to account for only a small part of the revenues and profits of network corporations. Network corporations claim that the acquisition of rights to subsequent distribution of programs is merely an ancillary economic activity to minimize the "enormous risks" they run in procurement and financing of programs for their schedules.<sup>24</sup> However, it also appears that the potential expansion of both domestic and foreign markets for American television programs is great. The overseas market is expanding rapidly. With the expected increase in the number of American television stations in the UHF band, there will in all probability be a large increase in the domestic market for television programs. Under present program practices of network corporations, the staple to serve these markets will continue to be "off-network" film series. Unless more competitive opportunity is provided for independent television program producers, it seems inevitable that network corporations will expand their control of these markets.<sup>25</sup>

trend toward the virtual extinction of the first-run, prime-time syndication market.

NUMBER OF MASS-APPEAL, U.S. PRODUCED SERIES RELEASED ANNUALLY BY MAJOR SUPPLIERS TO THE FIRST-RUN SYNDICATION MARKET, 1956-64

Year	Series
1956	29
1957	20
1958	16
1959	15
1960	10
1961	7
1962	3
1963	3
1964	1

<sup>22</sup> Walter D. Scott, Executive Vice President in Charge of the NBC Television Network, testified that on NBC "16½ hours of evening programming was produced on film last year [1961] as compared to only 6½ hours five years ago." (TR. 8886)

<sup>23</sup> See note 33, ante.

<sup>24</sup> See TR. 9370-9375 (Treyz, ABC); TR. 8140-8142 (Aubrey, CBS) and CBS Exhibit No. 30, FCC Docket No. 12782, p. 2; and TR. 9033-9056 (James A. Stabile, Vice President and Associate General Attorney, NBC). On the subject of the "risks" undertaken by network corporations in the programming process, it should perhaps be pointed out that between 1961 and 1963 network net income more than doubled. In 1961 broadcast income (before federal tax) of the three network corporations was \$24.7 million; in 1963 it was \$56.4 million. Source: FCC compilations. (These figures do not include income of network owned-and-operated stations. They are for television network operations only.)

<sup>25</sup> The syndication market should also provide a principal alternate source of televi-

23. Under present conditions independent producers who wish to exhibit their product first on a network and then to offer it in the domestic syndication or foreign markets are subject to an extreme handicap. They must bargain for the network exposure necessary to establish the subsequent value of their program properties with the network corporations who are among their principal competitors in domestic and foreign distribution. In this bargaining process independent producers often grant to their competitors—the network corporations—large shares in the subsidiary rights in the programs which are their stock-in-trade in domestic and foreign markets. Also, independent producers who attempt to sell their programs for original exhibition through the domestic syndication market must compete with "off-network" programs which are owned or controlled by network corporations. Similarly, an entrepreneur who attempts to compete in foreign markets finds his source of supply of the programs which constitute his stock-in-trade controlled and limited in large measure by his principal competitors—the network corporations.

#### IV. SUMMARY AND CONCLUSIONS

24. At the present time there is an undue concentration of control in the three network corporations over television programs available to the public. The power accruing to network corporations through formulation of network schedules and distribution of programs to affiliates is obvious. To this control over access to the public, network corporations have added an increasing economic and creative control over the programs themselves. As we have shown above, between 1957 and 1964 the percentage of program hours in nighttime schedules in which the network corporations have no proprietary interests decreased from approximately one-third to only 6.9 percent. This concentration of control of the production and scheduling of programs and proprietary control of the programs themselves would appear adversely to affect the public interest in several ways.

25. First of all, it is not desirable for so few entities to have such a degree of power with respect to what the American public may see and hear over so many television stations. A diversification of economic interest and power in this area is a cardinal principle of the public interest standard of the Communications Act. Furthermore, this intense concentration of power decreases the competitive op-

tion programs competitive with network offerings and should be composed, as far as is economically feasible, of a stock of programs derived from competitive diverse and antagonistic sources. At present most film program series available for syndication (with the exception of some "fringe" time offerings) are "off-network" filmed series which originally were shepherded through the progression from idea, to script, to pilot, and then to network exhibition by the network corporations. Hence, under present conditions the choice afforded television station licensees is among programs chosen by the three national network corporations for network exhibition in the current or in past seasons.



portunity for independent program producers. Under present practices they must, in practical effect, deal with the three network corporations on their terms or give up hope of producing programs for exhibition on television networks. Further development of television service, with particular regard to additional UHF stations which we expect to come into operation, will require a vigorous independent syndication industry. Formerly, that industry showed healthy promise. But coincident with development of present program procurement practices by network corporations, new product for syndication has shown a steady decline.

Finally, the concentration of power presently vested in network corporations puts them in a position where they have a clear conflict of interest, since they choose programs for distribution to their affiliates from groups of programs in most of which they have acquired or have been offered financial interest. While it has been contended that this interest is not a substantial factor in program choice, it must be recognized that financial participation by network corporations in any proposed program may well be the decisive factor in its selection for network exhibition. This may be especially true where the proposed programs are similar in theme and format and their popular appeal cannot be correctly evaluated except by network exhibition.

26. We propose to encourage and increase competitive forces—both creative and economic—in television program production and procurement through limitations on the capacity of network corporations to confine network schedules to programs in which they have financial and proprietary interests and through divorcement of networks from domestic syndication and, to some extent, foreign distribution. The proposed rule is directed toward a strengthening of independent program production. It should increase the opportunity of the independent producer for access to the networks, and the opportunity for the development of new ideas in program production. Furthermore, it is our hope that the proposed rule would reduce the possibility that independent producers may be forced to give up rights in their programs in order to obtain access to network time. A further benefit from the strengthening and development of independent program producers may well be the development of new program sources available for additional UHF television stations. Additional UHF stations might in turn provide a basis for a fourth network. Since the proposed rule defines chain broadcasting as the distribution of programs during a substantial number of stations during a substantial period of the day (and we specifically seek comments on the precise terms of this definition), and since, in addition, the rule would not affect any person distributing less than 14 hours a week between 6 and 11 p.m. of programming he controlled, the restrictions in the rule clearly would not impede the development of any proposed additional networks.

27. While it has been claimed that network corporations require the type of control they now possess to assure their continued viable operation as advertising media and to minimize the economic risks they undertake in program production and procurement, we do not believe that the proposed rule will have a material adverse effect on either function or network corporations. They will still be able to make ultimate decisions as to which programs they will choose for their network schedules, and they may enforce appropriate standards which programs offered them shall meet. Furthermore, their risk will be diminished to the extent that the financing of program production is taken over by other sources of risk money. There appears to be no warrant for any assumption that other sources of programs and financing will not be adequate.

28. To be more specific, the proposed rule (Appendix A) is designed to alleviate the non-competitive conditions in television program production described herein. This is sought to be accomplished by (1) eliminating network corporations from the syndication business within the United States and from the sale, licensing and distribution of independently produced television programs in foreign markets; (2) prohibiting network corporations from acquiring distribution or profit-sharing rights in syndication and foreign sales of independently produced television programs; and (3) limiting economic and proprietary control by network corporations of the programs included in their schedules in desirable evening network time. The proposed rule, however, would preserve the right of network corporations to sell or otherwise dispose of syndication, overseas and other subsidiary rights in programs produced by them or by persons controlling, controlled by, or under common control with them and to distribute programs of which they are the sole producers in foreign markets.

(a) *Restriction on networks in domestic syndication and foreign markets.* 29. In particular, the first part of the proposed rule would: (1) Prohibit network corporations from engaging in syndication in the United States or distributing independent programs for exhibition outside the United States; (2) Prohibit network corporations from acquiring syndication and foreign sales rights in programs produced by other persons and licensed directly to the network corporations for exhibition; (3) prohibit network corporations from acquiring rights to share in the profits from syndication and foreign sales of such programs; and (4) require network corporations to divest themselves of distribution and profit-sharing rights in domestic syndication and overseas sales of which they are presently possessed. The net effect of this part of the proposed rule would be completely to eliminate network corporations from syndication and foreign sales of programs produced by "independents." It would not, however, prohibit them from selling to other distributors domestic syndication rights in programs solely produced by network corporations or persons con-

trolling, controlled by, or under common control with them or from selling and distributing such programs in foreign markets. The proposed rule, as mentioned above, would eliminate network corporations from all syndication within the United States, including syndication of programs wholly produced by them. Domestic syndication to the network's own affiliates raises questions of conflict of interest and possible undue advantage over other syndicators.

(b) *Encouragement of competition in network program procurement.* 30. The second part of the proposed rule seeks to broaden the market from which network programs are procured. There is little likelihood that an adequately expanded independent program industry will develop if present practices of network corporations in program procurement are permitted to continue. These practices permit network corporations virtually to control the source of supply of programs both for network exhibition and for sale in the domestic syndication and foreign markets through bargaining with independent producers at the inception of the production process. This is made possible by the practical ability of network corporations greatly to influence, if not to dictate, the terms and conditions of access to the most desirable broadcast time on their affiliates throughout the country—the sum of which, of course, includes all but a small fraction of existing television stations. This part of the rule is designed to correct this competitive imbalance and to place independent producers and network sponsors in a position to bargain on something approaching an even basis with network corporations in the program production process. At the same time the rule would permit sufficient latitude to enable network corporations to engage in and finance production of programs to the extent necessary to preserve their effectiveness and economic viability as national advertising media.

31. To achieve these ends the rule sets a limit beyond which undue concentration and lessening of competition are deemed to exist. The rule will prohibit a network corporation from offering a weekly evening program schedule in which more than 50 percent of the time or a total of fourteen hours per week, whichever is greater, is occupied by programs (exclusive of newscasts, news interviews, special news programs, on-the-spot coverage of news events and sustaining programs) either produced by the network corporation or in which it has acquired the first-run license directly from an independent producer. The rule, however, permits network corporations to acquire exclusive exhibition rights to particular programs for not longer than a year at a time from other persons as part of the arrangements for broadcast time. The net result of the rule would be to make prime time available each evening in network television schedules for the exhibition of programs in which the network corporations could have no financial or proprietary interests. Independent program producers serving sponsors would be enabled to compete for network time



and, with approval of network corporations, to exhibit programs of their choice. Assuming the operation of the normal laws of competition, this would in turn re-establish and broaden the market to which an independent program producer could take his wares and, hence, foster and encourage competition among such producers. In this way the end product—the network schedules—will tend more nearly to reflect the program judgments not only of the network corporations but also of a large number of competitive and competent elements who wish to speak to the American people through television.

32. We also wish to make clear that under the proposal an independent producer or other persons or groups could give the network the exclusive one-year exhibition right in connection with an agreement whereby the producer or other person acquires time and facilities for the presentation of that particular program over the network. The producer, in turn, could obtain an advertiser or advertisers for the program (and in all likelihood would have done so at the inception of the agreement). We do not believe that such an arrangement would be inconsistent with the public interest, since the network would be fully in control as to whether the program should be presented (and the time of presentation),<sup>32</sup> and would of course have the responsibility to clear all advertisers and advertising continuity. We recognize that while the above practice is possible today, it has not occurred. But that does not mean that it is infeasible or that it is not a possible alternative which could be employed in the event the proposed 50 percent rule were adopted in order to restore competitive conditions. And, indeed, there may be other arrangements or alternatives, or combinations thereof, which could be pursued, consistent with the above objective. In short, the purpose of this notice is to explore the feasibility of such alternatives and their possible contribution to "the larger and more effective use of radio in the public interest," in this important area.

33. Newscasts, news interviews, special news programs, on-the-spot coverage of news events and sustaining programs are exempted because of the intimate association of these types of programs with the network's journalistic and editorial responsibility. Such programs are normally produced and controlled by the network corporations as part of their responsibility as licensees, and special staffs are maintained for that purpose. There is a question whether public affairs documentaries should also be exempted from the 50 percent requirement. Public affairs documentaries are closely related to the news activities of the networks. The networks thus maintain staffs for this type of program, assume a

high degree of responsibility for such programming and must maintain adequate supervision or control. Furthermore, their presentation should be encouraged as serving "the larger and more effective use of radio in the public interest" (section 303(g)). See Report on Editorializing, 13 F.C.C. 1246. On the other hand, other competent producers are available to produce such documentaries and to bring the benefits of fresh viewpoints to choice of subject and manner of presentation. Because they permit more time for preparation, documentaries are also susceptible of independent production in a way that news programs may not be and do not appear to require network production for adequate maintenance of the network's editorial responsibilities.

While documentaries are not now included in the exemption in the attached rule, we specifically require comments on whether or not it is desirable to exempt public affairs documentaries from the 50 percent requirement. Further, in the event such an exemption is afforded, it appears undesirable for such an exemption to be construed as approval of a policy of complete exclusion of independently produced documentaries. Such a policy, which does not appear to be requisite for adequate network control, excludes alternate sources of programs in a significant area. Therefore, we also seek comments on the question of whether a network policy of exclusive production of public affairs documentaries is in the public interest.

34. In devising this part of the proposed rule we have taken cognizance of the extensive testimony in the Program Inquiry which indicates that control and financing of independently produced programs by network corporations are necessary in order to enable each network corporation to assure itself that it can present a program schedule under all circumstances which is designed to meet the needs of advertisers, its affiliates and the public. As stated above, however, upon the basis of the present evidence we do not believe that formulation of a program schedule for the evening hours requires continuation of the present practices of network corporations. While the number of programs involving multiple sponsorship has increased substantially in recent years, there would seem to be no reason why such programs could not be continued, if network corporations so desire, under the proposed rule. There appears to be no reason why sponsorship of such programs could not be arranged without financial interests of network corporations playing a role. The network corporations can also continue to cooperate with other program sources in securing desirable programs. It has not been shown that this country's non-network financial and artistic resources are not adequate to play an expanded role in nighttime television. And, of course, to insure stability, the network corporations will be permitted to continue to acquire first-run rights with respect to 50 percent of the evening schedule.

35. Strict adherence to the principle of free competition would perhaps suggest the total elimination of network cor-

porations from production and financial and proprietary control of television programming. However, the record of the Program Inquiry and our general knowledge of the situation as it currently exists in network television leads us to the view that the public interest in a nationwide television structure sustained by network program service would not be furthered by eliminating network corporations entirely from the program production and procurement process. We are persuaded that, in order reasonably to insure the quantity and quality of television programming necessary to maintain adequate community service, network corporations should be permitted to engage to a substantial but limited degree in program production, procurement and financing. On the other hand, it is our tentative view that to permit continuing dominance by network corporations of the television program production and procurement processes as disclosed by the record of our Inquiry not only would injure the public interest in a competitive national television structure but also would act as a stricture on the "larger and more effective" use of television channels in the public interest. The question then becomes one of striking a reasonable balance which will preserve the public interest in an economically viable national commercial network structure and which at the same time will preserve the equally imperative public interest in the creation and maintenance of the largest feasible number of competitive sources for television programming. We believe that the rule as proposed will bring about such a reasonable balance.

(c) *Responsibility for program choice and scheduling.* 36. It should be emphasized that the proposed rule does not transfer program responsibility or schedule control from network corporations to sponsors. The principal function of the proposed rule is to promote diversity of sources of network programs and thus to broaden the base from which such programs may be selected by network corporations for their schedules. Increased opportunity for independent producers to enter the network television program market through curtailment of economic dominance of the program process by network corporations may reasonably be expected to foster the development of multiple viable independent sources for television programming. The history of the industry indicates that reasonable opportunity for network exhibition of independently produced programs encourages the development of independent program sources. In network television neither advertisers nor advertising agencies have directly engaged to any great extent in program production. It is not anticipated that any considerable portion of television programming under the competitive conditions sought to be fostered by the proposed rule would be produced directly by sponsors. Rather, it is indicated that, released from network control, independent entrepreneurs would expand their activities or new en-

<sup>32</sup> The network would also retain the right to take all steps to insure that the programming is consistent with its standards, including the right to reject objectionable material.



preneurs would enter the field and offer their wares as a staple of an expanded program market.

37. Under the rule as proposed, network corporations would retain their responsibility to enforce their program standards and to construct their schedules to conform to their needs. Nothing in the proposed rule is intended or should be construed to limit or modify the overall program responsibility of licensees for all matter broadcast through their facilities. This, of course, includes the responsibility of licensees, including network corporations as station licensees, to devote a reasonable proportion of their broadcast time to news and public affairs programs.

38. It is contemplated that by subsequent orders network television licensees would be required to file certain information and data with the Commission in aid of the administration of the proposed rule.

39. Authority for the adoption of the rule proposed herein as set forth in Appendix A below is contained in sections 4(i); 301; 303 (b), (f), (g), (i) and (j); 307(d); 308(b); 309(a); 310; 312; 313, and 314 of the Communications Act.

40. The proposed rule is couched directly in terms of chain broadcasting (i.e., "stations engaged in chain broadcasting"—see section 303(i) of the Communications Act). However, the rule could be drawn, as are our present network regulations, in terms directed to the individual licensee. Parties may comment on the appropriate form of any rule adopted.

41. It is hoped that the Commission will be given the benefit of all available relevant data and the comments, opinions and advice not only of the network corporations, licensees, advertisers, program producers and others in the industry, but also of public groups and interested members of the public. We stress that parties are free to suggest alternative courses of action or a combination of some aspects of the foregoing proposals with different proposals. In short, at the time of final decision the Commission would hope to have before it the broadest possible range of data and alternate courses of action in order to insure that any final action taken in this vitally important area would best promote the public interest in the "larger and more effective use" of television.

42. Comments by interested parties shall be filed no later than June 21, 1965, and replies to such comments no later than July 21, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, including matter contained in the record in Docket 12782, in addition to the specific comments invited by this notice. In accordance with the provisions of § 1.415 of the Commission's rules and regulations, an original and 14 copies of all statements,

briefs or comments shall be furnished to the Commission.

Adopted: March 19, 1965.

Released: March 22, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>  
[SEAL] BEN F. WAPLE,  
Secretary.

#### APPENDIX A

##### PROPOSED RULE

#### § 73.659 Network television program practices.

(a) As used in this section the term "network television licensee" means a television station licensee (or any person controlling, controlled by or under common control with such licensee) which engages in chain broadcasting. For the purposes of this section, chain broadcasting means the furnishing of programs to a substantial number of television broadcast stations on a daily basis for a substantial number of hours per day.

(b) Except as permitted in paragraph (c) of this section no network television licensee shall:

(1) Sell, license or distribute television programs to other television station licensees within the United States for non-network television exhibition, or otherwise engage in the business commonly known as "syndication" within the United States; or sell, license or distribute television programs for exhibition outside the United States; or have any option or right to share in revenues or profits in connection with such sale, licensing or distribution;

(2) With respect to any television program produced either wholly or partly by a person other than such network television licensee, acquire any financial or proprietary right or interest in the program or distribution thereof except the license or other exclusive right to network exhibition within the United States and on whatever foreign stations are regularly included within the network;

(3) After (18 months after the effective date of the rule) retain any right or interest the acquisition of which would be prohibited by this section.

(c) Nothing in this section shall prohibit a network television licensee from selling or distributing programs of which such network television licensee is the sole producer for television exhibition outside the United States, or selling or otherwise disposing of program rights not acquired from another person including the right to distribute programs for non-network exhibition (as in syndication) within the United States, but such network television licensee shall not itself engage in such distribution within the United States or retain the right to share the revenues or profits therefrom.

(d) No network television licensee shall subsequent to (18 months after the effective date of the rule) offer to other television licensees a television network schedule between the hours of 6:00 p.m.

<sup>2</sup> Dissenting statement of Commissioner Hyde and concurring statement of Commissioner Loevinger filed as part of original document. Commissioner Lee dissented.

and 11:00 p.m., New York time, in any calendar week, in which schedule more than 50 percent of the time to the nearest half hour or a total equal to fourteen hours per week, whichever is greater is occupied by programs (exclusive of newscasts, news interviews, special news programs, on-the-spot coverage of news events and sustaining programs) of which the network television licensee was the producer or co-producer or in which it has acquired from another person the license, option or other exclusive right to network exhibition: *Provided, however*, That nothing herein shall prohibit a network television licensee from agreeing with another person or persons as part of a contract or arrangement for network time and facilities that the particular program or series involved will be broadcast exclusively on the network during the term of such contract or arrangement or for a shorter period. However, no such contract or arrangement may be for a term greater than one year with the option or other right to renew the arrangement for periods not to exceed one year.

NOTE: In computing time devoted to network-produced or licensed programs for the purpose of this subparagraph, the entire time segment within which the program is presented shall be counted (hour, half hour, etc.), even though the actual length of the program is less because of commercial announcements or other matter.

#### APPENDIX B

(TO NOTICE OF PROPOSED RULE-MAKING IN  
DOCKET NO. 12782)

##### STATISTICAL TABLES

RE:

- (1) NETWORK PROGRAM SOURCES
- (2) NETWORK INTEREST IN PROGRAMS  
1957-1964

*General note.* The tabulations are based upon November network program schedules, exclusive of special and one-time-only programs. Program series appearing alternately in a time period are counted as separate programs in the tabulations on number of programs, and the program time is divided between them in the tabulation on hours of programming. The same daily newscast is given full time credit but is counted as only one program for the week. Repeat feeds of a newscast are excluded in these tabulations.

Tables 1-4 show network programs by source of supply, namely, the network, the packager, and the advertiser. These tables should not be taken to imply that the network's creative function is limited only to network produced programs. As discussed in various portions of the report on Television Network Program Procurement,<sup>3</sup> particularly pages 65 to 87, the network may play a creative function in varying degrees in programs supplied to the network by the packager or advertiser.

Interest acquired by the network in programs licensed to it by packagers is shown in Tables 5-7. Categories of types of network interest in programs licensed by packagers shown in Tables 5-7 are mutually exclusive, and, consequently, each program appears in only one of the interest categories. "Other interest" of the network in programs licensed by packagers includes any network interest

<sup>3</sup> H. R. No. 281, 88th Congress, 1st Session. Or see pages 87 to 133, Part I of Second Interim Report by the Office of Network Study, Docket No. 12782, Mimeo No. 28284.



## PROPOSED RULE MAKING

TABLE 1-A—ALL NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) 6-11 P.M.  
NUMBER OF PROGRAMS FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	1957	1958	1959	1960	1961	1962	1963	1964
Number of programs <sup>1</sup>								
Network produced.....	31	34	25	22	23	24½	22½	20½
Produced by packager and licensed to network.....	51	54	60½	71	73½	68½	66½	74
Advertiser.....	48	37	32½	23	17½	15	13½	9½
Total.....	130	125	124	116	114	108	102	104
Percent of number of programs								
Network produced.....	23.9	27.2	20.2	19.0	20.2	22.8	21.9	19.7
Produced by packager and licensed to network.....	39.2	43.2	53.6	61.2	64.5	63.3	64.9	71.2
Advertiser.....	36.9	29.6	26.2	19.8	15.3	13.9	13.2	9.1
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

<sup>1</sup> Fractions reflect those programs supplied in specified proportions by networks, packagers or advertisers.  
NOTE: See "General Note" preceding tabulations.

TABLE 1-B—ABC NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) 6-11 P.M.  
NUMBER OF PROGRAMS FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	1957	1958	1959	1960	1961	1962	1963	1964
Number of programs								
Network produced.....	6	7	2	2	3	8	5	7
Produced by packager and licensed to network.....	22	23	33	32	33	27	28	27
Advertiser.....	12	7	3	4	2	2	3	1
Total.....	40	37	38	38	38	37	34	35
Percent of number of programs								
Network produced.....	15.0	18.9	5.3	5.3	7.9	21.6	23.5	20.0
Produced by packager and licensed to network.....	55.0	62.2	86.8	84.2	86.8	73.0	82.7	77.1
Advertiser.....	30.0	18.9	7.9	10.5	5.3	5.4	8.8	2.9
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

NOTE: See "General Note" preceding tabulations.

TABLE 1-C—CBS NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) 6-11 P.M.  
NUMBER OF PROGRAMS FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	1957	1958	1959	1960	1961	1962	1963	1964
Number of programs <sup>1</sup>								
Network produced.....	16	18	14	11	10	10	10	9½
Produced by packager and licensed to network.....	12	10	11½	17	19½	20	22½	23
Advertiser.....	17	17	20½	14	11½	9	5½	4½
Total.....	45	45	46	42	41	39	38	39
Percent of number of programs								
Network produced.....	35.6	40.0	30.4	26.2	24.4	25.6	26.3	24.4
Produced by packager and licensed to network.....	26.6	22.2	25.0	40.5	47.6	51.3	59.2	64.1
Advertiser.....	37.8	37.8	44.6	33.3	28.0	23.1	14.5	11.5
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

<sup>1</sup> Fractions reflect those programs supplied in specified proportions by network, packagers or advertisers.  
NOTE: See "General Note" preceding tabulations.

other than an interest in syndication or only the first run right for the given year. Examples of "other interest" are merchandising rights, rerun rights and sharing in revenue from the sale of the program by the network to the advertiser at an amount in excess of the program cost to the network. The network interest in a program licensed by the packager to the syndication subsidiary of the network and supplied by the latter to the network for network showing is based upon the combined rights of the syndication subsidiary and the network. Programs produced by known wholly-owned subsidiaries of networks are treated as network programs.

Some revisions have been made in the statistics previously published in Part I of the Second Interim Report, "Television Network Program Procurement."

## Sources of Data:

American Broadcasting Company:

Record of Television Programming Inquiry, Docket No. 12782:

Exhibits numbered 89, 90, 95, and supplemental charts entitled "ABC-TV Network Schedule"—Fall 1959 and 1960; Nov. 1962, 1963, and 1964.

Testimony of Oliver Treyz, February 4, 1962, Vol. 61, TR. 9362 and 9417.

Chart of "ABC Rights in Programs Licensed It, Regularly Scheduled Series, 6-11 p.m., for a Composite Week Based on November 1957-1964."

Correspondence with network.

Sponsor Magazine, October 31, 1959, pp. 40-41; November 21, 1959, pp. 44-45; November 21, 1960, pp. 46-47.

Television Magazine, October 1961, pp. 30-31.

Broadcasting Magazine, October 2, 1961, pp. 83-85.

Columbia Broadcasting System:

Record of Television Programming Inquiry, Docket No. 12782:

Exhibits numbered 32, 33, 33-A, 38, 40, and CBS Ex. No. 22.

CBS-TV Network Program Schedules, Nov. 1962, 1963, and 1964.

Hearings, Vol. 25, TR. 4478-4484 and Vol. 53, TR. 8198-8222.

Chart of "CBS Rights in Programs Licensed It, Regularly Scheduled Series, 6-11 p.m., for Composite Week Based on November 1957-1964." (CBS Ex. 4 and 4-A.)

Correspondence with network.

Sponsor Magazine, October 31, 1959, pp. 40-41; November 21, 1959, pp. 44-45; November 21, 1960, pp. 46-47.

Television Magazine, October 1961, pp. 30-31.

National Broadcasting Company:

Record of Television Programming Inquiry, Docket No. 12782:

Exhibits numbered 72, 73, 74, and 75.

NBC-TV Network Program Schedules, Nov. 1962, 1963, and 1964.

Hearings, Vol. 58, TR. 9041 (Ex. A) and TR. 9027-9035.

Chart of "NBC Rights in Programs Licensed It, Regularly Scheduled Series, 6-11 p.m., for Composite Week based on November 1957-1964." (NBC Ex. 28.)

Correspondence with network.

Sponsor Magazine, October 31, 1959, pp. 40-41 and November 21, 1959, pp. 44-45.



TABLE 2-B—ABC NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) 8-11 P.M.  
HOURS OF PROGRAMMING FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	Hours of programming						
	1957	1958	1959	1960	1961	1962	1964
Network produced.....	4%	5%	2%	1%	2%	5	6
Produced by packager and licensed to net- work.....	17%	14	22	22%	24%	21%	19%
Advertiser.....	7	4%	2	2%	1%	1%	20%
Total.....	28%	24%	26%	25%	27%	27%	27
Percent of hours of programming							
Network produced.....	12.7	23.7	8.6	6.5	8.1	18.0	22.4
Produced by packager and licensed to net- work.....	51.7	57.7	82.8	83.1	87.4	77.5	75.9
Advertiser.....	35.6	18.6	7.6	8.4	4.5	4.5	1.9
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0

NOTE: See "General Note" preceding tabulations.

TABLE 2-C—CBS NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) 6-11 P.M.  
HOURS OF PROGRAMMING FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	Hours of programming						
	1957	1958	1959	1960	1961	1962	1964
Network produced.....	11%	11%	9%	7%	7%	7%	9
Produced by packager and licensed to net- work.....	6%	6	6%	11%	13%	14%	16%
Advertiser.....	8%	9	11	1%	6%	5	2%
Total.....	26%	26%	27%	26%	27%	27%	28
Percent of hours of programming							
Network produced.....	43.9	43.9	34.8	27.6	28.5	28.5	31.6
Produced by packager and licensed to net- work.....	24.3	22.4	24.8	43.8	46.6	52.2	58.8
Advertiser.....	31.8	33.7	40.4	28.6	22.9	18.3	9.6
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0

NOTE: See "General Note" preceding tabulations.

TABLE 1-D—NBC NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) 8-11 P.M.  
NUMBER OF PROGRAMS FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	Number of programs						
	1957	1958	1959	1960	1961	1962	1964
Network produced.....	9	9	9	9	10	6%	4
Produced by packager and licensed to net- work.....	17	21	22	22	21	21%	22
Advertiser.....	19	13	5	5	4	5	4
Total.....	45	43	40	36	35	32	30
Percent of number of programs							
Network produced.....	20.0	20.9	22.5	25.0	28.6	20.8	13.3
Produced by packager and licensed to net- work.....	37.8	48.8	55.0	61.1	60.0	66.7	73.4
Advertiser.....	42.2	30.3	22.5	13.9	11.4	12.5	13.3
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0

1 Fractions reflect those programs supplied in specified proportions by network, packager or advertiser.

NOTE: See "General Note" preceding tabulations.

TABLE 2-A—ALL NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) 6-11 P.M.  
HOURS OF PROGRAMMING FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	Hours of programming						
	1957	1958	1959	1960	1961	1962	1964
Network produced.....	22%	29%	17%	15%	16%	17%	18%
Produced by packager and licensed to net- work.....	29%	22%	48%	48%	53%	53%	56%
Advertiser.....	25%	26%	15%	12%	9%	7%	5%
Total.....	77	76%	79%	77%	83	81%	83
Percent of hours of programming							
Network produced.....	28.7	30.6	22.4	20.3	20.4	21.0	22.4
Produced by packager and licensed to net- work.....	38.5	42.6	54.6	63.3	68.0	68.6	70.7
Advertiser.....	32.8	26.6	23.0	16.4	11.6	10.4	6.0
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0

NOTE: See "General Note" preceding tabulations.



TABLE 2-B—ABC NETWORK ENTERTAINMENT PROGRAMS, 6-11 P.M.  
NUMBER OF PROGRAMS FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	1957	1958	1959	1960	1961	1962	1963	1964
Network produced.....	2	4	.....	1	1	2	2	3
Produced by packager and licensed to network.....	19	33	33	29	31	26	23	27
Advertiser.....	10	6	2	3	1	1	2	1
Total.....	31	33	35	33	33	29	27	31
Percent of number of programs								
Network produced.....	6.5	12.1	.....	3.0	3.0	6.9	7.4	9.7
Produced by packager and licensed to network.....	61.3	69.7	94.3	87.9	94.0	89.7	85.2	87.1
Advertiser.....	32.2	18.2	5.7	9.1	3.0	3.4	7.4	3.2
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

NOTE: See "General Note" preceding tabulations. Sports programs are not included in the category, "entertainment programs."

TABLE 3-C—CBS NETWORK ENTERTAINMENT PROGRAMS, 6-11 P.M.  
NUMBER OF PROGRAMS FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	1957	1958	1959	1960	1961	1962	1963	1964
Network produced.....	13	15	10	6	6	6	6	4
Produced by packager and licensed to network.....	13	39	11 $\frac{1}{2}$	17	19 $\frac{1}{2}$	20	22 $\frac{1}{2}$	25
Advertiser.....	17	17	20 $\frac{1}{2}$	14	11 $\frac{1}{2}$	9	5 $\frac{1}{2}$	4 $\frac{1}{2}$
Total.....	42	42	42	37	37	35	34	34
Percent of number of programs								
Network produced.....	30.9	35.7	23.8	16.2	16.2	17.1	17.6	11.8
Produced by packager and licensed to network.....	30.9	92.9	27.4	46.0	52.7	57.2	65.3	73.6
Advertiser.....	40.5	40.5	48.8	37.8	31.1	25.7	15.2	13.2
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

NOTE: See "General Note" preceding tabulations. Sports programs are not included in the category, "entertainment programs."

TABLE 2-D—NBC NETWORK PROGRAMS (ENTERTAINMENT AND OTHERS) 6-11 P.M.  
HOURS OF PROGRAMMING FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	1957	1958	1959	1960	1961	1962	1963	1964
Network produced.....	5 $\frac{1}{2}$	6	6 $\frac{1}{2}$	4 $\frac{1}{2}$	6 $\frac{1}{2}$	4 $\frac{1}{2}$	4 $\frac{1}{2}$	4 $\frac{1}{2}$
Produced by packager and licensed to network.....	20 $\frac{1}{2}$	12 $\frac{1}{2}$	14 $\frac{1}{2}$	15	18 $\frac{1}{2}$	19 $\frac{1}{2}$	19 $\frac{1}{2}$	21
Advertiser.....	9 $\frac{1}{2}$	6 $\frac{1}{2}$	5 $\frac{1}{2}$	3	2 $\frac{1}{2}$	3 $\frac{1}{2}$	3 $\frac{1}{2}$	3
Total.....	35 $\frac{1}{2}$	25 $\frac{1}{2}$	26 $\frac{1}{2}$	24 $\frac{1}{2}$	27	26 $\frac{1}{2}$	27 $\frac{1}{2}$	28 $\frac{1}{2}$
Percent of hours of programming								
Network produced.....	15.4	23.8	23.3	18.3	24.5	17.4	17.0	15.1
Produced by packager and licensed to network.....	57.2	48.5	54.3	60.6	67.6	73.1	71.5	74.3
Advertiser.....	27.8	25.7	20.4	12.1	7.4	8.5	11.6	10.6
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

NOTE: See "General Note" preceding tabulations.

TABLE 3-A—ALL NETWORK ENTERTAINMENT PROGRAMS, 6-11 P.M.  
NUMBER OF PROGRAMS FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	1957	1958	1959	1960	1961	1962	1963	1964
Network produced.....	21	24	15	13	11	9 $\frac{1}{2}$	9 $\frac{1}{2}$	8 $\frac{1}{2}$
Produced by packager and licensed to network.....	48	54	66 $\frac{1}{2}$	68	71 $\frac{1}{2}$	67 $\frac{1}{2}$	62 $\frac{1}{2}$	74
Advertiser.....	45	35	30 $\frac{1}{2}$	23	16 $\frac{1}{2}$	14	12 $\frac{1}{2}$	9 $\frac{1}{2}$
Total.....	114	113	112	102	99	91	88	92
Percent of number of programs								
Network produced.....	18.4	21.2	13.4	12.7	11.1	10.6	10.6	9.3
Produced by packager and licensed to network.....	42.1	47.8	59.4	66.7	72.2	74.0	71.2	80.4
Advertiser.....	39.5	31.0	27.2	20.6	16.7	15.4	14.2	10.3
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

NOTE: See "General Note" preceding tabulations. Sports programs are not included in the category, "entertainment programs."



TABLE 3-D—NBC NETWORK ENTERTAINMENT PROGRAMS, 6-11 P.M.  
HOURS OF PROGRAMMING FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	Hours of programming							
	1957	1958	1959	1960	1961	1962	1963	1964
Network produced	1	2½	—	½	½	1½	2½	2
Produced by packager and licensed to network	11½	14	22	21½	20½	21	19½	20½
Advertiser	6	4	1½	1½	½	½	½	½
Total	18½	20½	23½	23½	24½	23	22½	23
Percent of hours of programming								
Network produced	5.4	12.2	—	2.1	2.0	5.5	11.1	8.7
Produced by packager and licensed to network	62.2	68.3	93.6	91.5	96.0	91.3	85.7	89.1
Advertiser	32.4	19.5	5.4	6.4	2.0	2.2	2.2	2.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: See "General Note" preceding tabulations. Sports programs are not included in the category, "entertainment programs."

TABLE 4-C—CBS NETWORK ENTERTAINMENT PROGRAMS, 6-11 P.M.  
HOURS OF PROGRAMMING FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	Hours of programming							
	1957	1958	1959	1960	1961	1962	1963	1964
Network produced	9½	9½	6¾	4	4½	4½	5	3¾
Produced by packager and licensed to network	4½	6	6¾	11½	13½	14½	15¾	17½
Advertiser	8½	9	11	7½	6½	5	2¾	2¼
Total	24½	24½	24½	23	24	24	23½	23½
Percent of hours of programming								
Network produced	38.8	38.8	27.6	17.4	18.8	18.8	20.4	16.1
Produced by packager and licensed to network	26.5	24.5	27.6	50.0	56.2	60.4	68.4	74.9
Advertiser	34.7	36.7	44.8	32.6	25.0	20.8	11.2	8.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: See "General Note" preceding tabulations. Sports programs are not included in the category, "entertainment programs."

TABLE 3-D—NBC NETWORK ENTERTAINMENT PROGRAMS, 6-11 P.M.  
NUMBER OF PROGRAMS FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	Number of programs							
	1957	1958	1959	1960	1961	1962	1963	1964
Network produced	6	5	5	6	4	1½	1½	1
Produced by packager and licensed to network	17	21	23	22	21	21½	20½	22
Advertiser	18	12	5	4	4	4	5	4
Total	41	38	35	32	29	27	27	27
Percent of number of programs								
Network produced	14.6	13.1	14.3	18.7	13.8	6.2	4.9	3.7
Produced by packager and licensed to network	41.5	55.3	62.9	68.8	72.4	79.0	76.0	81.5
Advertiser	43.9	31.6	22.8	12.5	13.8	14.8	18.5	14.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

1 Figures reflect those programs supplied in specified proportions by network, packager or advertisers. Note: See "General Note" preceding tabulations. Sports programs are not included in the category, "entertainment programs."

TABLE 4-A—ALL NETWORK ENTERTAINMENT PROGRAMS, 6-11 P.M.  
HOURS OF PROGRAMMING FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	Hours of programming							
	1957	1958	1959	1960	1961	1962	1963	1964
Network produced	14	15½	19½	9	8½	7½	8¾	6¾
Produced by packager and licensed to network	28½	32½	40½	48	55	55½	56½	58½
Advertiser	20½	19	17	11½	8¾	7¾	6¾	5¾
Total	66	67	77½	66½	72½	70½	71½	71½
Percent of hours of programming								
Network produced	21.2	23.1	24.9	13.3	11.8	10.4	12.1	9.5
Produced by packager and licensed to network	43.2	48.5	51.4	70.1	76.1	78.6	78.4	82.5
Advertiser	35.6	28.4	23.1	16.5	12.1	11.0	9.5	8.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: See "General Note" preceding tabulations. Sports programs are not included in the category, "entertainment programs."



TABLE 4-D—NBC NETWORK ENTERTAINMENT PROGRAMS, 6-11 P.M.  
HOURS OF PROGRAMMING FOR A WEEK BY SOURCE OF SUPPLY, 1957-64

Source of supply	Hours of programming							
	1957	1958	1959	1960	1961	1962	1963	1964
Network produced	25½	3½	4½	3½	1½	1½	1½	1
Produced by packager and licensed to network	10½	12½	14½	15	18½	19½	19½	21
Advertiser	9	6	4½	2½	2	2½	3½	3
Total	20	22	22½	22	23½	23½	24½	25

Percent of hours of programming

Network produced	11.2	15.9	15.6	20.4	14.7	5.7	4.5	4.0
Produced by packager and licensed to network	45.6	56.8	64.4	68.2	78.9	84.7	83.9	84.0
Advertiser	20.2	27.3	20.0	11.4	8.4	9.6	14.3	12.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: See "General Note" preceding tabulations. Sports programs are not included in the category, "entertainment programs."

TABLE 5-A—ALL NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) FOR A WEEK, 6-11 P.M., LICENSED BY PACKAGERS TO NETWORKS: BY TYPE OF NETWORK INTEREST IN NUMBER OF SUCH PROGRAMS, 1957-64

Type of network interest in programs	Number of programs licensed by packagers to networks							
	1957	1958	1959	1960	1961	1962	1963	1964
Some interest in syndication and may have other interest	22	28	45	66	84	69½	41½	66
Other interest (excluding syndication interest)	27	25	20½	14	19½	20½	23	15
First run right only for given year	2	1	1	1	1	1½	1½	3
Total	51	54	66½	71	73½	69½	65½	74

Percent of number of programs licensed by packagers to networks

Some interest in syndication and may have other interest	43.1	51.9	67.7	78.9	71.5	67.5	63.0	71.7
Other interest (excluding syndication interest)	53.0	46.3	30.8	19.7	26.5	30.0	34.7	20.3
First run right only for given year	3.9	1.8	1.5	1.4	2.2	2.2	2.3	4.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

† Fractions reflect those programs supplied in specified proportions by networks, packagers or advertisers.

Note: See "General Note" preceding tabulations.

TABLE 5-B—ABC NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) FOR A WEEK, 6-11 P.M., LICENSED BY PACKAGERS TO NETWORK: BY TYPE OF NETWORK INTEREST IN NUMBER OF SUCH PROGRAMS, 1957-64

Type of network interest in programs	Number of programs licensed by packagers to network							
	1957	1958	1959	1960	1961	1962	1963	1964
Some interest in syndication and may have other interest	7	10	23	25	27	21	16	22
Other interest (excluding syndication interest)	14	12	9	6	6	6	7	4
First run right only for given year	1	1	1	1	1	1	1	1
Total	22	23	33	32	33	27	23	27

Percent of number of programs licensed by packagers to network

Some interest in syndication and may have other interest	31.8	43.5	69.7	78.1	81.8	77.8	69.6	81.5
Other interest (excluding syndication interest)	63.7	52.2	27.3	18.8	18.2	22.2	30.4	14.8
First run right only for given year	4.5	4.3	3.0	3.1	3.1	3.1	3.1	3.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: See "General Note" preceding tabulations.

TABLE 5-C—CBS NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) FOR A WEEK, 6-11 P.M., LICENSED BY PACKAGERS TO NETWORK: BY TYPE OF NETWORK INTEREST IN NUMBER OF SUCH PROGRAMS, 1957-64

Type of network interest in programs	Number of programs licensed by packagers to network							
	1957	1958	1959	1960	1961	1962	1963	1964
Some interest in syndication and may have other interest	4	4	6	14	13	11	12	19
Other interest (excluding syndication interest)	8	6	3½	3	6½	7½	9	4
First run right only for given year	12	10	11½	17	19½	20	22½	25
Total	24	20	21½	34	38½	40½	43½	48

Percent of number of programs licensed by packagers to network

Some interest in syndication and may have other interest	33.3	40.0	52.2	52.3	64.6	55.0	53.3	78.9
Other interest (excluding syndication interest)	66.7	60.0	47.5	17.7	33.4	37.5	40.0	16.0
First run right only for given year	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

† Fractions reflect those programs supplied in specified proportions by network, packagers or advertisers.

Note: See "General Note" preceding tabulations.



TABLE 6-B—ABC NETWORK PROGRAMS (ENTERTAINMENT AND OTHERS) FOR A WEEK, 6-11 P.M., LICENSED BY PACKAGERS TO NETWORK: BY TYPE OF NETWORK INTEREST IN HOURS OF PROGRAMMING REPRESENTED BY SUCH PROGRAMS, 1957-64

Type of network interest in programs	1957	1958	1959	1960	1961	1962	1963	1964
Hours of programming licensed by packagers to network								
Some interest in syndication and may have other interest.....	4	6	15%	22	15%	15	16	
Other network interest (excluding syndication interest).....	754	7	5%	354	3%	5	43%	31%
First run right only for given year.....	1	1	1	1	1	1	1	1
Total.....	1294	14	22	274	24%	21%	19%	20%
Percent of hours of programming licensed by packagers to network								
Some interest in syndication and may have other interest.....	31.6	42.9	70.5	83.3	86.2	78.7	76.9	78.9
Other network interest (excluding syndication interest).....	60.5	30.0	25.0	14.3	13.4	22.3	23.1	17.1
First run right only for given year.....	7.9	7.1	4.5	4.4				4.9
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: See "General Note" preceding tabulations.

TABLE 6-C—CBS NETWORK PROGRAMS (ENTERTAINMENT AND OTHERS) FOR A WEEK, 6-11 P.M., LICENSED BY PACKAGERS TO NETWORKS: BY TYPE OF NETWORK INTEREST IN HOURS OF PROGRAMMING REPRESENTED BY SUCH PROGRAMS, 1957-64

Type of network interest in programs	1957	1958	1959	1960	1961	1962	1963	1964
Hours of programming licensed by packagers to network								
Some interest in syndication and may have other interest.....	2	2	3	9	9	8	8%	14
Other network interest (excluding syndication interest).....	41	4	3%	21	4%	5%	7%	25%
First run right only for given year.....	1	1	1	1	1	1	1	1
Total.....	61	6	6%	11%	13%	14%	26%	17%
Percent of hours of programming licensed by packagers to network								
Some interest in syndication and may have other interest.....	31.7	33.4	44.4	75.2	67.9	55.2	30.7	80.8
Other network interest (excluding syndication interest).....	68.3	66.6	55.6	21.8	22.1	26.7	44.8	11.5
First run right only for given year.....	1	1	1	1	1	1	1	1
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: See "General Note" preceding tabulations.

TABLE 6-D—NBC NETWORK PROGRAMS (ENTERTAINMENT AND OTHERS) FOR A WEEK, 6-11 P.M., LICENSED BY PACKAGERS TO NETWORK: BY TYPE OF NETWORK INTEREST IN HOURS OF PROGRAMMING REPRESENTED BY SUCH PROGRAMS, 1957-64

Type of network interest in programs	1957	1958	1959	1960	1961	1962	1963	1964
Number of programs licensed by packagers to network <sup>1</sup>								
Some interest in syndication and may have other interest.....	11	14	16	17	14	14	14%	15
Other network interest (excluding syndication interest).....	5	7	6	5	7	7	7	7
First run right only for given year.....	1	1	1	1	1	1	1	1
Total.....	17	21	22	22	21	21	30%	22
Percent of number of programs licensed by packagers to network								
Some interest in syndication and may have other interest.....	64.7	66.7	72.8	77.3	66.7	67.2	66.1	68.2
Other network interest (excluding syndication interest).....	29.4	33.3	27.2	22.7	33.3	32.8	33.9	31.8
First run right only for given year.....	5.9							
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

<sup>1</sup> Fractions reflect those programs supplied in specified proportions by network, packagers or advertisers.

TABLE 6-A—All Network Programs (Entertainment and Others) for a Week, 6-11 P.M., Licensed by Packagers to Networks: By Type of Network Interest in Hours of Programming Represented by Such Programs, 1957-64

Type of network interest in programs	1957	1958	1959	1960	1961	1962	1963	1964
Hours of programming licensed by packagers to networks								
Some interest in syndication and may have other interest.....	13%	17	30	40	45%	37%	35%	42%
Other network interest (excluding syndication interest).....	14%	14%	12%	8%	15%	17%	20	14%
First run right only for given year.....	1%	1	1	1	1	1	1	1
Total.....	29%	32%	43%	49%	65%	55%	55%	58%
Percent of hours of programming licensed by packagers to networks								
Some interest in syndication and may have other interest.....	45.5	52.3	60.4	51.2	75.8	67.4	63.0	72.2
Other network interest (excluding syndication interest).....	48.4	44.6	38.3	45.8	24.2	31.3	35.7	24.4
First run right only for given year.....	5.1	3.1	2.3	2.0		1.3	1.3	3.4
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: See "General Note" preceding tabulations.



TABLE 6-D.—NBC NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) FOR A WEEK, 6-11 P.M., LICENSED BY PACKAGERS TO NETWORKS: BY TYPE OF NETWORK INTEREST IN HOURS OF PROGRAMMING REPRESENTED BY SUCH PROGRAMS, 1957-64

Type of network interest in programs	1957	1958	1959	1960	1961	1962	1963	1964
Hours of programming licensed by packagers to network								
Some interest in syndication and may have other interest	7%	9	11%	12%	13%	13%	11%	13%
Other network interest (excluding syndication interest)	3%	3%	3	3%	6	6%	8	8%
Other interest (excluding syndication interest)	1%							
First run right only for given year								
Total	10%	12%	14%	15	19%	19%	19%	21
Percent of hours of programming licensed by packagers to network								
Some interest in syndication and may have other interest	71.4	72.0	73.4	83.3	67.1	66.1	66.7	80.5
Other network interest (excluding syndication interest)	23.8	28.0	20.6	15.7	22.9	33.9	45.3	40.5
Other interest (excluding syndication interest)	4.8							
First run right only for given year								
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: See "General Note" preceding tabulations.

TABLE 7-A.—ALL FILM NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) FOR A WEEK, 6-11 P.M., LICENSED BY PACKAGERS TO NETWORKS: BY TYPE OF NETWORK INTEREST IN HOURS OF SUCH PROGRAMS, 1957-64

Type of network interest in programs	1957	1958	1959	1960	1961	1962	1963	1964
Number of programs licensed by packagers to networks <sup>1</sup>								
Some domestic and foreign syndication interest and may have other interest	16	22	26	30	47	39	30%	45
Some domestic or foreign syndication interest, but not both, and may have other interest	3	1		1	1	1	1	1
Other interest (excluding syndication interest)	11	10	7%	6	10%	11%	11	11
First-run right only in given year	2	1	1	1		1%	1%	1%
Total	32	34	47%	38	58%	53	47%	67%
Percent of number of programs licensed by packagers to networks								
Some domestic and foreign syndication interest and may have other interest	50.0	64.7	52.1	86.3	80.4	73.6	71.4	78.3
Some domestic or foreign syndication interest, but not both, and may have other interest	9.4	2.9		1.7	1.7	1.9	2.1	
Other interest (excluding syndication interest)	34.4	26.4	15.8	10.4	17.9	21.7	23.3	19.1
Other interest (excluding syndication interest)	6.2	3.0	2.1	1.7		2.8	3.2	2.6
First-run right only in given year								
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

<sup>1</sup> Fractions reflect those programs supplied in specified proportions by networks, packagers or advertisers.

Note: See "General Note" preceding tabulations.

TABLE 7-B.—ALL LIVE AND TAPE NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) FOR A WEEK, 6-11 P.M., LICENSED BY PACKAGERS TO NETWORKS: BY TYPE OF NETWORK INTEREST IN NUMBER OF SUCH PROGRAMS, 1957-64

Type of network interest in programs	1957	1958	1959	1960	1961	1962	1963	1964
Number of programs licensed by packagers to networks <sup>1</sup>								
Some domestic and foreign syndication interest and may have other interest	2	3	4	4	4	6%	7	10
Some domestic or foreign syndication interest, but not both, and may have other interest	3	3	1	2				1
Other interest (excluding syndication interest)	16	15	13	8	9	9	12	14
First run right only in given year								
Total	19	20	19	15	15%	15%	19	25%
Percent of number of programs licensed by packagers to networks								
Some domestic and foreign syndication interest and may have other interest	10.0	15.0	20.7	26.7	41.3	28.8	36.8	50.6
Some domestic or foreign syndication interest, but not both, and may have other interest	15.8	15.0	7.7	13.3				6.1
Other interest (excluding syndication interest)	84.2	75.0	68.4	61.6	68.7	62.3	54.3	43.1
Other interest (excluding syndication interest)								
First run right only in given year								
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

<sup>1</sup> Fractions reflect those programs supplied in specified proportions by networks, packagers or advertisers.

Note: See "General Note" preceding tabulations.

TABLE 7-C.—ALL FILM NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) FOR A WEEK, 6-11 P.M., LICENSED BY PACKAGERS TO NETWORKS: BY TYPE OF NETWORK INTEREST IN HOURS OF PROGRAMMING REPRESENTED BY SUCH PROGRAMS, 1957-64

Type of network interest in programs	1957	1958	1959	1960	1961	1962	1963	1964
Hours of programming licensed by packagers to networks								
Some domestic and foreign syndication interest and may have other interest	9%	13	25%	35	37	31%	28%	34
Some domestic or foreign syndication interest, but not both, and may have other interest	1%	1%		1	1	1	1	1
Other interest (excluding syndication interest)	84%	84%	75%	64	62%	68%	71%	65%
Other interest (excluding syndication interest)	1%	1%	1	1				
First run right only in given year								
Total	10%	20	30%	40	45%	43%	40%	45%
Percent of hours of programming licensed by packagers to networks								
Some domestic and foreign syndication interest and may have other interest	82.3	65.0	82.9	87.5	81.8	71.8	71.0	74.0
Some domestic or foreign syndication interest, but not both, and may have other interest	8.3	2.3		2.5	2.3	2.3	2.3	
Other interest (excluding syndication interest)	31.2	27.8	15.8	7.5	15.0	20.1	24.0	22.8
Other interest (excluding syndication interest)	8.2	3.0	3.3	3.5		1.6	1.9	1.6
First run right only in given year								
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

<sup>1</sup> Fractions reflect those programs supplied in specified proportions by networks, packagers or advertisers.

Note: See "General Note" preceding tabulations.



TABLE 7-D—ALL LIVE AND TAPE NETWORK PROGRAMS (ENTERTAINMENT AND OTHER) FOR A WEEK, 6-11 P.M. LICENSED BY PACKAGERS TO NETWORKS: BY TYPE OF NETWORK INTEREST IN HOURS OF PROGRAMMING REPRESENTED BY SUCH PROGRAMS, 1957-64

Type of network interest in programs	1957	1958	1959	1960	1961	1962	1963	1964
Hours of programming licensed by packagers to networks								
Some domestic and foreign syndication interest and may have other interest.....		1	2	3	2½	5½	5½	7½
Some domestic or foreign syndication interest, but not both, and may have other interest.....	2½	2½	2½	1	2			1
Other interest (excluding syndication interest).....	9	9	8	5¼	6¼	7¼	10	3½
First run right only in given year.....								1¼
Total.....	11½	12½	12½	9¼	10½	12½	15½	13¼
Percent of hours of programming licensed by packagers to networks								
Some domestic and foreign syndication interest and may have other interest.....		8.0	16.0	32.4	21.4	40.8	35.5	56.6
Some domestic or foreign syndication interest, but not both, and may have other interest.....	21.7	20.0	20.0	10.8	19.1			7.6
Other interest (excluding syndication interest).....	78.3	72.0	64.0	56.8	59.5	59.2	64.5	26.4
First run right only in given year.....								9.4
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

NOTE: See "General Note" preceding tabulations.

[F.R. Doc. 65-3077; Filed, Mar. 26, 1965; 8:45 a.m.]

## FEDERAL MARITIME COMMISSION

[ 46 CFR Part 525 ]

[Docket No. 65-5]

### TIME LIMIT FOR FILING OVERCHARGE CLAIMS

#### Notice of Proposed Rulemaking

Whereas, certain common carriers by water, as defined in section 1 of the Shipping Act, 1916 (46 U.S.C. 801), are imposing by tariff rule a time limit on the filing of overcharge claims which is less than the two year period provided in section 22 of the Shipping Act, 1916 (46 U.S.C. 821); and

Whereas, such practice, permitting a carrier to retain freight charges greater than those specified in its tariff, is prohibited by section 18(b)(3) of the Shipping Act, 1916 (46 U.S.C. 817(b)); and by section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844); and

Whereas, the said practice appears to be an unjust or unreasonable practice within the purview of section 17 of the Shipping Act, 1916 (46 U.S.C. 816);

Now therefore, notice is hereby given in accordance with provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003), that the Federal Maritime Com-

mission is considering promulgation of the proposed rule set forth hereinafter covering the time limit on filing of overcharge claims. Title 46, CFR would be amended by the addition of a new Part 525 as follows:

#### PART 525—TIME LIMIT FOR FILING OVERCHARGE CLAIMS

A common carrier by water, as defined in section 1 of the Shipping Act, 1916 (46 U.S.C. 801), shall not by tariff rule or otherwise limit to less than two years after the date of shipment the time within which claims for adjustment of freight charges may be presented.

Interested parties may participate in this proposed rulemaking proceeding by submitting 15 copies of written statements, data, views, or arguments pertaining thereto, or requests for oral arguments, should the same be desired, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573.

All such communications received by close of business April 30, 1965, will be considered.

By the Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 65-3146; Filed, Mar. 26, 1965; 8:48 a.m.]



# Notices

## FEDERAL POWER COMMISSION

[Docket No. E-7212]

### BROWN CO.

#### Notice of Application

MARCH 22, 1965.

Take notice that on March 16, 1965, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act by Brown Co. (Brown-Maine), a corporation incorporated under the laws of the State of Maine and authorized to do business in the States of Alabama, California, Florida, Illinois, Massachusetts, Missouri, New Hampshire, New York, Oregon, and Vermont with its principal place of business office at Berlin, N.H., requesting authority for the sale of certain electric facilities to Brown-New Hampshire, Inc. (Brown-New Hampshire), and authority to acquire the securities of Brown-New Hampshire. By separate application of even date, Brown-Maine seeks authority to transfer its hydroelectric licenses to Brown-New Hampshire.

Brown-Maine is an industrial corporation with interests in counties of several states used or useful in connection with its industrial operations. The electrical facilities of Brown-Maine, which it wishes to dispose of, are located in Coos County, N.H., and are used to supply power to mills of the company in Gorham and Berlin, N.H. According to the application, the company makes no sales of power at retail but, on occasion, sells secondary power on a split increment basis to the Public Service Co., of New Hampshire. Brown-Maine owns and operates steam and hydro generating systems with associated facilities to connect its generating units to its industrial plants. Deliveries of energy generated by Brown-Maine to the Public Service Co., of New Hampshire are made over the Brown-Maine system to a tap located on the 22 kv line which is part of the system between Gorham, N.H., and Berlin, N.H.

Brown-New Hampshire, at present, neither owns nor operates any facilities, but when the proposed transfer becomes effective, it will own and operate the facilities of Brown-Maine described below without change in manner of operations.

The facilities to be transferred consist of three steam generators, one internal combustion plant, 15 miles of 22 kv lines, 72,850 kva of substation transformer capacity in eight substations, and six hydroelectric generating plants, all of which are located in the State of New Hampshire. Four of the hydroelectric plants, Project Nos. 2300, 2311, 2326, 2327, are operating under Commission licenses.

According to the application, Brown-Maine plans to transfer the facilities to Brown-New Hampshire in return for all the Common Stock of Brown-New

Hampshire. Brown-Maine represents that the depreciated original cost on its books as of November 30, 1964 of all the facilities to be transferred, including the generating plants, was \$2,539,944. Applicant further represents that the value of the stock of Brown-New Hampshire to be issued to Brown-Maine on the transfer of facilities will equal the depreciated original cost of those facilities to Brown-Maine at the time of transfer and that no other consideration will be given for the transfer.

Brown-Maine represents that it is consistent with the public interest to transfer such of its properties as are used for the generation and distribution of electric energy to a wholly owned subsidiary to which regulations pertaining to public utilities would be more nearly applicable, rather than to subject the entire Brown Company, to public utility regulation. According to the application, at the end of Brown-Maine's 1964 fiscal year, its total assets amounted to \$60,354,117, of which only \$2,539,944 represented electric facilities and because it owns and operates an electric generation distribution system, it is now subject to or may become subject to various provisions of state and federal regulatory statutes administered by regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,  
Acting Secretary.

[P.R. Doc. 65-3122; Filed, Mar. 26, 1965;  
8:45 a.m.]

[Docket No. CP65-40]

## COLORADO INTERSTATE GAS CO.

### Further Notice of Application

MARCH 22, 1965.

On March 17, 1965, the Commission issued a notice of the application filed by Colorado Interstate Gas Co., on August 10, 1964. The application was amended March 10, 1965.

Said notice stated that Colorado sought authorization for the sale of a total of 596,719 Mcf of natural gas in the third year to Kansas-Colorado Utilities, Inc. (Kansas-Colorado). This is the volume of gas required by Kansas-Colorado for resale to Pioneer Natural Gas Co., Southern Union Gas Co., and Felt Water Development Co.

Notice is hereby given that the above filings by Colorado also include a request for the sale of 2,707,897 Mcf per year to Kansas-Colorado for resale by Kan-

sas-Colorado to its customers for irrigation purposes. Total volume requested, therefore, is 3,304,616 Mcf per year instead of the 596,719 Mcf specified in the notice of March 17, 1965.

In view of this change, protests or petitions to intervene may be filed herein, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 21, 1965.

GORDON M. GRANT,  
Acting Secretary.

[P.R. Doc. 65-3123; Filed, Mar. 26, 1965;  
8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration FUKUOKA PACKING CO., LTD.

#### Notice of Filing of Petition for Food Additives Resinous and Polymeric Coatings

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 4B1444) has been filed by Fukuoka Packing Co., Ltd., 26, Ebisudori-2-Chome, Shibuya-Ku, Tokyo, Japan, proposing an amendment to § 121.2514 Resinous and polymeric coatings by inserting alphabetically in the list of can end cements in paragraph (b) (3) (xxxii) the following new items:

Butadiene-styrene-fumaric acid copolymer.  
4,4'-butylidenebis(6-tert-butyl-m-cresol).  
Sodium decylbenzenesulfonate.  
Tetrasodium EDTA (tetrasodium ethylenediaminetetracetate).

Dated: March 19, 1965.

MALCOLM R. STEPHENS,  
Assistant Commissioner  
for Regulations.

[P.R. Doc. 65-3141; Filed, Mar. 26, 1965;  
8:47 a.m.]

## AMERICAN CYANAMID CO.

#### Notice of Filing of Petition for Food Additives Chlortetracycline, Penicillin, Sulfamethazine

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 5C1676) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J., 08540, proposing an amendment to § 121.208 of the food additive regulations to provide for the safe use of chlortetracycline, penicillin, and sulfamethazine in swine feed by changing paragraph (d), table 2, item 2, to read as follows:



TABLE 2—CHLORTETRACYCLINE IN COMPLETE SWINE FEED

Principal ingredient	Quantity	Combined with—	Quantity	Limitations	Indications for use
Chlortetracycline	Grams per ton 100	Penicillin Sulfamethazine	50 100	For swine; withdraw 7 days prior to slaughter; as procaine penicillin and chlortetracycline hydrochloride.	Reduction of the incidence of cervical abscesses; treatment of bacterial swine leishmaniasis; prevention of these diseases during times of stress; growth promotion and feed efficiency and maintenance of weight gain in the presence of atrophic rhinitis.

Dated: March 19, 1965.

MALCOLM R. STEPHENS,  
Assistant Commissioner for Regulations.

[F.R. Doc. 65-3139; Filed, Mar. 26, 1965; 8:47 a.m.]

### CERTIFIED COLOR INDUSTRY COMMITTEE

#### Notice of Filing of Petition Regarding Color Additive FD&C Yellow No. 5

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 403; 21 U.S.C. 376(d)), notice is given that a petition (CAP 23) has been filed by Certified Color Industry Committee, c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va., 22046, proposing the issuance of a regulation to provide for the safe use and certification of FD&C Yellow No. 5 as a color for foods, drugs, and cosmetics.

Dated: March 19, 1965.

MALCOLM R. STEPHENS,  
Assistant Commissioner  
for Regulations.

[F.R. Doc. 65-3140; Filed, Mar. 26, 1965; 8:47 a.m.]

[Docket No. FDC-D-87; NDA Nos. 13-454, 14-741]

### HOFFMANN-LA ROCHE INC.

#### Versidyne Tablets 60 Milligrams and Versidyne Compound 30 and 60; Notice of Withdrawal of Approval of New-Drug Applications

Hoffmann-La Roche Inc., Nutley, N.J., the applicant for and the holder of new-drug applications Nos. 13-454 and 14-741 as amended, applying to the drugs Versidyne Tablets 60 mg. (methopholine, 60 mg.) and Versidyne Compound 30 (methopholine, 30 mg.; aspirin, 227 mg.; phenacetin, 162 mg.; caffeine, 32.4 mg.) and 60 (methopholine, 60 mg.; aspirin, 227 mg.; phenacetin, 162 mg.; caffeine, 32.4 mg.), respectively, having requested the withdrawal of the approval of said applications, and thereby having waived notice of hearing as provided by section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations appearing in Title 21, Code of Federal Regulations, Part 130, prior to such withdrawal:

The Commissioner of Food and Drugs, by virtue of the authority vested in the Secretary of Health, Education, and

Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053; 21 U.S.C. 355(e)) and delegated to the Commissioner by the Secretary (21 CFR 2.90), finds that chronic-toxicity studies in dogs resulting in eye changes and corneal opacities, reported after such applications were approved, evaluated together with the evidence available when the applications were approved, show that the drugs Versidyne Tablets 60 mg. and Versidyne Compound 30 and 60 are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved.

Wherefore, on the foregoing finding of fact and the request of the applicant, the approval of new-drug applications Nos. 13-454 and 14-741 applying to Versidyne Tablets 60 mg. and Versidyne Compound 30 and 60, respectively, are withdrawn, effective on the date of signature of this document.

Dated: March 22, 1965.

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

[F.R. Doc. 65-3142; Filed, Mar. 26, 1965; 8:47 a.m.]

### MERCK AND CO., INC.

#### Notice of Filing of Petition Regarding Food Additive Thiabendazole

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 5A1701) has been filed by Merck & Co., Inc., Rahway, N.J., 07065, proposing the issuance of a regulation to provide for the safe use of thiabendazole [2-(4'-thiazolyl)-benzimidazole] as a mold inhibitor in baked goods, except those baked goods subject to a standard of identity. A tolerance of 140 parts per million in the baked goods is proposed.

Dated: March 19, 1965.

MALCOLM R. STEPHENS,  
Assistant Commissioner  
for Regulations.

[F.R. Doc. 65-3143; Filed, Mar. 26, 1965; 8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15882; FCC 65M-356]

### CAROLINA RADIO BROADCASTING CO.

#### Order Scheduling Hearing

In re application of D. D. Foster trading as Carolina Radio Broadcasting Co., Spartanburg, S.C., Docket No. 15882, File No. BP-16302; for construction permit.

It is ordered, This 23d day of March 1965, that Sol Schildhouse shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on May 17, 1965; and that a prehearing conference shall be convened at 9 a.m. on April 15, 1965; And it is further ordered, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: March 24, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-3107; Filed, Mar. 26, 1965; 8:45 a.m.]

[Docket Nos. 15883, 15884; FCC 65M-357]

### JAMES B. CHILDRESS AND DENTON RADIO CO.

#### Order Scheduling Hearing

In re applications of James B. Childress, Burnsville, N.C., Docket No. 15883, File No. BP-15374; James B. Childress, Theatre C. Childress and James Ardell Sink, doing business as Denton Radio Co., Denton, N.C., Docket No. 15884, File No. BP-15510; for construction permits.

It is ordered, This 23d day of March 1965, that Millard F. French shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on May 17, 1965; and that a prehearing conference shall be convened at 9 a.m. on April 13, 1965; And it is further ordered, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: March 24, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-3151; Filed, Mar. 26, 1965; 8:48 a.m.]

[Docket No. 14830; FCC 65M-365]

### CONNECTICUT COAST BROADCASTING CO.

#### Order Following Prehearing Conference

In re application of Salvatore Bon-tempo and Daniel J. Fernicola, doing



business as Connecticut Coast Broadcasting Co., Bridgeport, Conn., Docket No. 14830, File No. BP-15463; for construction permit.

Pursuant to agreements reached at a prehearing conference held on March 15, 1965, the following schedule of procedural steps will be effected:

May 3, 1965: Exchange of applicant's direct written presentation.

June 1, 1965 (10 a.m.): Commencement of hearing.

*So ordered*, This 23d day of March 1965.

Released: March 24, 1965.

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

[P.R. Doc. 65-3152; Filed, Mar. 26, 1965;  
8:48 a.m.]

[Docket No. 15885; FCC 65M-358]

**GRENADA BROADCASTING CO., INC.  
(WNAG)**

**Order Scheduling Hearing**

In re application of Grenada Broadcasting Co., Inc. (WNAG), Grenada, Miss., Docket No. 15885, File No. BP-15864; for construction permit.

*It is ordered*, This 23d day of March 1965, that Isadore A. Honig shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on May 10, 1965; and that a prehearing conference shall be convened at 9 a.m. on April 15, 1965; *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: March 24, 1965.

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

[P.R. Doc. 65-3153; Filed, Mar. 26, 1965;  
8:48 a.m.]

[Docket No. 15835 etc.; FCC 65M-350]

**LEBANON VALLEY RADIO ET AL.**

**Order Following Prehearing  
Conference**

In re applications of Joe Zimmermann, Arthur K. Greiner, Glenn W. Winter, William W. Rakow, Robert M. Lesh, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich, and Fitzgerald C. Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; Commercial Radio Institute, Inc., Catonsville, Md., Docket No. 15840, File No. BP-16107; for construction permits.

The general plan for the trial of this proceeding has been worked out.

The hearing will begin on June 1, 1965, not on April 19 as now scheduled. All parties are urged to reduce to writing as much of their evidence as can appropriately be so accommodated; they will, in any event, exchange with each other in accordance with the schedule set out below any exhibits expected to be introduced at the hearing.

All exhibit material directed to issues 1 through 10 but excluding issue 7 shall be exchanged on an informal basis with all other parties no later than April 26, 1965. The formal exchange on the same issues shall take place no later than May 17. The outside date for exchange of rebuttal exhibits on those issues shall be May 24. Wherever a party proposes to offer a witness and to adduce oral testimony it must by May 28 give notice to every other party of the name, address, and occupation of the witness and of the matter on which testimony is expected to be adduced. Similarly, any witness not expected to be produced may be called for cross-examination by notification to the appropriate applicant no later than May 28. The prehearing exchange of material on all other issues is to be effected no later than June 25. The fixing of witness notifications and trial dates on these other issues is put off to await the unfolding of trial on the earlier issues. Witness notifications on May 28 must be effected by the close of business on that day; the requirements for the exchange of written material may be considered satisfied if mailing is made by the specified date. Any party who will take signal strength measurements must give at least 72 hours advance notice to the Commission's trial counsel who is urged to attempt to work out the necessary accommodations to avoid the prospect of spawning separate sets of measurements in possible conflict with each other.

*So ordered*, This 22d day of March 1965.

Released: March 23, 1965.

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

[P.R. Doc. 65-3154; Filed, Mar. 26, 1965;  
8:48 a.m.]

[Docket Nos. 14878, 14879; FCC 65M-361]

**PRATTVILLE BROADCASTING CO.  
AND BILLY WALKER**

**Order Changing Place of Hearing**

In re applications of Ned N. Butler and Claude M. Gray, doing business as The Prattville Broadcasting Co., Prattville, Ala., Docket No. 14878, File No. BP-14571; Billy Walker, Prattville, Ala., Docket No. 14879, File No. BP-14729; for construction permits.

*It is ordered*, This 23d day of March 1965, because of the unavailability of hearing room facilities in Prattville, Ala., to accommodate the hearing in the

above-entitled proceeding which heretofore was scheduled to be held in that city, that the said hearing shall be convened at 10 a.m., April 6, 1965, in Montgomery, Ala.

Released: March 24, 1965.

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

[P.R. Doc. 65-3155; Filed, Mar. 26, 1965;  
8:48 a.m.]

[Docket No. 15880; FCC 65M-359]

**PRESS WIRELESS, INC.**

**Order Scheduling Hearing**

In re application of Press Wireless, Inc., Docket No. 15880, File No. 1067-C4-ML-65; for modification of license of its station in the Fixed Public Press Service at Centereach, N.Y., to permit it to provide radiotelegraph channels to other telegraph carriers for handling services other than press.

*It is ordered*, This 23d day of March 1965, that Jay A. Kyle shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on May 10, 1965; and that a prehearing conference shall be convened at 9 a.m. on April 14, 1965; *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: March 24, 1965.

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

[P.R. Doc. 65-3156; Filed, Mar. 26, 1965;  
8:48 a.m.]

[Docket No. 15888; FCC 65M-360]

**SELMA TELEVISION, INC. (WSLA-TV)**

**Order Scheduling Hearing**

In re application of Selma Television, Inc. (WSLA-TV), Selma, Ala., Docket No. 15888, File No. BPCT-2827; for construction permit.

*It is ordered*, This 23d day of March 1965, that Forest L. McClenning shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on May 19, 1965; and that a prehearing conference shall be convened at 9 a.m. on April 14, 1965; *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: March 24, 1965.

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

[P.R. Doc. 65-3157; Filed, Mar. 26, 1965;  
8:48 a.m.]



[Docket Nos. 15436, 15437; FCC 65M-367]

**SKYLARK CORP., AND KINGSTON BROADCASTERS, INC.****Order Continuing Prehearing Conference**

In re applications of Skylark Corp., Kingston, N.Y., Docket No. 15436, File No. BPH-4256; Kingston Broadcasters, Inc., Kingston, N.Y., Docket No. 15437, File No. BPH-4357; for construction permits.

The Hearing Examiner having under consideration an oral request from counsel for Skylark Corp. for a continuance of the date for further prehearing conference:

It appearing, that counsel for the other party and for the Broadcast Bureau consent to the requested continuance:

It is ordered, This 24th day of March 1965, that the further prehearing conference is continued from March 25, 1965, to April 14, 1965, at 9 a.m.

Released: March 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-3158; Filed, Mar. 26, 1965; 8:48 a.m.]

[Docket Nos. 15877, 15878; FCC 65M-355]

**SMILES OF VIRGINIA, INC., AND PETERSBURG BROADCASTING CO., INC.****Order Scheduling Hearing**

In re application of Smiles of Virginia, Inc., Petersburg, Va., Docket No. 15877, File No. BPH-4641; Petersburg Broadcasting Co., Inc., Petersburg, Va., Docket No. 15878, File No. BPH-4700; for construction permits.

It is ordered, This 23d day of March 1965, that Elizabeth C. Smith shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on May 19, 1965; and that a prehearing conference shall be convened at 9 a.m. on April 15, 1965. And it is further ordered, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: March 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-3159; Filed, Mar. 26, 1965; 8:48 a.m.]

[Docket Nos. 15877, 15878]

**SMILES OF VIRGINIA, INC., AND PETERSBURG BROADCASTING CO., INC.****Order Designating Applications for Consolidated Hearing on Stated Issues**

In re applications of Smiles of Virginia, Inc., Petersburg, Va., Docket No. 15877, File No. BPH-4641, Requests:

99.3 mc, #257; 3 kw; 240 ft.; Petersburg Broadcasting Co., Inc., Petersburg, Va., Docket No. 15878, File No. BPH-4700, Requests: 99.3 mc, #257; 3 kw; 290 ft.; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the captioned applications on March 22, 1965;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that concurrent operation would result in mutually destructive interference; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed FM broadcast station.

(b) The proposals of each of the applicants with respect to management and operation of the proposed station.

(c) The programming services proposed in each of the applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may

be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-3160; Filed, Mar. 26, 1965; 8:48 a.m.]

[Docket Nos. 15889-15910; FCC 65-217]

**JOE L. SMITH, JR., INC., ET AL.****Order Designating Applications for Oral Argument on Stated Issues**

Group I. In re applications of Joe L. Smith, Jr., Inc., Charleston, W. Va. (WKNA-TV), Docket No. 15889, File No. BMPCT-4201; Agnes J. Reeves Greer, Pittsburgh, Pa. (WAND-TV), Docket No. 15890, File No. BMPCT-4205; Channel 16 of Rhode Island Inc., Providence, R.I. (WNET-TV), Docket No. 15891, File No. BMPCT-4220; United Broadcasting Co., of Eastern Maryland, Inc., Baltimore, Md. (WTLF-TV), Docket No. 15892, File No. BMPCT-4222; Neptune Broadcasting Corp., Atlantic City, N.J. (WHTO-TV), Docket No. 15893, File No. BMPCT-4239; Elfred Beck, Tulsa, Okla. (KCEB-TV), Docket No. 15894, File No. BMPCT-4262; Piedmont Broadcasting Corp., Danville, Va. (WBTM-TV), Docket No. 15895, File No. BMPCT-4264; Mid-America Broadcasting Corp., Louisville, Ky. (WEZI-TV), Docket No. 15896, File No. BMPCT-4266; Knuz Television Co., Houston, Tex. (KNUZ-TV), Docket No. 15897, File No. BMPCT-4288; Atlantic Video Corp., Asbury Park, N.J. (WRTV-TV), Docket No. 15898, File No. BMPCT-4298; Appalachian Co., Scranton, Pa. (WTVU-TV), Docket No. 15899, File No. BMPCT-4331; Storer Broadcasting Co., Miami, Fla. (WGBS-TV), Docket No. 15900, File No. BMPCT-4697; Telecasting, Inc., Pittsburgh, Pa. (WENS-TV), Docket No. 15901, File No. BMPCT-4992; S. H. Patterson, San Francisco, Calif. (KSAN-TV), Docket No. 15902, File No. BMPCT-5383; Connecticut Radio Foundation, Inc., New Haven, Conn. (WELL-TV), Docket No. 15903, File No. BMPCT-5744; Kaiser Broadcasting Corp., Corona, Calif. (KMTW), Docket No. 15904, File No. BMPCT-5870; Elton H. Darby, Tusculumbia, Ala. (WVNA-TV), Docket No. 15905, File No. BMPCT-5943; Mississippi Broadcasting Co., Meridian, Miss. (WCOC-TV), Docket No. 15906, File No. BMPCT-5976; for extension of construction permits.

Group II. In re application of Radio Enterprises of Ohio, Inc., Ashtabula, Ohio (WICA-TV), Docket No. 15907, File No. BLCT-154; for license to cover construction permit for new television broadcast station.

Group III. In re application of Associated Broadcasters, Inc., Bethlehem,



Pa. (WLEV-TV), Docket No. 15908, File No. BRCT-137; Lock Haven Broadcasting Corp., Lock Haven, Pa. (WBPZ-TV), Docket No. 15909, File No. BRCT-433; Connecticut-New York Broadcasters, Inc., Bridgeport, Conn. (WICC-TV); Docket No. 15910, File No. BRCT-454; for renewal of license.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of March 1965;

The Commission having under consideration the above-captioned applications for additional time within which to complete construction; for license to cover construction permit for new television broadcast station; and for renewal of licenses; and

It appearing, that the above-named applicants are either the permittees of UHF television broadcast stations on which no construction has been commenced, or permittees or licensees of UHF television broadcast stations which have suspended broadcast operations; and

It further appearing, that the Commission advised the applicants in "Group I" by letters dated November 4, 1964, that it could not determine that a grant of the requests for additional time within which to complete construction would be warranted, since it had been unable to find that the applicants had been diligent in proceeding with construction or that applicants were prevented from completing construction by causes beyond their control; and

It further appearing, that the applicants in "Group I" were also advised that unless they informed the Commission that they desired to prosecute their applications further, their construction permits would be cancelled and their call letters deleted; that their reasons for not proceeding with construction entitled them at most to oral argument on the question of whether failure to complete was due to causes not under their control or that the reasons stated are sufficient to justify an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and §1.534(a) of the Commission's rules; and

It further appearing, That the Commission advised the applicants in "Group II" and "Group III" by letters dated November 4, 1964, that it could not determine that a grant of the requests for either a license or the renewal thereof would be warranted, since it appeared that the decision on the part of the applicants to suspend operation was based on the belief that continued operation of a UHF television station was not yet economically feasible; that the Commission proposed to designate them for oral argument; and

It further appearing, that the above-named applicants replied to the Commission's letters and either requested oral argument or indicated a desire to prosecute further their applications, but failed specifically to request oral argument; that the Commission believes that these latter replies also should be treated as requests for oral argument.

It is ordered, That the above-captioned applications in "Group I" are designated for oral argument before the Commission en banc in Washington, D.C., at 10 a.m. on May 13, 1965, on the following issue: To determine whether the reasons advanced by the permittee in support of its request for extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and §1.534(a) of the Commission's rules.

It is further ordered, That the above-captioned applications in "Group II" and "Group III" are designated for oral argument before the Commission en banc in Washington, D.C., at 10 a.m. on May 13, 1965, on the following issue: To determine, in light of the fact that these stations have been silent for a considerable period of time, whether circumstances exist which warrant continued suspension and continued deferment of action with respect to the pending license and/or renewals, and, if not, whether these applications should be denied.

It is further ordered, That to avail themselves of the opportunity to be heard, each of the applicants, pursuant to §1.221 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 oral argument and present arguments on the issue specified, and shall have until ten (10) days prior to oral argument to file briefs or memoranda of law.

Released: March 23, 1965.

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

[P.R. Doc. 65-3161; Filed, Mar. 26, 1965;  
8:48 a.m.]

[Docket No. 15795; FCC 65M-364]

**UNITED BROADCASTING CO., INC.**  
**Order Following Further Prehearing Conference**

In re application of United Broadcasting Co., Inc., Docket No. 15795, File No. BR-1104; for renewal of license of Station WOOK, Washington, D.C.

Another prehearing conference was held today in this proceeding and the following arrangements were agreed to: The hearing will begin at 10 a.m. on May 25, 1965, not as presently scheduled on April 30. Any written material which the applicant expects to introduce into evidence must be exchanged with the Commission's Broadcast Bureau no later than May 14. If the Broadcast Bureau desires that any person sponsoring written evidentiary material be produced for cross-examination, it must so notify the applicant no later than May 21.

So ordered, This 23d day of March 1965.

Released: March 24, 1965.

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

[P.R. Doc. 65-3162; Filed, Mar. 26, 1965;  
8:48 a.m.]

[Docket Nos. 15675, 15676; FCC 65M-353]

**WESTERN CALIFORNIA TELEPHONE  
CO., AND PACIFIC TELEPHONE &  
TELEGRAPH CO.**

**Order Cancelling Prehearing  
Conference**

In re applications of Western California Telephone Co., Docket No. 15675, File No. 4409-C2-P-64, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Los Gatos, Calif.; The Pacific Telephone & Telegraph Co., Docket No. 15676, File No. 5774-C2-P-64, for a construction permit to modify the facilities of station KMA612 in the Domestic Public Land Mobile Radio Service at San Jose, Calif.

It is ordered, This 23d day of March 1965, on the Chief Hearing Examiner's own motion, that the prehearing conference in the above-entitled proceeding which heretofore was scheduled to commence at 9 a.m. on April 2, 1965, is hereby canceled.

Released: March 23, 1965.

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

[P.R. Doc. 65-3163; Filed, Mar. 26, 1965;  
8:48 a.m.]

[Docket Nos. 15677, 15678; FCC 65M-354]

**WESTERN CALIFORNIA TELEPHONE  
CO., AND PACIFIC TELEPHONE &  
TELEGRAPH CO.**

**Order Cancelling Prehearing  
Conference**

In re applications of Western California Telephone Co., Docket No. 15677, File No. 4411-C2-P-64, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Novato, Calif.; The Pacific Telephone & Telegraph Co., Docket No. 15678, File No. 5775-C2-P-64, for a construction permit to modify the facilities of station KMA745 in the Domestic Public Land Mobile Radio Service at San Francisco, Calif.

It is ordered, This 23d day of March 1965, on the Chief Hearing Examiner's own motion, that the prehearing conference in the above-entitled proceeding which heretofore was scheduled to commence at 11 a.m. on April 2, 1965, is hereby cancelled.



Released: March 23, 1965.

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

[P.R. Doc. 65-3164; Filed, Mar. 26, 1965;  
8:48 a.m.]

## FEDERAL MARITIME COMMISSION CALIFORNIA—JAPAN COTTON POOL

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. C. Galloway, Chairman, California-Japan Cotton Pool, 635 Sacramento Street, San Francisco, Calif., 94111.

Agreement No. 8882-3, between the member lines of the California-Japan Cotton Pool, modifies the approved agreement by providing that, within thirty (30) days after the receipt of the annual pool statement, each party who has over-carried his share of Raw Cotton shall pay to the Pool Chairman the gross freight revenue derived from Cotton over-carried, less an adjustment charge which will be expressed as a rate per ton and will be determined for each Pool period by a two-thirds majority of the Pool members.

Dated: March 24, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[P.R. Doc. 65-3147; Filed, Mar. 26, 1965;  
8:48 a.m.]

## MATSON NAVIGATION CO., AND HILO TRANSPORTATION & TER- MINAL CO., LTD.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Matson Navigation Co., 215 Market Street, San Francisco, Calif., 94105.

Agreement No. 9055-A-1, between Matson Navigation Co. (Matson), and Hilo Transportation & Terminal Co., Ltd. (Hilo), modifies the basic agreement between the parties which provides for a 25 year agreement granting Hilo the right to occupy and use terminal property at Hilo, Hawaii, for the purpose of loading sugar on vessels operated by or approved by Matson. Agreement No. 9055-A refers to a "second 1950 agreement" between Matson and Hilo covering gantry equipment. The purpose of the modification is to (1) extend the termination of the second 1950 agreement to December 31, 1965, subject to certain conditions with respect to earlier termination and to (2) amend its rental terms.

Dated: March 24, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[P.R. Doc. 65-3148; Filed, Mar. 26, 1965;  
8:48 a.m.]

## PACIFIC/INDONESIAN CONFERENCE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Mari-

time Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. E. Spaulding, Secretary, Pacific/Indonesian Conference, 635 Sacramento Street, San Francisco, Calif., 94111.

Agreement 6060-12 between the member lines of the Pacific/Indonesian Conference has been filed with the Commission for approval to modify the admission, withdrawal, and expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR Part 523).

Dated: March 24, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[P.R. Doc. 65-3149; Filed, Mar. 26, 1965;  
8:48 a.m.]

## PACIFIC-STRAITS CONFERENCE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. E. Spaulding, Secretary, Pacific-Straits Conference, 635 Sacramento Street, San Francisco, Calif., 94111.

Agreement 5680-10 between the member lines of the Pacific-Straits Conference has been filed with the Commission for approval to modify the admission, withdrawal, and expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR Part 523).

Dated: March 24, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[P.R. Doc. 65-3150; Filed, Mar. 26, 1965;  
8:48 a.m.]



**CONTINENTAL GRAIN COMPANY OF MASSACHUSETTS AND CONTINENTAL GRAIN CO.**

**Notice of Agreement Filed for Approval**

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Kominers & Fort, Tower Building, 1401 K Street NW., Washington, D.C., 20005.

Agreement No. T-44-1, between Continental Grain Co., of Massachusetts and Continental Grain Co., amends the basic lease between the Continental Grain Co. of Massachusetts and the New York Central Railroad Co., which provides for the 11-year lease of a grain terminal facility at East Boston, Mass. The purpose of the modification is to provide for the transfer and assignment of the lease from the Continental Grain Co. of Massachusetts to its parent company, Continental Grain Co.

Dated: March 25, 1965.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[P.R. Doc. 65-3214; Filed, Mar. 26, 1965; 8:49 a.m.]

**SECURITIES AND EXCHANGE COMMISSION**

[File No. 811-647]

**CANADA GENERAL FUND, LTD.**

**Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company**

MARCH 23, 1965.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Canada General Fund Limited ("applicant"), a Canadian corporation and a management,

open-end, diversified investment company registered under the Investment Company Act of 1940 ("Act"), has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a complete statement of applicant's representations, which are summarized below.

Applicant represents that on February 17, 1964, it changed its domicile to the United States and transferred its assets to Canada General Fund, Inc. ("Fund"), 111 Devonshire Street, Boston, Massachusetts, a Massachusetts corporation. Pursuant to the change of domicile, applicant's shareholders exchanged their shares of applicant for shares of Fund on a share-for-share basis.

The application states that applicant has no assets and that all known liabilities of applicant have been paid.

Notice is further given that any interested person may, not later than April 9, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[P.R. Doc. 65-3116; Filed, Mar. 26, 1965; 8:45 a.m.]

[File No. 1-3421]

**CONTINENTAL VENDING MACHINE CORP.**

**Order Suspending Trading**

MARCH 17, 1965.

The common stock, 10¢ par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 18, 1965, through March 27, 1965, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[P.R. Doc. 65-3117; Filed, Mar. 26, 1965; 8:45 a.m.]

[File No. 24A-1745]

**FIBERCRAFT PRODUCTS CORP. ET AL.**

**Notice and Order for Hearing**

MARCH 23, 1965.

I. Fibercraft Products Corp., 1820 NE 146th Street, North Miami, Fla., together with two selling stockholders, Thomas C. Bennett, Jr., and Jacqueline W. Bennett (Respondents), filed on November 29, 1964, a notification and certain exhibits, including a statement required by Rule 257 of Regulation A, relating to a proposed offering of an unspecified number of shares of its \$0.10 par value common stock at the market price with a maximum aggregate offering price of \$50,000. The Atlanta Regional Office sent a comment letter on November 30, 1964, to which no amendment was received.

II. On March 11, 1965, the Commission issued an order temporarily suspending the issuer's Regulation A exemption pursuant to Rule 261 of Regulation A. On March 18, 1965, the Commission received a letter from the Respondents' attorney requesting a hearing.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10 a.m., e.s.t., on April 29, 1965, at the Miami Branch Office of the Commission, Room 1504, 51 Southwest First Avenue, Miami, Fla., with respect to the matters set forth in section II of the Commission's order dated March 11, 1965, which temporarily suspended the Regulation A exemption of Fibercraft Products Corp., without prejudice, however, to the specification of additional issues which may be presented in the proceedings.

III. It is further ordered, That Sidney Gross, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are here-



by authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by certified mail on Fibercraft Products Corp., issuer, and Thomas C. Bennett, Jr., and Jacqueline W. Bennett, offerors, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before April 27, 1965, or such earlier date as may be specified in this proceeding, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That the Respondents, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II of the Commission's order dated March 11, 1965. Such answer shall be filed and shall specifically admit, deny, or state that each Respondent does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II of the Commission's order dated March 11, 1965.

Notice is hereby given that if Fibercraft Products Corp., fails to file an answer pursuant to 17 CFR 201.7 within 15 days after service upon it of this notice and order for hearing, the proceedings may be determined against Fibercraft Products Corp., by the Commission upon consideration of this notice and order for hearing, and the allegations in section II of the Commission's order dated March 11, 1965, may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 65-3118; Filed, Mar. 26, 1965;  
8:45 a.m.]

[File No. 70-4262]

**GEORGIA POWER CO.**

**Notice of Proposed Issue and Sale of Short-Term Notes**

MARCH 23, 1965.

Notice is hereby given that a declaration and an amendment thereto has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), by Georgia Power Co. ("Georgia"), 270 Peachtree Street NW, Atlanta, Ga., 30303, an exempt holding company and an electric utility subsidiary company of The Southern Company ("Southern"), a registered holding company. Georgia has designated sections 6(a), 6(b), and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, on file at the office of the Commission, for a statement of

the transaction therein proposed, which is summarized as follows:

Georgia proposes to issue, from time to time prior to October 1, 1965, unsecured promissory notes to banks in an aggregate principal amount not to exceed \$40,000,000, including in such amount an aggregate of \$22,671,050 principal amount of promissory notes already issued pursuant to the exemption provided by the first sentence of section 6(b) of the Act. Each note presently outstanding bears interest at the rate of 4½ percent per annum and matures not more than 9 months after its date of issue. Each note proposed to be issued will bear interest at the prime rate in effect at Chemical Bank-New York Trust Co., in New York (presently 4½ percent per annum) on the date of issue and will mature not more than 9 months after the date of issue. All such notes, presently outstanding or proposed to be issued, are prepayable, in whole or in part, without penalty or premium.

Shown below is the maximum principal amount of notes which may be issued to each of the designated banks, including notes presently outstanding:

	Amount
Bank of Commerce, Americus, Ga.	\$50,000
Citizens Bank of Americus, Americus, Ga.	50,000
First American Bank & Trust Co., Athens, Ga.	35,500
The National Bank of Athens, Athens, Ga.	85,000
Fulton National Bank, Atlanta, Ga.	1,250,000
The Bank of Georgia, Atlanta, Ga.	500,000
The Citizens & Southern National Bank, Atlanta, Ga.	4,500,000
The First National Bank of Atlanta, Atlanta, Ga.	5,000,000
Trust Co. of Georgia, Atlanta, Ga.	2,500,000
Georgia Railroad Bank & Trust Co., Augusta, Ga.	600,000
The First National Bank & Trust Co. of Augusta, Augusta, Ga.	125,000
Austell Bank, Austell, Ga.	30,000
The Citizens Bank & Trust Co., Bainbridge, Ga.	35,000
Baxley State Bank, Baxley, Ga.	20,000
American National Bank of Brunswick, Brunswick, Ga.	100,000
The First National Bank of Brunswick, Brunswick, Ga.	125,000
Bank of Canton, Canton, Ga.	50,000
Etowah Bank, Canton, Ga.	45,000
The Peoples Bank, Carrollton, Ga.	40,000
West Georgia National Bank, Carrollton, Ga.	25,000
Liberty National Bank, Cedartown, Ga.	35,000
The Commercial National Bank, Cedartown, Ga.	35,000
State Bank of Cochran, Cochran, Ga.	20,000
Columbus Bank & Trust Co., Columbus, Ga.	500,000
First National Bank of Columbus, Columbus, Ga.	400,000
The Fourth National Bank of Columbus, Columbus, Ga.	200,000
Cornelia Bank, Cornelia, Ga.	40,000
First National Bank, Cornelia, Ga.	50,000
First National Bank of Dalton, Dalton, Ga.	140,000
Hardwick Bank & Trust Co., Dalton, Ga.	75,000
Citizens & Southern Bank of Dublin, Dublin, Ga.	60,000

	Amount
Farmers & Merchants Bank, Dublin, Ga.	\$35,000
The Morris State Bank, Dublin, Ga.	30,000
Farmers & Merchants Bank, Eatonton, Ga.	20,000
The Peoples Bank, Eatonton, Ga.	10,000
Farmers & Merchants Bank, Fayetteville, Ga.	17,500
The Citizens Bank, Gainesville, Ga.	50,000
Gainesville National Bank, Gainesville, Ga.	75,000
The Gordon Bank, Gordon, Ga.	10,000
Bank of Hartwell, Hartwell, Ga.	22,200
Bank of Hazlehurst, Hazlehurst, Ga.	20,000
Jeff Davis Bank, Hazlehurst, Ga.	18,500
Wilkinson County Bank, Irwinton, Ga.	12,500
Bank of Jonesboro, Jonesboro, Ga.	40,000
The Farmers Bank, Locust Grove, Ga.	12,000
First National Bank, Louisville, Ga.	35,000
The Peoples Bank of Lyons, Lyons, Ga.	10,000
First National Bank & Trust Co., in Macon, Macon, Ga.	500,000
Georgia Bank & Trust Co., Macon, Ga.	150,000
Bank of Madison, Madison, Ga.	30,000
The Pineland State Bank, Metter, Ga.	25,000
Exchange Bank, Milledgeville, Ga.	57,300
The Merchants & Farmers Bank, Milledgeville, Ga.	35,000
The Milledgeville Banking Co., Milledgeville, Ga.	40,000
Mount Vernon Bank, Mount Vernon, Ga.	13,500
Merchants & Citizens Bank, McRae, Ga.	20,000
Bankers Trust Co., New York, N.Y.	5,000,000
The Chase Manhattan Bank, New York, N.Y.	1,000,000
Chemical Bank-New York Trust Co., New York, N.Y.	10,900,000
First National City Bank, New York, N.Y.	1,500,000
Irving Trust Co., New York, N.Y.	1,580,000
Morgan Guaranty Trust Co., of New York, New York, N.Y.	1,000,000
Perry Loan & Savings Bank, Perry, Ga.	40,000
First National Bank of Rome, Rome, Ga.	175,000
National City Bank of Rome, Rome, Ga.	125,000
The Rome Bank & Trust Co., Rome, Ga.	55,000
The Bank of Soperton, Soperton, Ga.	20,000
Bulloch County Bank, Statesboro, Ga.	50,000
Sea Island Bank, Statesboro, Ga.	25,000
The First State Bank, Stockbridge, Ga.	10,000
Farmers & Merchants Bank, Summerville, Ga.	60,000
The Central Bank, Swainsboro, Ga.	27,000
Tennille Banking Co., Tennille, Ga.	30,000
First National Bank, Thomson, Ga.	30,000
The Bank of Tifton, Tifton, Ga.	50,000
First National Bank, Valdosta, Ga.	80,000
First State Bank, Valdosta, Ga.	45,000
Darby Banking Co., Vidalia, Ga.	25,000
Commercial Bank, Waycross, Ga.	40,000
First National Bank in Waycross, Waycross, Ga.	50,000
Bank of Waynesboro, Waynesboro, Ga.	37,500



	Amount
First National Bank, Waynesboro, Ga.	\$26,500
Bank of Wrightsville, Wrightsville, Ga.	10,000
Total	40,000,000

Georgia proposes to use (a) the proceeds from all of said notes, (b) cash on hand (including \$9,500,000 proceeds from the proposed sale to Southern of additional shares of common stock authorized by the Commission on March 11, 1965 (Holding Company Act Release No. 15201)), and (c) the proceeds from the contemplated sale, in September 1965, of \$36,500,000 principal amount of first mortgage bonds and \$6,000,000 aggregate par value of preferred stock (which are to be the subject of a subsequent filing with the Commission), to finance its 1965 construction program, to reimburse its treasury for retirement of previously outstanding bonds, to pay short-term bank loans incurred for such purposes, and for other lawful purposes. Georgia's 1965 construction program is estimated at \$83,515,000. The filing states further that Georgia's notes to banks presently outstanding and to be issued pursuant to this declaration will be paid in full at or before maturity from the proceeds of said contemplated sale of bonds and preferred stock; and that no additional financing for construction will be required during 1965 except for short term bank loans which the company estimates will be outstanding in the amount of \$19,000,000 at December 31, 1965.

It is also stated that the fees and expenses in connection with the proposed transaction are estimated at \$700, including \$500 for legal fees; and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 12, 1965, 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 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 declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be 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 its rules under the Act 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.

[P.R. Doc. 65-3119; Filed, Mar. 26, 1965;  
8:45 a.m.]

[File No. 811-650]

### KEYSTONE INTERNATIONAL FUND, LTD.

#### Notice of Application for Order That Company Has Ceased To Be an Investment Company

MARCH 23, 1965.

Notice is hereby given that Keystone International Fund, Ltd. ("applicant"), 50 Congress Street, Boston, Mass., 02109, a Canadian corporation registered as an open-end diversified management company under the Investment Company Act of 1940 ("Act"), has filed an application for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein.

Applicant was permitted to register under the Act pursuant to an order issued by the Commission under section 7(d) of the Act on August 18, 1954. On November 1, 1963, pursuant to a plan of reorganization and an agreement between applicant and Keystone International Fund, Inc., a Massachusetts corporation ("Successor"), applicant transferred all of its assets to Successor and in consideration thereof Successor assumed all of applicant's liabilities. Successor exchanged with the registered shareholders of applicant one share of capital stock of Successor in exchange for and in complete cancellation of each common share of applicant then outstanding. Applicant represents that since November 1, 1963, it owned no assets, conducted no business, that it neither proposes to acquire nor conduct any business and that it has therefore ceased to be an investment company within the meaning of the Act.

Notice is further given that any interested person may, not later than April 14, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated

under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[P.R. Doc. 65-3120; Filed, Mar. 26, 1965;  
8:45 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30]

### PUERTO RICO AREA

#### Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Acting Regional Director by Delegation of Authority No. 30-P.R., 30 F.R. 1212, as amended, 30 F.R. 2742, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations* (Delegated to the positions as indicated below). To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations* (Delegated to the positions as indicated below). To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division* (and Assistant Chief, if assigned).

1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve the following:

a. Business and disaster loans not exceeding \$350,000 (SBA share).

b. Section 502 loans—direct \$50,000 and participation loans where the bank's share is 10 percent or more—\$100,000.

4. Decline loan applications in the categories described in Item I.C.3.b. above.

5. To decline business and disaster loans of any amount.

6. To disburse unsecured disaster loans.

7. To enter into business and disaster loan participation agreements with banks.

8. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator  
By \_\_\_\_\_  
(Name)  
(Title of person signing)



9. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

10. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

13. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposits, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Processing and Administration Section.* 1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Items I.C.3. and 4.

3. To decline business and disaster loans of any amount.

4. Items I.C.7. through 11.

5. Item I.C.13.—only the authority for servicing, administration, and collection, including subitems a. and b.

6. Item I.A. (Size Determinations for Financial Assistance only.)

7. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Chief, Loan Liquidation Section.* Item I.C.12.—only the authority for liquidation, including collateral purchased, and subitems a. and b.

F. *Reserved.*

G. *Reserved.*

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PA and MA Activities only.)

2. Item I.B. (Eligibility Determinations on PA and MA Activities only.)

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorneys in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority to the date hereof.

Effective date: February 1, 1965.

ANTONIO YORDAN,  
Acting Regional Director,  
Santurce, Puerto Rico.

[F.R. Doc. 65-3113; Filed, Mar. 26, 1965;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 24, 1965.

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. 39643—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 535), for interested rail carriers. Rates on icing paste, iron or steel ingots, excelsior paper, diglycolamine or methylene chloride, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff—Supplement 28 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA No. 39645—*Synthetic plastics from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A4650), for interested rail carriers. Rates on synthetic plastics, as described in the application, in carloads, from Calvert, Ky., to Joliet and Kankakee, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 70 to Southern Freight Association, agent, tariff I.C.C. S-272.

#### AGGREGATE-OF-INTERMEDIATES

FSA No. 39644—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 536), for interested rail carriers. Rates on icing paste, iron or steel ingots, and other commodities, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 28 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL]

BERTHA F. ARMES,  
Acting Secretary.

[F.R. Doc. 65-3145; Filed, Mar. 26, 1965;  
8:48 a.m.]

### FOURTH SECTION APPLICATION FOR RELIEF

#### Correction

In F.R. Doc. 65-3073 appearing in the issue for Thursday, March 25, 1965, at page 3918, "FSA No. 39633" should read "FSA No. 39638".



## CUMULATIVE LIST OF CFR PARTS AFFECTED—MARCH

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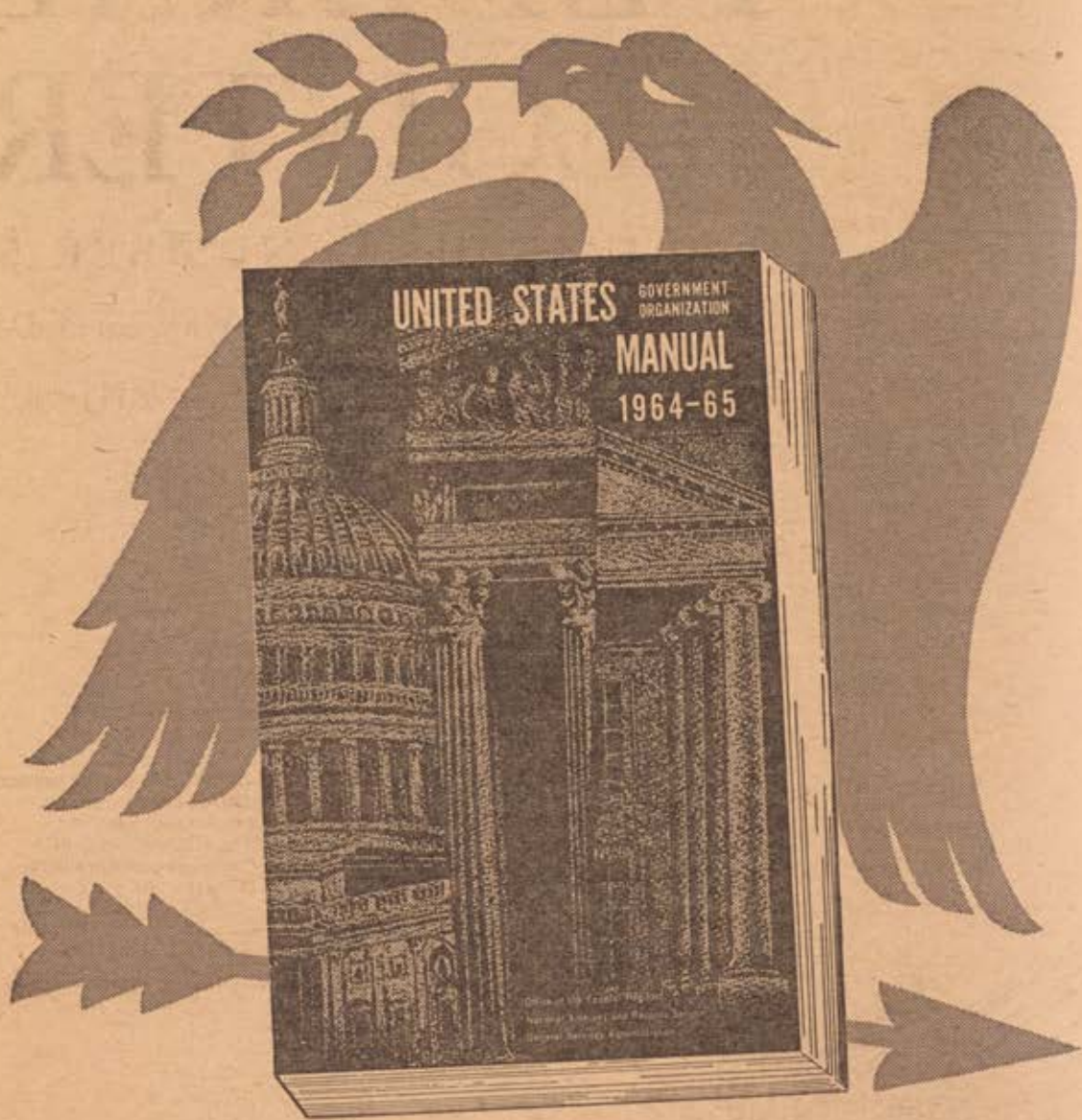
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