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FEDERAL REGISTER

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Title 3—THE PRESIDENT

Executive Order 11146

AMENDMENT OF EXECUTIVE ORDER NO. 10204,[1] PRESCRIBING REGULATIONS GOVERNING THE PAYMENT OF BASIC ALLOWANCES FOR QUARTERS

By virtue of the authority vested in me by Section 403(g) of Title 37 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces, Executive Order No. 10204 of January 15, 1951, as amended by Section 3 of Executive Order No. 11120 of October 2, 1963, is hereby amended as follows:

SECTION 1. Paragraphs 3, 4, and 5 are amended to read as follows:

"3. Any quarters or housing facilities under the jurisdiction of any of the uniformed services in fact occupied without payment of rental charges (a) by a member and his dependents, or (b) at his permanent station by a member without dependents, or (c) by the dependents of a member on field duty or on sea duty or on duty at a station where adequate quarters are not available for his dependents, shall be deemed to have been assigned to such member as appropriate and adequate quarters, and no basic allowance for quarters shall accrue to such member under such circumstances unless the occupancy (i) occurs while such member is in a duty or leave status incident to a change of permanent station and is of a temporary nature under standards prescribed by regulations issued by the Secretary of Defense in the case of members of the Army, Navy, Air Force, or Marine Corps, and the reserve components thereof, or by the appropriate Secretary in the case of members of the other uniformed services, or (ii) occurs while such member is in a leave status not incident to a change of permanent station and does not exceed seven consecutive days at one location: *Provided*, That occupancy of quarters under such circumstances for a period in excess of such 7-day period or such other temporary period as may be authorized under standards prescribed by regulations issued by the Secretary concerned shall not result in a forfeiture of basic allowance for quarters for such 7-day or other authorized period: *Provided further*, That this paragraph shall not apply to occupancy of quarters as a guest of another member.

"4. When adequate quarters for his dependents are not available for assignment at his permanent station to a member with dependents, he may occupy quarters of the United States designated for members without dependents without affecting his right to receive payment of basic allowances for quarters, if permitted or required to occupy quarters at such station. Under such circumstances, a member may not occupy quarters of the United States which exceed the minimum standards for members of his grade without dependents, as prescribed by the Secretary concerned, unless the only quarters available (a) exceed the minimum standards, and (b) are made available for joint occupancy with other members.

"5. A member away from his permanent station may occupy quarters of the United States designated for members without dependents at his temporary duty station without affecting his right to receive payment of basic allowances for quarters or assignment of quarters, if any, at his permanent station. Under such circumstances, a member may not occupy quarters of the United States which exceed the minimum standards for members of his grade without dependents, as prescribed by the Secretary concerned, unless the only quarters available (a) exceed the minimum standards, and (b) are made available for joint occupancy with other members."

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[1] 16 F.R. 417; 3 CFR 1949–1953 Comp., p. 387.

SEC. 2. Paragraphs 6, 7, and 8 are redesignated as Paragraphs "7", "8", and "9", respectively, and the following new Paragraph 6 is inserted after Paragraph 5:

"6. A member serving outside the United States, its territories, or possessions in a duty assignment whch has official or diplomatic responsibilities involving officials of foreign governments may be assigned quarters in excess of the minimum standards set forth in Paragraphs 4 and 5 of this order, as prescribed by the Secretary concerned: *Provided*, That no such quarters shall be available on a continuous basis for single occupancy, if such quarters are otherwise adequate for assignment as family housing to members of similar rank."

SEC. 3. Paragraph 1(c) is amended by striking out "section 206 of the said Career Compensation Act of 1949" and inserting in lieu thereof "Section 305 of Title 37 of the United States Code."

SEC. 4. Paragraph 7, as redesignated by Section 2 of this order, is amended by striking out "section 102(f) of the said Career Compensation Act of 1949)" and inserting in lieu thereof "Section 101(5) of Title 37 of the United States Code)".

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 13, 1964.

[F.R. Doc. 64-2642; Filed, Mar. 16, 1964; 10:08 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[Lemon Reg. 101, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), 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 recommendation 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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.401 (Lemon Regulation 101; 29 F.R. 3149) are hereby amended to read as follows:

§ 910.401 Lemon Regulation 101.

* * * * *

(b) * * *
(1) * * *

(ii) District 2: 218,550 cartons.

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

Dated: March 12, 1964.

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

[F.R. Doc. 64-2548; Filed, Mar. 16, 1964; 8:47 a.m.]

PART 916—NECTARINES GROWN IN CALIFORNIA

Redefinition and Changes of Certain Districts

Notice was published in the FEDERAL REGISTER issue of February 5, 1964 (29 F.R. 1736), that the Department was giving consideration to a proposed amendment of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 916.100 et seq.; 25 F.R. 238, 4856) currently in effect under the marketing agreement and Order No. 916 (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order; is based, insofar as practicable on shifts in nectarine production in the districts and in the production area; and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. Delete § 916.105 and substitute therefor the following:

§ 916.105 Redefinition of certain districts.

The subdivisions of the production area are redefined and renumbered as follows:

(a) "District 1" shall include the counties of Madera, Fresno, and Kings and that portion of Tulare County north of the 4th Standard Parallel south of Mount Diablo Base Line of the General Land Office.

(b) "District 2" shall include that portion of Tulare County not included in District 1.

(c) "District 3" shall include all of the production area lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino.

(d) "District 4" shall include the counties of Merced and Stanislaus and the balance of the production area.

2. Delete § 916.107 and substitute therefor the following:

§ 916.107 Changes in the representation of certain districts.

The representation or membership on the Nectarine Administrative Committee is changed to provide for:

(a) Five (5) members and their respective alternates shall be producers of nectarines in District 1;

(b) One (1) member and his alternate shall be producers of nectarines in District 2;

(c) One (1) member and his alternate shall be producers of nectarines in District 3;

(d) One (1) member and his alternate shall be producers of nectarines in District 4.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) changes in the representation of districts on the administrative committee are required to be based, insofar as practicable, on shifts in nectarine production within the districts and the production area: (2) accurate information concerning such shifts of production was not available to the Department until January 24, 1964; (3) notice that consideration was being given to the proposed amendment was issued on January 30, 1964, and published in the FEDERAL REGISTER on February 5, 1964; and (4) it is necessary that this amendment be made effective as soon as practicable in order that the Secretary may select the members and alternate members of the Nectarine Administrative Committee for the 1964 fiscal period in accordance with the redefined districts and representation set forth in this amendment.

Dated, March 12, 1964, to become effective upon publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 64-2564; Filed, Mar. 16, 1964; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1963-Crop Barley Supp., Amdt. 4]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963-Crop Barley Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation (28 F.R. 6258, 8273, 9809 and 10966) with respect to barley produced in 1963 which contain specific requirements for the 1963-crop of barley are hereby amended as follows:

1. Section 1421.2210(f) is amended to increase the basic support rate for

Sheridan County, Montana. The amended paragraph reads as follows:

§ 1421.2210 Support rates.

* * * * *

(f) *Basic support rates for counties.*

MONTANA

County	Rate per bushel	
	From—	To—
Sheridan	$0.63	$0.64

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 11, 1964.

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

[F.R. Doc. 64-2565; Filed, Maf. 16, 1964; 8:50 a.m.]

Title 12—BANKS AND BANKING

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

PART 1—INVESTMENT SECURITIES REGULATION

Jacksonville Expressway Revenue Bonds

§ 1.134 Jacksonville Expressway Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $135 million Jacksonville Expressway Revenue Bonds, Series of 1963, of the Jacksonville Expressway Authority (Florida) are eligible for investment by National Banks under the provisions of paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Jacksonville Expressway Authority, a corporate agency of the State of Florida, was created pursuant to a special act of the Florida Legislature. Its principal purpose is to issue its bonds to finance an expressway system in metropolitan Jacksonville to be leased to and operated by the Florida State Road Department. It is authorized to secure its bonds by a pledge of toll and other revenues and certain gasoline tax funds. The costs of operation and maintenance of the expressway system are paid by the Florida State Road Department from monies other than the tolls and other revenues of the system. The system is presently composed of three toll bridges and a system of expressways.

(2) The proceeds from the sale of these bonds will be used to refinance the Authority's outstanding bonds (Series of 1957) and to construct an additional bridge and other expressway improvements. The financial history of the Authority over the past six years shows a steady increase in gross tolls and in available gasoline tax funds. If funds from these sources continue at the current level, they will be sufficient to cover the debt service requirements of the proposed bond issue through 1972. Engineering estimates indicate that with the construction of the new bridge and other improvements, funds available for bond service will be sufficient to enable the Authority to perform all that it undertakes to perform in connection with these bonds, including all debt service requirements.

(c) *Ruling.* It is our conclusion that a bank may in these circumstances prudently determine that there is adequate evidence that the Authority will be able to perform all that it undertakes to perform and that the Jacksonville Expressway Revenue Bonds, Series of 1963, of the Jacksonville Expressway Authority meet the requirements of § 1.5(a) of this part and are eligible for investment by National Banks under the provisions and subject to the 10 percent limitation of paragraph Seventh of 12 U.S.C. 24.

Dated: March 11, 1964.

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

[F.R. Doc. 64-2554; Filed, Mar. 16, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-LAX-2]

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

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Areas and Controlled Airspace

The purpose of these amendments to §§ 73.23 and 71.151 of the Federal Aviation Regulations is to designate the Federal Aviation Agency, Phoenix ARTC Center controlling agency of the following restricted areas and include the areas in the continental control area:

R-2301 Ajo, Arizona.
R-2304 Gila Bend, Arizona.
R-2305 Gila Bend, Arizona.

The Federal Aviation Agency has determined that designation of R-2301, R-2304, and R-2305 as joint use restricted areas would result in more efficient utilization of the airspace within these areas. Further, to provide for maximum flexibility in the positive control environment, the restricted areas are being included in the continental control area. The Department of the Air Force has concurred in these actions.

Since these amendments impose no additional burden on the public, notice and public procedure hereon are unnecessary and they may be made effective immediately.

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

1. Section 73.23 (29 F.R. 1236) is amended as follows:

a. In R-2301 Ajo, Arizona, "Using agency. Commander, Luke AFB, Arizona." is deleted and "Controlling agency. Federal Aviation Agency, Phoenix ARTC Center. Using agency. Commander, Luke AFB, Arizona." is substituted therefor.

b. In R-2304 Gila Bend, Arizona, "Using agency. Commander, Luke AFB, Arizona." is deleted and "Controlling agency. Federal Aviation Agency, Phoenix ARTC Center. Using agency. Commander, Luke AFB, Arizona." is substituted therefor.

c. In R-2305 Gila Bend, Arizona, "Using agency. Commander, Luke AFB, Arizona." is deleted and "Controlling agency. Federal Aviation Agency, Phoenix ARTC Center. Using agency. Commander, Luke AFB, Arizona." is substituted therefor.

2. In the text of § 71.151 (29 F.R. 1067) the following are added:

R-2301 Ajo, Arizona.
R-2304 Gila Bend, Arizona.
R-2305 Gila Bend, Arizona.

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

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

Issued in Washington, D.C., on March 10, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-2522; Filed, Mar. 16, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. No. 4056; Amdt. 707]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Model 720 Series Aircraft

Amendment 660, 28 F.R. 14238, AD 63-26-1, requires inspection of the second and third stage compressor rotor disc spacer assemblies on Boeing Model 720 Series aircraft equipped with Pratt and Whitney JT3C-7 and JT3C-12 turbojet engines within every 500 hours' time in service. Since the issuance of Amendment 660, a failure has occurred at less than 500 hours. Therefore, Amendment 660 is being superseded by a new directive to require inspection at every 250 hours instead of 500 hours.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Model 720 Series aircraft with Pratt and Whitney JT3C-7 and JT3C-12 turbo jet engines installed.

Compliance required as indicated.

As the result of the failure of the second and third stage compressor rotor disc spacer assemblies, P/Ns 359411 and 359412, respectively, and resultant serious engine damage together with possible aircraft damage, accomplish the following:

(a) For spacer assemblies previously inspected by the procedure described in (c), reinspect in accordance with (c) as follows:

(1) Inspect spacer assemblies having 200 or more hours' time in service since the last inspection within 50 hours' time in service after the effective date of this AD, and within each 250 hours' time in service thereafter.

(2) Inspect spacer assemblies having less than 200 hours' time in service since last inspection prior to the accumulation of 250 hours' time in service and within each 250 hours' time in service thereafter.

(b) For spacer assemblies not previously inspected by the procedure described in (c), inspect in accordance with (c) as follows:

(1) Inspect spacer assemblies with 950 or more hours' time in service since last overhaul within the next 50 hours' time in service after the effective date of this AD, and every 250 hours' time in service thereafter.

(2) Inspect spacer assemblies with less than 950 hours' time in service since last overhaul prior to the accumulation of 1,000 hours' time in service since last overhaul and every 250 hours' time in service from the last inspection.

(c) Incorporate an inspection hole and plug in the compressor case and second stage pressor case and third stage vane and shroud vane and shroud assembly and in the comassembly in accordance with Pratt and Whitney Aircraft letter dated November 22, 1963, and its two enclosed sketches. Using an American Systoscope Markers Incorporated Model B-175-AS-15 or FAA approved equivalent viewing instrument inserted through these holes, inspect the second and third stage compressor rotor disc spacer assemblies for possible cracks in all the visible areas of each spacer. Give particular attention to the front and rear seal edges. If any cracks are found, remove the engine before further flight and disassemble for confirmation of the cracks. Replace any cracked spacer assemblies.

(d) When P/N's 420145 and 429175 second and third stage compressor rotor disc spacer assemblies, respectively, are incorporated, the inspections prescribed by this AD are no longer required.

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

(Pratt and Whitney Aircraft telegraphic message dated November 20, 1963, to Eastern Air Lines and Pratt and Whitney Aircraft letter dated November 22, 1963, and enclosed two sketches to all operators of JT3C-7 turbojet engines cover the same subject.)

This supersedes Amendment 660, 28 F.R. 14238, AD 63-26-1.

This amendment shall become effective March 17, 1964.

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

Issued in Washington, D.C., on March 12, 1964.

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

[F.R. Doc. 64-2568; Filed, Mar. 16, 1964; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev., Export Regs., Amdt. No. 81]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 385—EXPORTATION OF TECHNICAL DATA

Miscellaneous Amendments

1. Section 370.2 *Prohibited exportations*, paragraph (a) *General provisions*, subparagraph (1) is amended to read as follows:

§ 370.2 Prohibited exportations.

(a) *General provisions.* * * *

(1) Any exportation to Canada (see § 370.3) except: [1]

(i) Sugar, beet and cane, Schedule B No. 16190;

(ii) Walnut logs, bolts, and hewn timber, Schedule B No. 40040; and

(iii) The types of technical data described in § 385.2(c)(5) of this chapter.

* * * * *

2. Part 385—Exportation of Technical Data is amended in the following respects:

a. Sections 385.1 and 385.2 are amended to read as follows:

§ 385.1 Definitions.

(a) *Technical Data.* "Technical Data" means any professional, scientific or technical information, including any model, design, photograph, photographic film, document or other article or material, containing a plan, specification, or descriptive or technical information of any kind which can be used or adapted for use in connection with any process, synthesis, or operation in the production, manufacture, utilization, or reconstruction of articles or materials. The provisions of this Part 385—*Technical Data*, do not apply to "classified" technical data, i.e., technical data, which have been officially assigned a security classification, i.e.: "top secret," "secret," or "confidential," by an officer or agency of the United States Government. The exportation of classified technical data is controlled by the Office of Munitions Control, Department of State, Washington, D.C., 20520 (see § 370.5 of this chapter).

(b) *Exportation of Technical Data.* [1] [2] "Exportation of Technical Data" is defined as any release of unclassified technical data for use outside the United States. It includes the actual shipment out of the United States as well as the furnishing of data in the United States to persons with the knowledge or intention that the persons to whom it is furnished will take such data out of the United States.

§ 385.2 General licenses.

(a) *Which general license may be used*—(1) *Scientific and educational technical data.* Unclassified scientific or educational technical data, as described in paragraph (d) of this section, may be exported under the provisions of General License GTDS in either published or unpublished form. At the discretion of the exporter, scientific or educational technical data may be exported under General License GTDP or GTDU if the specified provisions of either of these general licenses are met (see paragraphs (b) and (c) of this section).

(2) *Other types of technical data.* Unclassified technical data which do not fall within the definition of "scientific" or "educational" as defined in paragraph (d) of this section, may be exported as follows:

(i) Under the provisions of General License GTDP if it is generally available in published form (see paragraph (b) of this section).

(ii) Under the provisions of General License GTDU if it is not generally available in published form (see paragraph (c) of this section).

A validated export license is required if the technical data are not exportable under the provisions of General License GTDS, GTDP or GTDU.

(b) *General License GTDP; Published technical data.* A general license designated GTDP is hereby established authorizing the exportation to all destinations of unclassified technical data generally available in published form. Technical data are considered as generally available in published form if they are:

[1] See § 379.1(d) regarding the requirement of a Shipper's Export Declaration for certain exportations to Canada.

[1] License applications for, or questions as to, the exportation of unclassified technical data relating to commodities which are licensed by government agencies other than the Department of Commerce shall be referred to the appropriate government agency for consideration.

[2] In addition to the regulations issued by the U.S. Patent Office, technical data contained in or related to inventions made in foreign countries or in the United States, are subject to the Department of Commerce regulations covering the exportation of technical data, in the same manner as the exportation of other types of technical data. Patent attorneys and others are advised to consult with the U.S. Patent Office, Department of Commerce, Washington, D.C., 20231, relative to the U.S. Patent Office regulations concerning the filing of patent applications or amendments in foreign countries.

(1) Sold at newsstands or bookstores;
(2) Available by subscription or purchase without restrictions to any person or available without cost to any person; or
(3) Freely available at public libraries.

(c) *General License GTDU; Unpublished technical data*—(1) *Applicability.* A general license designated GTDU is hereby established authorizing the exportation of unclassified technical data, which is either unpublished or not generally available in published form (that is, technical data not exportable under the provisions of General License GTDP) subject to the other provisions and limitations set forth in this paragraph (c).

(2) *Destination restrictions.* This general license shall not be applicable to any exportation of technical data directly or indirectly to any Subgroup A destination, Poland (including Danzig), or Cuba; except that technical data such as manuals, instruction sheets, or blueprints may be exported to any destination other than Communist China, North Korea, or the Communist-controlled area of Viet-Nam, provided that such technical data are:

(i) Sent as part of a transaction involving, and directly related to, a commodity licensed for export from the United States to the same consignee and destination to which the commodity was or will be exported;

(ii) Sent no later than one year following the shipment of the commodity to which the technical data are related;

(iii) Of a type normally delivered with the commodity;

(iv) Necessary to the assembly, installation, maintenance, repair, or operation of the commodity; and

(v) Not related to the production, manufacture, or construction of the commodity.

(3) *Restriction relating to types of technical data.* This general license shall not be applicable to technical data relating to the commodities described in this subparagraph (3). The limitations set forth in this subparagraph (3) do not apply to the exportation of operating and maintenance instructional material or to technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the United States Patent Office.

(i) Civil aircraft, civil aircraft equipment, parts, accessories, or components listed on the Positive List of Commodities (§ 399.1 of this chapter); or

(ii) The following electronic commodities listed on the Positive List of Commodities (§ 399.1 of this chapter):

(*a*) Electrical and electronic instruments, Schedule B Nos. 70372 and 70379, specially designed for testing or calibrating the airborne direction finding, navigational and radar equipment described in Schedule B Nos. 70797 and 70867.

(*b*) Airborne transmitters, receivers, and transceivers, Schedule B No. 70779.

(*c*) Airborne direction finding equipment, Schedule B No. 70797.

(*d*) Airborne electronic navigation apparatus and airborne radar equipment, Schedule B No. 70867.

(iii) Neutron generators employing the electrostatic acceleration of ions and designed for operation without an external vacuum system, and specially fabricated parts and accessories for such neutron generators; Schedule B No. 70999.

(4) *Requirement of written assurance for certain data, services, materials, and equipment.* No exportation of technical data of the kind described in (i) and (ii) of this subparagraph (4) may be made under the provisions of this General License GTDU until the exporter has received written assurance from the importer that neither the technical data nor the direct product[1] thereof is intended to be shipped either directly or indirectly, to a Subgroup A country, Poland (including Danzig), or Cuba, except as provided in subdivision (iii) of this subparagraph (4). The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement which restricts disclosure of the technical data to use only in a country other than Subgroup A, Poland (including Danzig), or Cuba, and prohibits shipment of the direct product[1] thereof by the licensee to a Subgroup A country, Poland (including Danzig), or Cuba. An assurance included in a licensing agreement will be acceptable for all exportations made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained. In addition this general license is not applicable to any exportation of technical data of the kind described in subdivisions (i) and (ii) of this subparagraph (4) if, at the time of exportation of the technical data from the United States, the exporter knows or has reason to believe that the direct product[1] to be manufactured abroad by use of the technical data is intended to be exported directly or indirectly to a Subgroup A destination, Poland (including Danzig) or Cuba.

(i) Technical data and services listed in (*a*) below for the plants, processes, and equipment listed in (*b*) below:

(*a*) Type of technical data and services:

(*1*) Proprietary research and the results therefrom;

(*2*) Processes developed pursuant to research (including technology with regard to component equipment items);

(*3*) Catalyst production, activation, utilization, reactivation and recovery;

(*4*) Plant and equipment design and layout to implement the processes; and

(*5*) Construction and operations of plant and equipment.

(*b*) Types of plants, equipment, and processes:

The following plants, equipment, or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom;[2]

alkylation	nitration
aromatization	oxidation
cracking	oxo process
dehydrogenation	ozonolysis
desulfurization	polymerization
halogenation	reduction
hydrogenation	reforming
isomerization	

(ii) Technical data relating to the following materials and equipment:

(*a*) Steel line pipe of a size greater than 19 inches o.d. and having a yield strength greater than 40,000 psi as determined by API test (Schedule B Nos. 60627 and 60630);

(*b*) Forged steel pipe fittings having a pipe size connection greater than 19 inches o.d. and having a yield strength greater than 40,000 psi as determined by API test (Schedule B No. 61857);

(*c*) Centrifugal pumps designed for an internal pump-case working pressure of over 300 psi and a power input greater than 1,000 hp, and specially fabricated parts and accessories (Schedule B Nos. 77101 and 77119);

(*d*) Air and gas compressors, reciprocating, centrifugal, axial flow and mixed flow types, capable of receiving a power input greater than 2,000 hp and designed for a discharge greater than 300 psi, and specially fabricated parts and accessories (Scheduled B Nos. 77046, 77073, 77076, and 77078);

(*e*) Steel valves, with an inlet or outlet dimension 17 inches or greater and designed for a working pressure of over 300 psi, and specially fabricated parts and accessories (Schedule B Nos. 77450, 77460, and 77465);

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data, except that petroleum or chemical products other than molecular sieves or catalysts are not included in this definition. The coverage of the term does not extend to the results of the use of such "direct product." An example of the direct product of technical data is reforming process equipment designed and constructed by use of the technical data exported, but the aromatics produced by the reforming process equipment are not immediate or direct products of these technical data. However, if the technical data are a formula for producing aromatics, the aromatics, although they are immediate products of the data, are not included in this definition of direct product, since they are petroleum products. Conversely, if the technical data are a formula for producing either molecular sieves or catalysts, the foreign-produced molecular sieves and catalysts are included in the definition of direct product.

[2] This includes plants, equipment, or processes for the production, extraction, and purification of petroleum products, petrochemical products, and products derived therefrom. Examples of petrochemical products include methane, ethane, propane, butane and other aliphatics, as well as olefins, aromatics, naphthenes, and elements and other compounds.

(*f*) O-ing and U-ing presses specially designed for the manufacture of steel pipe of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Schedule B Nos. 74459 and 74468);

(*g*) Straightener-expander for pipes or tubes of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Schedule B Nos. 74459 and 74468);

(*h*) Portable pneumatic and hydraulic drilling machines capable of tapping steel line pipe of a size greater than 19 inches o.d. without interruption of flow (Schedule B Nos. 74570 and 74601);

(*i*) Meters with inlet or outlet diameter 10 inches or larger specially designed to measure flow in petroleum and/or natural gas pipe line (Schedule B No. 76680);

(*j*) Valves specially designed for temporarily stopping off or plugging a section of steel line pipe of a size greater than 19 inches o.d. (Schedule B No. 77450); and

(*k*) Automatic pipe welding machines capable of welding the joints of steel line pipe of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Schedule B Nos. 70106 and 70108);

(*l*) Pipe mills specially designed for the manufacture of steel pipe of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Schedule B No. 74480);

(*m*) Molecular sieves (for example, crystalline calcium alumino-silicate; crystalline sodium alumino-silicate; crystalline alkali metal alumino-silicates, etc.) (Schedule B Nos. 83799 and 83990).

(*n*) Pyrolitic graphite (i.e., graphite and doped graphites produced by vapor deposition) in any form (Schedule B No. 54809); semi-finished or finished materials or products containing pyrolitic graphite as a standing body, a coating, a lining, or a substrate (Schedule B Nos. 54730, 54805, and 54809).

(*o*) Electric industrial melting and refining furnaces and metal heat-treating furnaces specially designed for the production or processing of vapor deposited (pyrolitic) graphite or doped graphites whether as standing bodies, coatings, linings or substrates (Schedule B Nos. 70741 and 70744).

(iii) The limitations set forth in this subparagraph (4) do not apply to the exportation of technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the United States Patent Office.

(5) *Requirement of written assurance for certain additional products and destinations.* (i) Except for technical data requiring a written assurance in accordance with the provisions of subparagraph (4) of this paragraph, and except as provided in subdivision (v) of this subparagraph; no exportation of technical data relating to the commodities described in this subdivision (i) may be made under the provisions of this General License GTDU, until the United States exporter has received a written assurance from the foreign importer (including any Canadian importer) that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly:

(*a*) Reexport, directly or indirectly, to any Subgroup A, destination, to Poland (including Danzig) or to Cuba, any technical data relating to commodities listed on the Positive List of Commodities, § 399.1 of this chapter or in § 371.52 of this chapter;

(*b*) Export, directly or indirectly, to Communist China, North Korea, the Communist-controlled area of Viet-Nam, or Cuba, any direct product [4] of the technical data if such direct product [4] is listed on the Positive List of Commodities, § 399.1 of this chapter, or in § 371.52 of this chapter;

(*c*) Export, directly or indirectly, to any destination in the European Soviet [3] bloc or to Poland (including Danzig) any direct product [4] of the technical data if such direct product [4] is identified on the Positive List of Commodities by the symbol "A".

(ii) If the direct product [4] of any technical data is a complete plant or any major component of a plant which is capable of producing a commodity shown on the Positive List of Commodities, or in § 371.52 of this chapter, or in the United States Munitions List, a written assurance by the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) shall be obtained by the United States exporter (via the foreign importer), stating that, unless prior authorization is obtained from the Office of Export Control, such person will not knowingly:

(*a*) Reexport, directly or indirectly, to any Subgroup A destination, to Poland (including Danzig), or to Cuba the technical data relating to the plant or the major component of a plant;

(*b*) Export, directly or indirectly, to Communist China, North Korea, the Communist-controlled area of Viet-Nam, or Cuba, the plant, or the major component of a plant (depending upon which is the direct product [4] of the technical data), or any product of such plant, or of such major component, if such product is listed on the Positive List of Commodities, or in § 371.52 of this chapter, or in the United States Munitions List; or

(*c*) Export, directly or indirectly, to the European Soviet bloc,[3] or to Poland (including Danzig) the plant, or the major component of a plant (depending upon which is the direct product [4] of the technical data), or any product of such plant, or of such major component, if such product is identified on the Positive List of Commodities by the Symbol "A" or in the United States Munitions List.

(iii) The required assurance may be in the form of a letter or other written communication from the importer or, if applicable, the person in control of the distribution of the products of a plant; or the assurance may be incorporated into a licensing agreement which restricts disclosure of the technical data to use only in authorized destinations, and prohibits shipment of the direct product [4] thereof by the licensee to any unauthorized destination. An assurance included in a licensing agreement will be acceptable for all exportations made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained.

(iv) In addition, this general license is not applicable to any exportation of technical data of the kind described in this subparagraph (5) if, at the time of exportation of the technical data from the United States, the exporter knows or has reason to believe that the direct product [4] to be manufactured abroad by use of the technical data is intended to be exported directly or indirectly to any unauthorized destination.

(v) The limitations set forth in this subparagraph (5) do not apply to the exportation of technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the United States Patent Office.

NOTE: A written assurance is not required for the exportation under this General License GTDU of any technical data which does not fall within the description set forth in subparagraphs (4) or (5) of this paragraph.

(d) *General License GTDS; Scientific and educational technical data.* A general license designated GTDS is hereby established authorizing the exportation to all destinations of unclassified scientific and educational technical data involving:

(1) Dissemination of information not directly and significantly related to design, production and utilization in industrial processes, including such dissemination by correspondence and attendance at, or participation in, meetings; or

(2) Instruction in academic institutions and academic laboratories. "Instruction" is interpreted not to include research under contract where the research relates directly and significantly to design, production, and utilization in industrial processes.

b. Section 385.4 *Exportation under a validated license,* paragraph (c) *completion of application form and applica-*

[3] The term "European Soviet bloc", as used in this subparagraph (5), means the following destinations: Albania, Bulgaria, Czechoslovakia, East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, Rumania, and the Union of Soviet Socialist Republics.

[4] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

tion processing card, subparagraph (2) *Special provisions for certain commodities* is amended by redesignating (iii) as (iv), adding a new (iii) and amending redesignated (iv) to read as follows:

§ 385.4 Exportation under a validated license.

* * * * *

(c) *Completion of application form and application processing card.* * * *

(2) *Special provisions for certain commodities.* * * *

(iii) Neutron generators employing the electrostatic acceleration of ions and designed for operation without an external vacuum system, and specially fabricated parts and accessories for such neutron generators; Schedule B No. 70999.

(iv) For all license applications covering technical data relating to any of the commodities in subdivisions (i), (ii), (iii) of this subparagraph for export to any destination other than Poland (including Danzig), a Subgroup A destination, Cuba, or the Republic of the Congo (Leopoldville), an applicant shall attach to the license application a written statement of assurance from his foreign consignee that the technical data will not be reexported directly or indirectly to any country without prior authorization from the Office of Export Control. The statement shall also show that the direct product[5] produced by use of the technical data will not be exported directly or indirectly to Poland (including Danzig), a Subgroup A destination, Cuba, or the Republic of the Congo (Leopoldville) without prior authorization from the Office of Export Control. For a license application for a shipment of such technical data to the Republic of the Congo (Leopoldville), the same written statement is required except that the list of destinations set forth thereon to which the direct product[5] may not be exported shall omit the Republic of the Congo (Leopoldville). However, if the United States exporter is not able to obtain the required statement, or the consignee is unwilling to furnish assurances with respect to all of the requirements, the exporter may attach an explanatory statement to his license application setting forth the reasons therefor.

* * * * *

This amendment shall become effective April 1, 1964, except that until June 30, 1964, the exportation of any product of United States technical data made abroad pursuant to a licensing agreement entered into prior to April 1, 1964 in compliance with the Treasury Department regulations and which remain in effect until June 30, 1964, may be made under the previous provisions of this General License GTDU without regard to the new requirement for an assurance. After June 30, 1964, any exportations of technical data not meeting these new requirements of General License GTDU will require a validated export license.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003).

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

[F.R. Doc. 64-2621; Filed, Mar. 16, 1964; 8:53 a.m.]

[5] The term "direct product" used in this sentence and in this context only, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data. The coverage of the term does not extend to the results of the use of such "direct product." For example, if the technical data relate to the design of a new or improved airborne transmitter, the airborne transmitter produced from such data is a direct product of the data. However, if the technical data relate to the design of equipment which will be used for the production of airborne transmitters, then the equipment rather than the transmitter is the direct product of the technical data.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-7250, etc.]

PART 201—RULES OF PRACTICE

Miscellaneous Amendments

The Securities and Exchange Commission has adopted amendments to its rules of practice (17 CFR Part 201) concerning the entry and service of Commission orders and the maintenance of a docket.

The judicial review provisions of the various statutes administered by the Commission provide that a petition to review a Commission order shall be filed in the appropriate court of appeals within sixty days after the "entry" of the order sought to be reviewed. The recent decision of the Court of Appeals for the Ninth Circuit in the case of Lile v. Securities and Exchange Commission, 324 F. 2d 772 (1963), has caused uncertainty as to the meaning of the term "entry" and the running of the sixty-day period. The court appears to have construed Rule 22(b) of the Commission's rules of practice (17 CFR § 201.22(b)), which provides that "a docket of all proceedings shall be maintained," as referring to a docket similar to that in which the orders of a court are entered by the clerk of the court.

To avoid the present uncertainty, the Commission has deleted from its rules of practice the requirement that a docket be maintained and has adopted a definition of the term "entry." The rules changes also include a clarifying amendment relating to the service of Commission orders, a provision concerning the inspection of orders by interested persons and by the public, and several technical amendments. The text of the Commission's action is as follows:

I. Section 201.21 is amended by striking the word "issuance" in pararaph (e) and inserting in lieu thereof the word "entry". As so amended, § 201.21(e) reads:

§ 201.21 Hearings before the Commission.

* * * * *

(e) *Petition for rehearing.* Any petition for rehearing by the Commission shall be filed within 5 days after entry of the order complained of and shall clearly state the specific grounds and the specific matters upon which rehearing is sought.

II. Section 201.22 is amended by striking paragraph (b), which relates to the maintenance of a docket.

III. Section 201.22 is further amended by (i) striking the word "docket" in paragraph (g) and inserting in lieu thereof the word "file"; and (ii) adding at the end of § 201.22 a new paragraph (k). As so amended, § 201.22 reads:

§ 201.22 Filing; formalities; computation of time.

* * * * *

(b) [Deleted]

* * * * *

(g) *Title page.* All papers filed must include at the head thereof, or on a title page, the name of the Commission, the title of the proceeding, the names of the parties, and the subject of the particular paper or pleading, and the file number assigned to the proceeding.

* * * * *

(k) *Entry of orders.* In computing any period of time involving the date of the entry of an order by the Commission, the date of entry shall be (1) the date of the adoption of the order by the Commission, as reflected in the caption of the order, or (2) in the case of orders reflecting action taken pursuant to delegated authority, the date when such action is taken, as reflected in the caption of the order. The order shall be available for inspection by the public from and after the date of entry, unless it is a non-public order. A non-public order shall be available for inspection from and after the date of entry by any person entitled to inspect it.

IV. Section 201.23 is amended by striking in paragraph (d) the words "decisions, orders and rulings by the Commission on any written application" and inserting in lieu thereof the words "rulings by the Commission on any written application, and decisions and orders of the Commission". As so amended, § 201.23(d) reads:

§ 201.23 Service of pleadings, etc., other than moving papers.

* * * * *

(d) *Service of decisions and orders.* Copies of all recommended decisions, rulings by the Commission on any written application, and decisions and orders of the Commission shall be served by the Secretary or other duly designated officer of the Commission on the applicant and, if made in connection with a pending proceeding, on all parties thereto.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly section 19(a) thereof; the Securities Exchange Act of 1934, particularly section 23(a) thereof; the Public Utility Holding

Company Act of 1935, particularly section 20(a) thereof; the Trust Indenture Act of 1939, particularly section 319(a) thereof; the Investment Company Act of 1940, particularly section 38(a) thereof; and the Investment Advisers Act of 1940, particularly section 211(a) thereof.

The Commission finds that the foregoing action involves rules of practice or procedure and not substantive rules and that compliance with subsections (a), (b) and (c) of section 4 of the Administrative Procedure Act is not required.

The Commission's action is effective March 5, 1964.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

MARCH 5, 1964.

[F.R. Doc. 64-2526; Filed, Mar. 16, 1964; 8:54 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Miscellaneous Amendments

The Foreign Assets Control Regulations (31 CFR § 500.101 et seq.) are being amended as follows:

(1) Section 500.204 is amended by the inclusion in paragraph (a)(2) thereof of commodities which have always been subject to § 500.204, but which are specifically named therein for the first time. The following commodity changes are also made in §500.204(a)(2)(ii): Black walnuts, pickled walnuts, and peacock feathers have been excepted from the applicable prohibitions of the section; eri silk and hair pencils have been added to the list of commodities subject to the section; and non-star aniseed, whole fresh eggs, and peppermint oil have been deleted from the list of subject commodities. Further, live fish has been deleted from § 500.204(a)(4).

(2) Section 500.508 is amended to authorize transfers between blocked accounts in domestic banks under certain circumstances.

(3) Section 500.808 is amended by reducing the number of copies of certain documents required to be submitted to the Collector of Customs, and the Customs procedures for processing these documents have been altered.

In addition to these changes in the regulations, there is published herewith an appendix to § 500.204 which sets forth definitions and interpretations of § 500.204; statements of licensing policies which are applicable to dealings in commodities subject to the prohibitions of § 500.204; and certain authorizations for the import of commodities subject to § 500.204.

A revised list of commodities subject to § 500.204, for which appropriate certificates of origin, as defined in § 500.536(d) of the regulations, are available from certain foreign countries is also contained in the appendix to § 500.204.

The appendix to § 500.204 also contains a commodity index, with references to the pertinent subparagraph of § 500.204, to the countries which issue appropriate certificates of origin for each commodity, and to applicable statements of licensing policy and authorizations found in that appendix. It should be noted that there are commodities subject to § 500.204 which are not specifically named therein. An effort has been made, however, to list those commodities which, in the experience of the Office of Foreign Assets Control, have been of interest to commercial importers or to tourists.

1. Chapter V headnote is revised to read as set forth above.

2. Section 500.204 of the Foreign Assets Control Regulations (31 CFR § 500.204) is amended to read as follows:

§ 500.204 Importation of and dealings in certain merchandise.

(a) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, or rulings, instructions, licenses, or otherwise, no person subject to the jurisdiction of the United States may purchase, transport, import, or otherwise deal in or engage in any transaction with respect to any merchandise outside the United States if such merchandise is:

(1) Merchandise the country of origin of which is China (except Formosa) or North Korea. Articles which are the growth, produce or manufacture of China (except Formosa) or North Korea shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa) or North Korea notwithstanding that they may have been subjected to one or any combination of the following processes in another country: (i) Grading; (ii) testing; (iii) checking; (iv) shredding; (v) slicing; (vi) peeling or splitting; (vii) scraping; (viii) cleaning; (ix) washing; (x) soaking; (xi) drying; (xii) cooling, chilling, or refrigerating; (xiii) roasting; (xiv) steaming; (xv) cooking; (xvi) curing; (xvii) combining of fur skins into plates; (xviii) blending; (xix) flavoring; (xx) preserving; (xxi) pickling; (xxii) smoking; (xxiii) dressing; (xxiv) salting; (xxv) dyeing; (xxvi) bleaching; (xxvii) tanning; (xxviii) packing; (xxix) canning; (xxx) labeling; (xxxi) carding; (xxxii) combing; (xxxiii) pressing; (xxxiv) any process similar to any of the foregoing. Any article wheresoever manufactured shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa) or North Korea, if there shall have been added to such article any embroidery, needle point, petit point, lace, or any other article of adornment which is the product of China (except Formosa) or North Korea notwithstanding that such addition to the merchandise may have occurred in a country other than China (except Formosa) or North Korea.

(2) Merchandise specified in this subparagraph, howsoever processed, unless such merchandise originated in a country named as excepted for that type of merchandise and is imported directly from that country:

Type of merchandise	*Excepted countries*
(i) All merchandise, not elsewhere specified in this paragraph, if prior to December 17, 1950, imports thereof into the United States were chiefly of Chinese origin within the meaning of this chapter, and	None.
(ii) All of the following specified types of merchandise:	
Aniseed, star	None.
Aniseed oil	None.
Antiques, Chinese type (except Chinese porcelain which qualifies within the provisions of par. 1811 of the Tariff Act of 1930 and which is decorated with the armorial bearing, crests, monograms, cyphers, or badges of European or American families or societies or bearing motifs based thereon, or with European or American political, memorial, or Masonic scenes or devices or with European or American figures, ships or other scenes, or with motifs or inscriptions in English, Latin, or any other European language).	None.
Bamboo, split	None.
Braids, straw	Italy, Japan.
Bristles, hog	None.
Brushes, paint and hair pencil, and parts thereof, containing hog bristles more than one and one half inches in total length or more than one and one quarter inches in length out of the ferrule.	None.
Carpet wool, Tibetan and Napalese types.	None.
Cashmere	Iran.
Cassia	Indonesia.
Cassia oil	None.
Chinese type:	
Art objects	None.
Beverages	None.
Drugs	None.
Foodstuffs	None.
Garments	None.
Herbs	None.
Ivory articles	None.
Jade articles	None.
Medicines, prepared	None.
Rugs	None.
Tea	Formosa.
Cinnamic aldahyde	None.
Cinnamon oil	Ceylon, Seychelles.
Cornmint oil	Argentina, Brazil.
Eggs, poultry:	
Whole in the shell, preserved.	None.
Dried (whole, albumen or yolks).	None.

Type of merchandise	Excepted countries
(ii) All of the following specified types of merchandise—continued	
Embroideries and embroidered articles of types chiefly imported from China prior to December 17, 1950.	None.
Feathers and down, Asiatic, except peacock feathers.	Burma, India, Taiwan, Thailand, and those areas of Viet-Nam which are not under Communist control.
Firecrackers	None.
Floor coverings, grass, straw and seagrass.	Japan.
Fur skins:	
Goat and kid	Argentina, Ethiopia, Iran, Iraq.
Kolinsky	Republic of Korea.
Weasel	Canada.
Gallnuts, except Aleppo gallnuts	None.
Ginger root, candied or otherwise prepared or preserved.	None.
Hair, human:	
Asiatic	None.
Nets and netting	None.
Hats, unfinished:	
Manila hemp (abaca)	None.
Palm leaf	Mexico, Philippines.
Straw	Brazil, Dominican Republic, Italy, Japan, Philippines.
Jade stones, cut but not set, suitable for use in jewelry.	None.
Menthol, natural and synthetic (except racemic).	Brazil.
Musk	None.
Rutin	None.
Seagrass mats and squares.	Japan.
Silk, tussah, muga, eri	None.
Silk piece goods, tussah, muga, eri.	None.
Sophora Japonica	None.
Tannic acid, from gallnuts other than Aleppo gallnuts.	None.
Tung oil	Argentina, Brazil, Paraguay.
Walnuts, except black or pickled walnuts.	France, Iran, Italy, Turkey.
Yak hair	None.

(3) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong, Macao, or any country not in the authorized trade territory.

TYPE OF MERCHANDISE

Agar-agar.
Bamboo:
Bags, baskets and other manufactures, except furniture.
Poles and sticks.
Brocades and brocade articles.
Camphor, natural and synthetic.
Camphor oil, natural and synthetic.
Cane webbing.
Carpet wool.
Carpets.
Castor bean.
Castor oil.
Chinaware.
Citronella oil.
Cotton manufactures.
Cotton waste.
Earthenware.
Embroideries and embroidered articles.
Hair, animal.
Hair nets of any material.
Handkerchiefs.
Hardwood manufactures, except bentwood furniture.
Hats, paper.
Hides, buffalo.
Ivory manufactures.
Lace and lace articles.
Linen manufactures, except wearing apparel not containing any lace, embroidery or brocade.
Ores and metals:
Antimony.
Bismuth.
Mercury.
Molybdenum.
Tin.
Tungsten.
Peanut oil.
Peanuts.
Ramie.
Rugs.
Seagrass manufactures.
Sesame oil.
Sesame seed.
Shoes, leather soled with non-leather uppers, except ladies' high-heel shoes.
Silk:
Manufactures except Western style suits and Indian saris.
Raw.
Waste.
Skins, deer and goat.
Stones, semi precious.
Stones, semi precious, manufactures.
Straw manufactures.
Tapestries.
Tapioca.
Tapioca flour.

(4) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong or Macao.

TYPE OF MERCHANDISE

Feather manufactures.
Glass, sheet (window).
Graphite.
Honey.
Marine products, edible.
Pigeons, frozen or otherwise prepared or preserved.
Poultry, frozen or otherwise prepared or preserved.

APPENDIX TO § 500.204

DEFINITIONS AND INTERPRETATIONS

(1) *Chinese type* refers to items which are typically and principally used by Chinese or which are prepared, processed or designed in the Chinese manner. Excluded are certain items such as rice customarily consumed by Chinese but also consumed in considerable quantities by others.

(2) *Braids, straw* does not include unfinished hats of straw braid.

(3) *Bristles, hog* includes bristles in knots or other processed condition.

(4) *Cane webbing* includes rattan webbing.

(5) *Cashmere* includes cashmere in any processed form (e.g. scoured, dehaired, top, rovings, noils, and yarn waste) but does not include cashmere which has been spun, woven or knitted, i.e., yarn and fabric.

(6) *Cinnamic aldehyde* does not include synthetic cinnamic aldehyde.

(7) *Cotton manufactures* does not include rubber soled shoes with canvas uppers, cotton umbrellas, or mixed tetron, dacron, orlon or rayon articles of less than 50 percent cotton content.

(8) *Cotton waste* does not include linters or grabbots.

(9) *Currency, coins, postage and other stamps* issued by China (except Formosa) or North Korea are merchandise of Chinese or North Korean origin and subject to § 500.204(a)(1).

(10) *Embroidered articles* does not include beaded articles.

(11) *Furskins* includes the fur or hair removed from the skin, e.g., goat hair from goat fur skins, and includes fur neck pieces. It does not include fur scarves and stoles which are fur manufactures.

(12) *Hair, human, Asiatic* includes nets, netting, braids, tresses, buns and wefts, which are processed forms of hair. It does not include hair pieces, wigs, wiglets, wefted wiglets, chignons, switches, beards, mustaches, and eyelashes, which are hair manufactures, provided the hair is permanently affixed to a basic foundation.

(13) *Hats* finished in third countries from hat bodies made in China (except Formosa) or North Korea are merchandise of Communist Chinese or North Korean origin.

(14) *Hides, buffalo,* includes those of Indian water buffalo.

(15) *Linen manufactures* includes wearing apparel made in whole or in part of brocade, embroidery or lace.

(16) *Musk* includes musk dissolved in a fluid.

(17) *Ores and metals.*

(a) Antimony includes antimony oxide and sodium antimonate, but does not include antimonial lead of less than 5 percent antimony.

(b) Molybdenum does not include ferromolybdenum.

(c) Tungsten includes tungstic acid, hubnerite (manganese tungstate), tungsten oxide, ammonium paratungstate and tungsten powder, but does not include ferrotungsten.

(18) *Silk, tussah, muga and eri* includes raw silk, silk waste, silk noils, and continuous filament silk yarn and thread, but does not include other silk yarn or thread.

(19) *Silk piece goods, tussah,* includes antung, honan, nanshan, pongee and shantung, but does not include any fabrics containing 5 percent or less tussah fibers, or wool fabrics containing tussah silk if the material consists chiefly of wool.

(20) *Stones, semi-precious* includes all gem stones except diamonds, rubies, sapphires, and emeralds. It does not include pearls.

(21) *Stones, semi-precious manufactures,* includes jewelry made of semi-precious stones.

(22) *Straw manufactures* includes tea pads.

(23) *Tea chest paper* is joss paper, which is subject to § 500.204(a)(2)(i).

(24) *Dealings abroad in commodities subject to the Regulations.* Section 500.204 prohibits not only the importation into the United States of certain commodities, but also prohibits persons subject to the jurisdiction of the United States from purchasing, transporting or otherwise dealing in or engaging in *any* transactions with respect to such commodities which are outside the United States, unless authorized by license or otherwise. The term "persons subject to the jurisdiction of the United States" includes foreign firms owned or controlled by Americans, as defined in § 500.329.

(25) *Rejection of imports.* Imports of merchandise subject to § 500.204(a)(2), (3) or (4) are refused, although an appropriate certificate of origin or specific license has been obtained, if there is reason to believe either that the merchandise is of Communist Chinese or North Korean origin or that there exists an interest of a designated national therein (see also (31) below).

(26) *Process v. manufacture.* A commodity subject to § 500.204 remains subject howsoever it has been processed. If it has been manufactured in a country other than China (except Formosa) or North Korea, it

remains subject only if the manufactured item itself is specified in the section. It should not be assumed that a subject commodity which has undergone operations other than those listed in § 500.204(a)(1), has become a manufactured form of the commodity rather than a processed form thereof. In case of question, a ruling should be requested from the Office of Foreign Assets Control. Requests for rulings in the form of license applications or otherwise should include adequate technical detail.

It should be noted that it is quite possible for merchandise to have China as its "country of origin" for Foreign Assets Control purposes while having some other country as its "country of origin" for marking or statistical purposes.

(27) *Unlicensed commitments.* In the absence of an appropriate general license, contractual commitments with respect to merchandise subject to § 500.204 should be made only if the contract specifies that it is subject to the issuance of a specific Foreign Assets Control license or other authorization from the Office of Foreign Assets Control. General licenses which may be applicable are §§ 500.536, 500.537, 500.538, and 500.539.

The fact that an unlicensed firm commitment or payment may have been made for commodities subject to § 500.204 is not a basis for licensing a transaction.

LICENSING POLICIES

(28) *Quotas for certain commodities from the Soviet Bloc.* Quotas have been established for the importation of certain commodities from countries not in the authorized trade territory (except Communist China and North Korea), based on records of imports of such commodities into the United States during the period 1946–1951. The principal commodities which have been licensed under these quotas are certain types of animal hair and textile waste from the U.S.S.R. and Outer Mongolia, including:

Badger hair.	Horse tail hair.
Carpet wool.	Other horse hair.
Cotton waste.	Silk waste.
Goat hair.	Yak hair.
Horse mane hair.	

(For definition of "authorized trade territory" see § 500.322.)

(29) *Quotas for imports of certain commodities from other countries.* Under certain limited circumstances, quotas have been established for the importation of certain commodities from countries in the authorized trade territory under annual limitations set by the amount determined as currently available for export.

Licenses have been issued in recent years for:

Feathers, Asiatic, from Japan, Malaysia
Firecrackers from Macao
Lotus seeds from Thailand
Lychees from Mexico
Mung beans from Peru, Thailand
Tung oil from Nyasaland
Vegetables, fresh, Chinese type, from Mexico
Walnuts from India, Pakistan, and Yugoslavia

(For definition of "authorized trade territory" see § 500.322.)

(30) *Proof of origin.* Except as set forth in (31) below, the Office of Foreign Assets Control does not prescribe the documents which will satisfactorily prove the origin of merchandise, but will consider all documents submitted by importers to establish origin of merchandise. However, it has been found that affidavits, statements, invoices and other documents prepared by manufacturers, processors, sellers or shippers cannot be relied on and are therefore not by themselves accepted by the Office of Foreign Assets Control as satisfactory proof of origin.

(31) *Certificates of origin.* There are many types of certificates of origin issued by governmental and commercial agencies abroad. However, the only certificates of origin which will be accepted by Customs for Foreign Assets Control purposes in connection with imports of commodities subject to § 500.204 are certificates issued pursuant to special agreements between the country of issue and the Treasury Department. Such certificates are described in § 500.536(d). The name of the issuing agency in each country and the list of commodities for which such certificates are available from each country appear in this Appendix. Additions to the list are published in the FEDERAL REGISTER.

The Office of Foreign Assets Control reserves the right to refuse importations when the certificate of origin presented to Customs in connection with an importation under § 500.536 has been improperly issued. Certificates must be requested from the certifying country prior to exportation. Certificates may be improperly issued if the goods were not produced in the certifying country or were produced in the certifying country by a non-registered producer. Further, if the certificate does not fully and specifically describe the merchandise to which it refers, it may likewise be rejected.

(32) *Direct import and continuous carriers' custody.* The term *"imported directly"* as used in § 500.204(a)(2) includes shipment via a third country on a through bill of lading as well as direct shipment from the country of origin. Specific licenses are issued for merchandise subject to § 500.204(a)(2) when the merchandise is imported from an excepted country via a third country without a through bill of lading if the Control is satisfied that the merchandise remained in "continuous carriers' custody." Such licenses require that the applicant furnish: (1) name of the ship on which merchandise will arrive, port of arrival, and identification of the merchandise (case markings and numbers); (2) evidence of shipment of the merchandise from the excepted country to the port of transshipment; and (3) evidence that the merchandise from the time of its arrival in said port until the time of its shipment therefrom on the ship named in (1) above was at no time in the custody of any person other than a carrier, or a person acting solely as agent for a carrier, and that no person other than a carrier or its agent had access thereto.

(33) *Physical examination.* The Office of Foreign Assets Control is satisfied that the non-Communist Chinese or North Korean origin of certain types of merchandise subject to § 500.204 can be reliably determined by physical examination. Licenses to import these types of merchandise are issued subject to physical examination by Customs examiners at the time of entry. Examples are:

Bristles, hog, not dyed, from Japan and Iran.
Camel hair from Outer Mongolia.
Cashmere.
Chinaware from Eastern Europe.
Earthenware from Eastern Europe.
Embroidered articles, peasant-type, from Eastern Europe.
Hair, human, from India and Iran.
Rugs, grass, from Spain and Portugal.
Straw manufactures from Eastern Europe.
Woodenware from Eastern Europe.

(34) *Export of animal hair and skins for processing abroad.* Reimports of commodities subject to § 500.204 of the Regulations which were exported from the United States for processing abroad (principally animal hair and skins), are licensed on the basis of satisfactory documentary proof of the export and an estimate of the yield of processed material.

(35) *Other exports.* Reimports of other merchandise subject to § 500.204 of the Regulations are licensed on proof of the export. Persons planning to export such merchandise for exhibition, repair, or for any other purpose, should first ascertain that reimport will be authorized. Generally, reimport is authorized only if Customs Form 4455 was obtained at the time of export.

(36) *Publications from China and North Korea.* Publications imported directly from mainland China or North Korea may be licensed for commercial importation provided all payments due to the Chinese or Korean suppliers are made into blocked accounts. Publications from mainland China and North Korea may also be licensed without restriction as to shipment or method of payment under programs approved by the Librarian of Congress or the National Science Foundation for universities, libraries, research and scientific institutions. Such publications may also be licensed in exchange for publications from the United States.

(37) *Chinese language films and publications from other areas.* Imports of Chinese language films, books, magazines and almanacs may be licensed if the Control is satisfied that they were produced outside of mainland China or North Korea and that no designated national of Communist China or North Korea has an interest in the transaction.

(38) *Exhibitions.* Certain merchandise subject to § 500.204 being imported for exhibition at trade fairs, expositions, museums, etc., may be licensed for entry for that purpose only and eventual re-export or destruction under Customs supervision.

(39) *Sample quantities.* Commodities subject to § 500.204, including commodities from mainland China and North Korea, may be licensed for import for bona fide research purposes in sample quantities only.

(40) *Goods of mainland Chinese or North Korean origin.* Licenses for articles of mainland Chinese or North Korean origin are generally issued only on submission of documary evidence satisfactory to the Control of the location outside China or North Korea of the merchandise at all times since December 17, 1950, and of the absence of any Communist Chinese or North Korean interest in the merchandise during that period. Except as noted below, affidavits from persons purporting to have knowledge of the location and ownership of the merchandise are not satisfactory documentary evidence of such facts. Bills of lading, insurance policies, museum catalogues, etc., may constitute such evidence.

In the case of antiques, if no satisfactory documentary evidence is available, such as exhibition catalogues dated prior to December 17, 1950, an affidavit from a person subject to the jurisdiction of the United States who can from his own knowledge affirm as to the location and ownership of the merchandise at all times on and since December 17, 1950 may be acceptable as satisfactory documentary evidence. In certain cases of antiques located in Western Europe or the United Kingdom, affidavits from persons not subject to the jurisdiction of the United States may also be acceptable.

AUTHORIZATIONS

(41) *Chinaware.* Well-known brands of chinaware, such as Dresdenware, Meissenware, Spode, Noritake, Haviland, etc., subject to § 500.204(a)(3) are hereby authorized to be imported without a certificate of origin or specific license, provided there has been no interest therein of a designated national.

(42) *Foodstuffs, Chinese type.* The following Chinese-type foodstuffs subject to § 500.204(a)(2) are hereby authorized to be imported without a certificate of origin or

specific license, provided there has been no interest therein of a designated national:

Beche de mer.
Bird's nest soup.
Bird's nests.
Thick soy.

(43) *Foodstuffs, Chinese type, from Japan.* The following Chinese-type foodstuffs subject to § 500.204(a)(2) are hereby authorized to be imported directly from Japan without a certificate of origin or specific license, provided there has been no interest therein of a designated national:

Seaweed, dried.
Fish, dried, except dried cuttlefish.
Oysters, dried, or otherwise prepared in a Chinese manner.
Scallops, dried, or otherwise prepared in a Chinese manner.

(44) *Hardwood manufactures.* The following hardwood manufactures subject to § 500.204(a)(3) are hereby authorized to be imported without a certificate of origin or specific license, provided there has been no interest therein of a designated national:

Boats, western style.
Cabinets with radio or other electronic equipment installed.
Clothes pins, spring type.

(45) *Hats, unfinished.* Unfinished hats subject to § 500.204(a)(2) of the following types are hereby authorized to be imported without a certificate of origin or specific license, provided there has been no interest therein of a designated national:

Lindu.
Lintao.
Macorra.
Panama.
Pandan.
Raffia.
Toquilla.
Yeddo.

(46) *Tea pads used for packing.* Tea pads or other plaited straw subject to § 500.204 which enter as incidental packing for other imported goods are hereby authorized to be imported without a certificate of origin or specific license.

(47) *Cotton manufactures from Eastern Europe.* Cotton manufactures (other than embroideries and laces, embroidered and lace articles, handkerchiefs, wearing apparel, and piece goods) from an Eastern European country are hereby authorized to be imported without a specific license if Customs is satisfied that the merchandise is of a type which was imported into the United States from that country prior to December 17, 1957, provided there has been no interest therein of a designated national.

(48) *Linen manufactures from Eastern Europe.* Linen piece goods, table cloths, toweling, towels, and other household articles, but not including any embroidered goods, are hereby authorized to be imported without a specific license from Eastern European countries, provided there has been no interest therein of a designated national.

(49) *Animal hair from U.S.S.R.* Seal, otter, reindeer and Mongolian dog hair are hereby authorized to be imported from the U.S.S.R. without a specific license, provided there has been no interest therein of a designated national.

(50) *Angora rabbit hair from Czechoslovakia.* Angora rabbit hair is hereby authorized to be imported from Czechoslovakia without a specific license, provided there has been no interest therein of a designated national.

(51) *Purchases in Defense Department installations.* Merchandise subject to § 500.204 which was purchased in a Defense Department installation (Army Post Exchange, Navy Base Exchange, Ship's Store, etc.) is authorized to be imported without a certificate of origin or specific license upon presentation to Customs of the sales slip therefor.

LIST OF AVAILABLE CERTIFICATES OF ORIGIN

Attention is directed to the provisions of § 500.536 (c) and (d) of the Foreign Assets Control Regulations, pursuant to which certain merchandise affected by § 500.204 of the Regulations may be imported if the origin thereof is appropriately certified by the country of exportation.

Notice is hereby given that appropriate certificates of origin issued by the governments hereinafter listed under procedures agreed upon between the specified certifying agencies of those governments and the Office of Foreign Assets Control are available for the importation into the United States *only* (except as noted) of the commodities listed below, directly or on a through bill of lading, from the respective countries.

Changes in the list of certifiable commodities will be published in the FEDERAL REGISTER.

From Australia (Certificates issued by Comptroller General of Customs):

Ginger root, candied or otherwise prepared or preserved.
Menthol, synthetic.

From Belgium (Certificates issued by the Ministry of Economic Affairs):

Cashmere:
Washed (scoured).
Noils.

From Canada (Certificates issued by the Department of Trade and Commerce):

Foodstuffs, Chinese type.

From France (Certificates issued by the Ministere de l'Industrie et du Commerce):

Menthol, synthetic.
Silk piece goods, tussah.

From the Federal Republic of Germany (Certificates issued by the local Chamber of Industry and Commerce and countersigned by a Customs Official of the Federal Ministry of Finance):

Jade stones, cut.
Menthol, natural, synthetic.

From Hong Kong ("Comprehensive" Certificates issued by the Department of Commerce and Industry):

Abacuses.
Apricots, preserved.
Arrowhead.
Bambooware, machine-made from Formosan bamboo.
Bean curd, thread.
Bean fertilizer, dried.
Beans, salted.
Brass trays.
Brocade articles.
Brocades, other than cotton.
Bronze imitation antiques.
Cabbage, white, dried.
Camphor tablets.
Cane webbing.
Candles, joss, novelty (Chinese type).
Ceramics, including Japanese porcelain decorated in Hong Kong.
Chilli sauce.
Cloissonneware.
Confectionery.
Cotton manufactures, waste.
Cucumber, bitter, white.
Doll clothes.
Duck, preserved.
Embroidered articles.
Feather manufactures.
Fish gravy.
Fish maw, dried.
Fish, salted in oil.
Fish, spotted.
Footwear, Chinese type.
Ginger, preserved.
Gold plated articles, Chinese type.
Graphite.
Greeting cards and book markers.
Hardwood manufactures.
Hoi sin sauce.
Ink, liquid, Chinese type.
Ivory manufactures.
Jade, cut, jewelry, carvings, other manufactures.
Joss paper.
Junks.
Lacquerware.
Lamps, table.
Lanterns, silk, rayon.
Lemon sauce.
Lemons, red, yellow.
Linen manufactures.
Lotus root, seed.
Lychees.
Marine products, fresh frozen.
Mollusks, dried.
Mullet, canned.
Mushrooms.
Musical instruments, Chinese type.
Mustard, preserved.
Needlework tapestries.
Olives, black, white.
Oysters, oyster sauce.
Paintings and scrolls, Chinese type.
Paper novelties.
Peas, garden.
Pewter novelties.
Pictures, cork, iron.
Plum sauce.
Plums, preserved.
Po Chun Balm.
Punk, firecracker.
Radishes.
Rice powder.
Rice sticks.
Rickshaws.
Rugs, cotton rag.
Rugs, woolen (knotted and hooked).
Sampans.
Sandalwood manufactures.
Seagrass articles, including mats and squares.
Shark fins.
Shrimp, dried slices, noodles, sauce, paste.
Silk manufactures.
Silver articles, including plate, Chinese type.
Soybean sauce.
Stones, semi-precious, cut, jewelry, carvings, manufactures.
Straw manufactures.
Sugar, slab, white rock.
Taro.
Tea, Formosan.
Textile novelties.
Theatrical costumes, Chinese type.
Tiger Balm.
Tinware novelties.
Tungsten ore, concentrates.
Turnips, preserved.
Vinegar, white, red, black.
Wallpaper and textile fabrics, hand painted in Chinese type designs.
Wampei.
Wastepaper baskets, folding, silk, rayon.
Water chestnuts, water chestnut powder.
Wheat starch.
White flower oil (Pak Feh Yeow).
Wine, Chinese type, medicinal, non-medicinal.
Wooden novelties.
Yams.

(Certificates are also available for:

(a) Shipments to third countries when the shipment is financed in U.S. dollars by the Agency for International Development;

(b) Purchases by persons subject to the jurisdiction of the United States who reside in Hong Kong;

(c) Merchandise to be transshipped through the United States; and

(d) Shipments to the Philippine Islands financed in U.S. dollars.)

From India (Certificates issued by the Ministry of International Trade):

Musk.
Silk piece goods, tussah, muga, eri.

From Italy (Certificates issued by the Department of Commerce):

Silk piece goods, tussah.

From Japan (Certificates issued by the Ministry of International Trade and Industry):

Abalone, canned, dried.
Bamboo, split.
Bamboo sprouts, canned, dried and shredded, raw.
Cuttlefish, dried.
Fish (sea bream), canned, prepared.
Ginger.
Ginko nuts, in the shells, canned or otherwise prepared.
Hair, (human) raw.
Hats, unfinished, manila hemp (abaca).
Lotus root, canned, dried.
Menthol.
Mushrooms, canned, baked, dried or otherwise prepared.
Oyster juice.
Plums, candied.
Quail, frozen.
Red beans.
Red bean flour.
Scallions, pickled.
Shark fins.
Silk piece goods, tussah.
Silk waste derived from the production of tussah silk piece goods.
Soybean, soybean meal, oil, paste, sauce.
Walnuts.

(Certificates are also available for shipments to third countries when the shipment is financed in US dollars by the Agency for International Development.)

From Korea, Republic of (Certificates issued by the Ministry of Commerce and Industry):

Abalone, canned, dried.
Bristles, hog.
Cornmint oil.
Crabmeat, canned.
Cuttlefish, dried.
Duck products, dried, canned.
Feathers, domestic cock, pheasant cock.
Fish, salted.
Floor coverings, grass, including seagrass mats and squares.
Gallnuts.
Ginger, preserved.
Ginseng, raw, wine, tea, tonic.
Goat hair.
Hair, human, raw.
Herbs, medicinal, raw.
Jujube (red dates), dried.
Menthol.
Mushrooms, dried.
Seaweeds, dried.
Shark fins.
Straw braids.
Walnuts.

(Certificates are also available for shipments to third countries when the shipment is financed by the Agency for International Development.)

From the Netherlands (Certificates issued by the Department of Agriculture, Fisheries, and Food);

Eggs, dried (whole, albumen, yolk).
Rhubarb, Chinese type.

From Spain (Certificates issued by the Ministry of Commerce):

Menthol, synthetic.

From Switzerland (Certificates issued by the Federal Department of Public Economics):

Cashmere noils, top.
Silk piece goods, tussah.

From Taiwan (Formosa) (Certificates issued by the Ministry of Economic Affairs):

Bakou and hemp hoods (hat bodies).
Bamboo shoots, canned.
Bamboo, split.
Bean thread (Fen-ssu).
Bristles, hog.
Cabbage, preserved.
Cornmint oil.
Cucumber, sweet, canned.
Cuttlefish, dried.
Duck eggs, salted, preserved.
Firecrackers.
Ginger root, candied or otherwise preserved.
Grass squares, citronella.
Grass squares, Yueh Tao.
Hair (human) nets, netting, other products.
Handicraft items, including:
  Ceramics, including vases, bowls, dishes, and animal figures.
  Dolls.
  Embroideries and drawn work, including ladies' garments, accessories, shawls, piece goods and cushion covers.
  Furniture, chests, house furnishings, kitchen utensils, bowls, baskets, gift items made in whole or in part of bamboo, rattan or wood.
  Greeting cards and miscellaneous paper decorative objects.
  Lanterns.
  Matting and floor coverings.
  Musical instruments.
  Scrolls, paper, silk.
  Wallpaper.
  Miscellaneous items made in whole or in part of shell, coral, fishbone, metal, buffalo horn, ramie, seagrass or jute.
Jade (nephrite) articles.
Joss paper.
Lotus root, fresh, sugared, powdered.
Lungngan, dried, pulp, canned, fresh.
Lychee wine.
Lychees (Litchis), canned, preserved, dried.
Melon seed, salted.
Menthol.
Millet wine, Kaoliang and Wu-Ka-Be.
Mushrooms, dried, canned.
Olives, preserved.
Oyster sauce.
Peanuts, dried and/or salted.
Plum liquor.
Plums, preserved.
Prunes, preserved.
Radish, dried.
Rice wine, Shaohsing.
Rose wine, Mai Kwai Lu.
Seagrass squares.
Silver articles.
Soybean curd, paste, sauce.
Water chestnuts, powdered.
Wong Lo Kat herb ingredients, mixtures.

(Certificates are also available for shipments to third countries when the shipment is financed in U.S. dollars by the Agency for International Development.)

From the United Kingdom (Certificates issued by the Customs and Excise):

Kid fur skins, dressed or otherwise processed.
Silk piece goods, tussah.

From Viet-Nam (Certificates issued by the Ministry of National Economy):

Cassia.
Duck eggs, fresh, salted.
Firecrackers.
Fish bladders.
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Spode chinaware; (a) (3), App. 41.
Stamps; (a) (2) (i), App. 9.
Star aniseed; (a) (2) (ii).
Stoles, fur; (a) (2) (ii), App. 11.
Stones, semi precious and manufactures; (a) (3), App. 20, App. 21; Hong Kong.
Straw braids; (a) (2) (ii), App. 2; Korea.
Straw manufactures; (a) (3), App. 22, App. 33; Hong Kong.
Straw hats, unfinished; (a) (2) (ii).
Straw packing; (a) (2) (ii), App. 46.
Sugar slab, white rock; (a) (2) (ii); Hong Kong.
Switches, hair; (a) (2) (ii), App. 12.
Table cloths, linen; (a) (3), App. 48.
Tannic acid; (a) (2) (ii).
Tapestries (see also needlework tapestries); (a) (3).
Tapioca flour; (a) (3).
Taro; (a) (2) (ii); Hong Kong.
Tea, Chinese type; (a) (2) (ii); Hong Kong.
Tea chest paper; (a) (2) (i), App. 23.
Tea pads; (a) (2) (ii), App. 22, App. 46.
Tetron/cotton articles; App. 7.
Textile novelties; (a) (3); Hong Kong.
Theatrical costumes; (a) (2) (i); Hong Kong.
Thick soy; (a) (2) (ii), App. 42.
Through bill of lading; App. 32.
Tiger Balm; (a) (2) (ii); Hong Kong.
Tin; (a) (3).
Tinware novelties; (a) (3); Hong Kong.
Toquilla hats; (a) (2) (ii), App. 45; Hong Kong.
Towels, towelling, linen; (a) (3), App. 48.
Tresses, hair; (a) (2) (ii), App. 12.
Tung oil; (a) (2) (ii), App. 29.
Tungsten; (a) (3), App. 17; Hong Kong.
Tungsten oxide; (a) (3), App. 17.
Tungstic acid; (a) (3), App. 17.
Turnips, preserved; (a) (2) (ii); Hong Kong.
Tussah silk; (a) (2) (ii), App. 18, App. 19.
Umbrellas; (a) (3), App. 7.
Vegetables, fresh; (a) (2) (ii), App. 29.
Vinegar; (a) (2) (ii); Hong Kong.
Wallpaper; (a) (2) (i); Taiwan.
Wallpaper and textile fabrics hand painted; (a) (2) (i), (a) (3); Hong Kong.
Walnuts; (a) (2) (ii), App. 29; Japan, Korea.
Wampei; (a) (2) (ii); Hong Kong.
Wastepaper baskets, folding, silk, rayon; (a) (2) (i); Hong Kong.,
Water chestnuts, water chestnut powder; (a) (2) (ii); Hong Kong, Taiwan.
Wearing apparel; (a) (3), App. 15, App. 47.
Weasel fur skins; (a) (2) (ii).
Wefts, wefted wiglets; (a) (2) (ii), App. 12.
Wheat starch; (a) (2) (ii); Hong Kong.
White flower oil (Pak Fah Yeow); (a) (2) (ii); Hong Kong.
Wigs, wiglets; (a) (2) (ii), App. 12.
Wine; (a) (2) (ii); Hong Kong, Taiwan.
Wong Lo Kat herb ingredients, mixtures; (a) (2) (ii); Taiwan.
Wood furniture, handicrafts; (a) (2) (i); Taiwan.
Wooden novelties; (a) (2) (ii); Hong Kong.
Wooden ware; (a) (3), App. 33.
Wool, carpet (carpet wool); (a) (2) (ii), (a) (3).
Yak hair; (a) (2) (ii), App. 28.
Yams; (a) (2); Hong Kong.
Yeddo hats; (a) (2) (ii), App. 45.
Yolks (egg) dried; (a) (2) (ii).

3. Section 500.508 of the Foreign Assets Control Regulations (31 CFR § 500.508) is amended to read as follows:

§ 500.508 Payments to blocked accounts in domestic banks.

(a) Any payment or transfer of credit to a blocked account in a domestic bank in the name of any designated national is hereby authorized providing such payment or transfer shall not be made from any blocked account if such payment or transfer represents, directly or indirectly, a transfer of the interest of a designated national to any other country or person.

(b) This section does not authorize:

(1) Any payment or transfer to any blocked account held in a name other than that of the designated national who is the ultimate beneficiary of such payment or transfer; or

(2) Any foreign exchange transaction including, but not by way of limitation, any transfer of credit, or payment of an obligation, expressed in terms of the currency of any foreign country.

(c) This section does not authorize any payment or transfer of credit comprising an integral part of a transaction which cannot be effected without the subsequent issuance of a further license.

(d) This section does not authorize the crediting of the proceeds of the sale of securities held in a blocked account or a sub-account thereof, or the income derived from such securities to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held.

(e) This section does not authorize any payment or transfer from a blocked account in a domestic bank to a blocked account held under any name or designation which differs from the name or designation of the blocked account from which the payment or transfer is made.

4. Section 500.808 of the Foreign Assets Control Regulations (31 CFR § 500.808) is amended to read as follows:

§ 500.808 Customs procedures; merchandise specified in § 500.204.

(a) With respect to merchandise specified in § 500.204, whether or not such merchandise has been imported into the United States, collectors of customs shall not accept or allow any:

(1) Entry for consumption (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone, until either:

(i) A specific license pursuant to this chapter is presented,

(ii) Instructions from the Foreign Assets Control, either directly or through the Federal Reserve Bank of New York, authorizing the transaction are received, or

(iii) The original of an appropriate certificate of origin as defined in § 500.536(d) is presented.

(b) Whenever a specific license is presented to a collector of customs in accordance with this section, one additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the collector of customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the collector in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity, and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal or other transaction with regard to the merchandise the collector, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the additional copy of the entry, withdrawal or other appropriate document shall be forwarded by the collector to the Office of Foreign Assets Control, Treasury Department, Washington, D.C., 20220.

(c) (1) Whenever the original of an appropriate certificate of origin as defined in Section 500.536(d) is presented to a collector of customs in accordance with this section, an additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the collector of customs at the port where the transaction is to take place. Each copy of the entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the following statement: "This document is presented under the provisions of § 500.536(c) of the Foreign Assets Control Regulations." The original of the certificate of origin shall not be returned to the person presenting it. It shall be securely attached to the additional copy required by this subparagraph and shall be forwarded by the collector to the Office of Foreign Assets Control, Treasury Department, Wash-

ington, D.C., 20220. Collectors may forward such documents weekly or more often if the volume warrants.

(2) If the original of an appropriate certificate of origin is properly presented to a collector of customs with respect to a transaction which is the first of a series of transactions which may be allowed in connection therewith under subdivision (iii) of paragraph (a) of this section (as, for example, where merchandise has been entered in a bonded warehouse and an appropriate certificate of origin is presented which relates to all of the merchandise entered therein but the importer desires to withdraw only part of the merchandise in the first transaction), the collector shall so note on the original of the appropriate certificate of origin and return it to the importer. In addition, the collector shall endorse his pertinent records so as to record what merchandise is covered by the appropriate certificate of origin presented. The collector may thereafter allow subsequent authorized transactions on presentation of the certificate of origin. The collector shall, with respect to each such transaction, demand an additional copy of each withdrawal or other appropriate document, which copy shall be promptly forwarded by the collector to the Office of Foreign Assets Control, Treasury Department, Washington, D.C., 20220, with an endorsement thereon reading:

This document has been accepted pursuant to § 500.808(c)(2) of the Foreign Assets Control Regulations. Appropriate certificate of origin No. ------ from (country).

When the final transaction has been effected under the certificate of origin, the original shall be taken up and attached to the entry and forwarded as in (c) above.

(d) Whenever a person shall present an entry, withdrawal or other appropriate document affected by this section and shall assert that no specific Foreign Assets Control license or appropriate certificate of origin as defined in § 500.536 (d) is required in connection therewith, the collector of customs shall withhold action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York to request that instructions be issued to the collector to authorize him to take action with regard thereto.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64-2559; Filed, Mar. 16, 1964; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15161; FCC 64-205]

PART 89—PUBLIC SAFETY RADIO SERVICES

Report and Order Regarding Certain Modifications of Existing Radio Systems

1. The Commission issued a notice of proposed rule making in the above-entitled matter which was duly published in the FEDERAL REGISTER (September 19, 1963, 28 F.R. 10272) inviting comments in favor of or in opposition to the amendments proposed therein. The date for submitting such comments has passed, and all those which were timely filed have been considered by the Commission in reaching its determinations set forth below.

2. All the comments recognized the validity of the Commission's efforts to increase the efficient assignment of the frequencies available to the public safety radio services. It was generally agreed that to require applicants seeking to move their station locations, raise their antenna heights, or increase their operating power, to comply with the provisions of § 89.15 would aid in reducing potential interference. There was also accord with the proposal that the actual, rather than the maximum, permissible power should be specified on the authorization.

3. In fact, many of the comments recommended that the Commission's proposals should be extended to cover effective radiated power (ERP). It was pointed out that limitations on height and input power are less than completely effective as long as users can employ high gain antennae without restriction. The whole subject of ERP is currently being studied by the Commission with a view toward proposing appropriate regulations to govern all the land mobile services. However, the engineering considerations are complex and necessitate the analysis of a considerable amount of data. Hence, while it is recognized that those advocating rules regarding ERP have a sound point, the instant proceeding is not regarded as the appropriate vehicle for initiating such limitations.

4. The comment from the Southeastern Association of State Highway Officials while supporting the proposal sought exemption of the frequencies from 47.02 Mc/s through 47.40 Mc/s. These frequencies are available for assignment in accordance with § 89.409(f)(7) (formerly § 10.405(f)(7)) which reads as follows: "This frequency will be assigned only in accordance with a geographical assignment plan." It is the contention of this comment that since this limitation in fact restricts usage of these frequencies to States and since the plan has been formulated on the basis that "* * * it is impossible for one state to interfere with another during normal operation," it seems logical to exclude state applicants for these frequencies from the requirements of § 89.15. Certain frequencies in both the Police and Forestry-Conservation Radio Services contain similar limitations (§§ 89.309 (h)(7) and 89.459(e)(7), respectively). The purpose of this rulemaking is to provide for greater efficiency in the utilization of frequencies available to the Public Safety Radio Services. It is not designed to burden applicants by forcing them to comply with § 89.15 needlessly. In the instant case, the Commission is persuaded that applications from states for the frequencies governed by the aforementioned limitations need not be accompanied by the showing set forth in § 89.15.

5. The Commission proposed that licensees be permitted to utilize up to an actual input power which is double that which the applicant stated would be used. This is to obviate the need for filing modification applications when a minimal increase in input power is desired. The comments generally supported this proposal although, as stated supra, the concensus favored control over effective radiated power. It was recognized, however, that requiring applicants to hold their operations to a specific power level would be of some aid to other licensees.

6. The State of Colorado in its comments pointed out that many of the antenna height and excess power problems which arise are due in large measure to the practice of crowding several antennas on the same mountain top. In order to avoid the interference which frequently results, the licensees often raise their power or are forced to erect antennas higher off the ground at lower locations. Hence, it is Colorado's opinion that as a concurrent matter to the proposals herein the problem of "antenna farms" should be the subject of regulation. The Commission wishes to point out that it encourages licensees sharing an antenna location to form agreements governing their usage; however, this proceeding does not appear to be an appropriate vehicle for formal regulation. Also, it should be noted that a Public Safety licensee who is required to move its antenna location or increase its power in order to obtain proper area coverage should have little difficulty in complying with § 89.15.

7. Recognizing that this proceeding is a first step in the regulation of modifications of antenna heights and in the more stringent control over power input, the Commission is of the opinion that the proposals set forth in the Notice, with the exception of the exclusions set forth in paragraph 3, supra, should be adopted. It may be anticipated that other proposals designed to promote more efficient frequency utilization will be forthcoming in the near future.

Authority for the amendment set forth below is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

Therefore, it is ordered, That effective August 1, 1964, Part 89 of the Commission's rules is amended as set forth below.

Adopted: March 11, 1964.

Released: March 12, 1964.

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

Part 89 of the Commission's rules is amended as follows:

1. Section 89.15(a) is amended to read as follows:

§ 89.15 Frequency coordination procedures.

(a) Except for: Applications from states requesting frequencies in accordance with a geographical assignment plan, applications in the Special Emergency Radio Service, and applications requesting assignment of frequencies in

the band 27.23–27.28 Mc/s or of frequencies above 458.950 Mc/s, the following applications shall be accompanied by information required by either paragraph (b) or (c) of this section:

(1) Requests for assignment of a frequency not previously authorized for use by the applicant; or

(2) Requests for modification of an existing authorization to increase power input in excess of that set forth in the authorization and/or raise the height of the antenna and/or move the station location (including the antenna) to a site other than that authorized.

* * * * *

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[F.R. Doc. 64–2569; Filed, Mar. 16, 1964; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Expenses for Care of Certain Dependents; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T: P, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 214 of the Internal Revenue Code of 1954 to the Act of April 2, 1963 (Public Law 88–4, 77 Stat. 4), such regulations are amended as follows:

PARAGRAPH 1. Section 1.214 is amended by revising section 214(c)(3) and by adding a historical note. These amended and added provisions read as follows:

§ 1.214 Statutory provisions; expenses for care of certain dependents.

Sec. 214. *Expenses for care of certain dependents*—* * *

(c) *Definitions.* * * *

(3) *Determination of status.* A woman shall not be considered as married if (A) she is legally separated from her spouse under a decree of divorce or of separate maintenance at the close of the taxable year, or (B) she has been deserted by her husband, does not know his whereabouts (and has not known his whereabouts at any time during the taxable year), and has applied to a court of competent jurisdiction for appropriate process to compel him to pay support or otherwise to comply with the law or a judicial order, as determined under regulations of the Secretary or his delegate.

[Sec. 214 as amended by sec. 1, Act of April 2, 1963 (Pub. Law 88–4, 77 Stat. 4)]

PAR. 2. Paragraph (b) of § 1.214–1 is amended by revising subparagraphs (2) and (4). These amended provisions read as follows:

§ 1.214–1 Expenses for the care of certain dependents.

* * * * *

(b) *Taxpayers who may qualify for the deduction.* * * *

(2) *A married woman whose husband is capable of self-support.* If the expenses are paid by a woman (i) who is married at the time the expenses are incurred, (ii) whose husband at that time is not incapable of self-support because he is mentally defective or physically disabled, (iii) who is not divorced or legally separated at the end of the taxable year, and (iv) in the case of a woman who has been deserted by her husband and who does not meet all of the conditions set forth in subparagraph (4)(ii) of this paragraph, the deduction is allowable, but only if she files a joint income tax return with her husband for the taxable year in which the expenses are paid. Further, the amount otherwise deductible shall be reduced by the amount, if any, by which the combined adjusted gross income of the taxpayer and her spouse exceeds $4,500 for the taxable year in which the expenses are paid. The amount otherwise deductible is the amount expended for child care or $600, whichever is lesser. The determination of whether the taxpayer's husband is incapable of self-support because of a mental defect or physical disability shall be made without regard to his income from sources other than his own earnings. For purposes of this subparagraph, the term "earnings" means wages, salaries, commissions, professional fees, and other amounts received as compensation for personal services actually rendered. It does not include income such as pensions, annuities sick-pay, interest, dividends, or rents.

* * * * *

(4) *A single woman.* (i) the deduction is also allowed without regard to the limitation described in subparagraph (2) of this paragraph for expenses paid by a woman who (*a*) is unmarried at the time the expenses are incurred, or (*b*) is, at the close of the taxable year, legally separated from her husband under a decree of divorce or of separate maintenance.

(ii) For taxable years ending after April 2, 1963, the deduction is also allowed without regard to the limitation described in subparagraph (2) of this paragraph for expenses paid by a woman who (*a*) has been deserted by her husband, (*b*) at the time her return for the taxable year is filed, does not know the whereabouts of her husband, (*c*) has not known the whereabouts of her husband at any time during the taxable year, and (*d*) has applied to a court of competent jurisdiction for appropriate process to compel her husband to pay support or otherwise to comply with the law or a judicial order. In general, a wife shall be considered to be deserted by her husband during any period of time during which there is an actual, willful, and voluntary abandonment of the wife by her husband which abandonment is in violation of a legal obligation without legal justification or excuse. The determination as to whether a wife has been deserted by her husband is a question of fact which will not necessarily be governed by provisions of state law relating to desertion or abandonment. The determination as to whether a wife knew the whereabouts of her husband at any particular moment of time will be determined in the light of the particular facts of each case. A wife will be considered to have known the whereabouts of her husband if on a particular day she knew the address at which he was, on such day, residing or carrying on his trade or business, or if she knew the name and address of the person by whom he was employed on such day. A wife will not be considered to have known the whereabouts of her husband merely because she had information that he was residing or working in a particular city or state. To satisfy the requirement of (*d*) of this subdivision the wife must have initiated legal proceedings consistent with the applicable state law for the purpose of compelling her husband to pay support or, upon failure of the husband to comply with an order or decree of a court requiring the payment of support, must have initiated legal proceedings, consistent with the applicable state law, for the purpose of requiring compliance by the husband of the order or decree of the court. As used in this subdivision, the term "legal proceedings" includes criminal and quasi criminal proceedings as well as civil proceedings.

[F.R. Doc. 64–2553; Filed, Mar. 16, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1138]

[Docket No. AO–335–A3]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing

orders (7 CFR Part 900), a public hearing was held at El Paso, Texas, on November 13–15, 1963, pursuant to notice thereof issued on October 29, 1963 (28 F.R. 11697).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on December 27, 1963 (28 F.R. 14526; F.R. Doc. 63–13508) and on January 29, 1964 (29 F.R. 1656; F.R. Doc. 64–1032) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decisions containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decisions (28 F.R. 14526; F.R. Doc. 63–13508) and (29 F.R. 1656; F.R. Doc. 64–1032) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. In the recommended decision issued December 27, 1963 (28 F.R. 14526; F.R. Doc. 63–13508) the three paragraphs immediately following the list of material issues are deleted and in the recommended decision issued January 29, 1964 (29 F.R. 1656; F.R. Doc. 64–1032) the two paragraphs immediately following the list of material issues are deleted and a new paragraph is added.

2. In the recommended decision issued January 29, 1964 (29 F.R. 1656; F.R. Doc. 64–1032) under 7 and 8, *Marketing area and regulation of the own-farm production of a handler*, the first and second paragraphs are revised.

The material issues on the record of the hearing relate to:

1. Class I price.
2. Location differentials.
3. Base and excess price plan.
4. Class III classification of milk dumped or used for fertilizer and livestock feed.
5. Payment to cooperative association handlers.
6. Producer butterfat differential.
7. Marketing area.
8. Regulation of the own-farm production of a handler.

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

1. *Class I price.* The seasonal Class I price differentials in the Rio Grande Valley order should be continued for 18 months at the present rate of $2.35 during the months of July through February and $2.05 during the months of March through June. The Class I price should continue to be adjusted during this period by a supply-demand adjustor equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kansas (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); and North Texas (Part 1126 of this chapter) milk marketing orders.

The Class I pricing provision of the order expires December 31, 1963. The cooperative association (Dairy Farmers' Association) representing the majority of the producers on the market proposed that the present Class I price differentials be continued but with an emergency 10 cents added for each month in the six-month period beginning December 1, 1963. A cooperative association (New Mexico Milk Producers Association) representing a small number of producers but a substantial volume of milk on the market proposed that the present Class I price differential of $2.35 be continued through February 1964, and effective March 1, 1964, the Class I differential be $2.25 each month.

Handlers did not object to the continuation of the present Class I price differentials nor to a uniform $2.25 Class I price differential for each month if the annual level of Class I price was not increased. Handlers did object, however, to the proposed 10-cent price increase for the six-month period beginning December 1, 1963. One handler supported the 10-cent price increase provided it would not apply to Class I sales delivered under military contracts entered into prior to the date the amendment would be effective.

The Class I price in the Rio Grande Valley market should reflect local milk supply and sales relationships as well as a reasonable alignment with other market prices.

Both total Class I sales and total producer receipts have increased since the order became effective July 1, 1962, while the percentage of producer milk utilized as Class I has remained about the same. Producer receipts are not adequate in all months for Class I sales of handlers regulated by the order, an indication that the Class I price level has not been higher than necessary to bring forth the required supply of fluid milk for Class I needs. The Dairy Farmers' Association imported over one and one-half million pounds of milk from other Federal order markets during September and October to supply handler's needs.

Some handlers secure either part or all of their fluid milk supply from handlers regulated under other Federal orders. Large quantities of milk are received in the Rio Grande Valley marketing area from plants in Wichita, Kansas, and Waterloo, Iowa. Milk at the Wichita plant is priced under the Wichita, Kansas, order and milk at the Waterloo plant is priced under the North Central Iowa order. Milk transported from the Wichita plant is hauled to the Rio Grande Valley area in 5,500 gallon tanks for 50 cents per loaded truck mile. This is translated into a transportation cost factor of 1.06 cents per hundredweight per 10 miles between plants. The cost of transporting milk to Albuquerque and Santa Fe from Wichita is about 61 cents per 100 pounds. Using the same transportation cost factor, the cost of transporting milk which moves to El Paso, Texas, from Waterloo, a distance of about 1,300 miles, would be around $1.39 per 100 pounds. The Class I prices applicable in the Rio Grande Valley marketing area should not exceed the Class I prices of these alternate sources of milk for any extended period by any amount substantially more than the transportation costs from these two markets.

The Class I price at Albuquerque and Santa Fe has averaged 67 cents over the Class I price at Wichita and the Class I price applicable at El Paso has average $1.48 over the Class I price at Waterloo for the most recent 12-month period for which Class I prices for the three orders are available. The present applicable annual average differentials under the Rio Grande Valley order of $2.25 at Albuquerque-Santa Fe and $2.35 at El Paso, together with the supply-demand adjustor, have maintained prices generally in line with the prices of alternate supplies of milk from these two sources.

The proposal by New Mexico Milk Producers Association for a Class I price differential of $2.25 each month effective March 1, 1964, was coupled with their proposal for a base and excess price plan for paying producers. The base-excess price plan is denied in this decision. This association asked for the differential of $2.25 each month even if the base-excess plan was not adopted on the basis that several competing Federal orders have uniform Class I price differentials. Of the two principal Federal order markets from which milk is shipped to the Rio Grande market, one, Wichita, has a uniform Class I differential, and the other, North Central Iowa, has seasonally variable Class I differentials. The markets in western Texas to the east of the Rio Grande market have seasonal Class I differentials while markets to the north and west have uniform differentials.

The differentials in the Rio Grande order result in higher Class I prices during months when the Dairy Farmers' Association has imported milk to fill needs for Class I sales of handlers. The lower differentials in the spring also tend to discourage seasonally high milk production in months when receipts are adequate for fluid sales. The present seasonally variable Class I price differentials in the Rio Grande Valley order are appropriate under marketing conditions existing in the area and the need to change to a uniform differential was not shown.

The Dairy Farmers' Association asked for the temporary 10-cent Class I price increase on an emergency basis because of the drought conditions which prevail generally throughout the area. The cooperative felt that the price increase was necessary to assure an adequate supply for the market.

The record indicates the existence of drought conditions of varying severity throughout the area. Range conditions in some areas have been somewhat below last year's conditions but rains have altered this situation in parts of New Mexico. Hay appears to be in high demand and reported prices per ton of alfalfa hay range from $5.00 to $15.00 above a year ago. Feed grains and proteins, while in ample supply, have increased in price over the prices which prevailed a year ago. Drought conditions prevailing in the area are similar to the conditions in other areas where price increases have been granted. However, drought relief, as such, cannot

properly be granted to producers through amendment of the order issued under the Agricultural Marketing Agreement Act of 1937.

Under the standards provided in this Act, the Secretary is required to fix prices which will reflect factors affecting market supply and demand for milk in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest. The adequacy of milk supplies, therefore, is an important factor in fixing prices under an order.

The combined receipts and sales for the Rio Grande Valley market reveal that the ratio of supplies to sales in September and October 1963 was virtually identical to that which prevailed in 1962, approximately 92.5 and 94 percent for each of the two months, respectively, of producer milk being utilized in Class I. Historically this market has relied on importation of other source milk to augment producer supplies during all months of the year. As mentioned previously, the Dairy Farmers' Association, during September and October, imported over one and one-half million pounds of milk to supply handlers' needs. This milk was imported from the Wichita and Dodge City, Kansas, areas at prices of $5.15 to $5.19 per hundredweight. The Rio Grande Valley Class I prices for September and October were $5.37 and $5.40, respectively, per hundredweight.

Handlers offered testimony in opposition to the proposed increase in the Class I price. Most handlers opposed the amendment on the grounds that the Rio Grande Valley market Class I price would would be out of line with alternate supplies of milk under other Federal orders.

Since producer milk on the market is supplemented with milk from other Federal orders at costs which are generally in line with the Class I prices under the Rio Grande Valley order, the Class I price under the order should not be increased at this time.

The Rio Grande Valley Class I price adjustor is based on the simple average of the supply-demand adjustments effective for the same month pursuant to the North Texas, Oklahoma Metropolitan and Wichita orders. The erratic pattern of producer milk on the market during some months of the period since the order became effective precludes the development at this time of a Class I price adjustor for the market based on the supply-demand relationship of producer receipts and handlers' Class I sales in this market. The present supply-demand adjustor has served to align the Class I price in the Rio Grande Valley order with prices in other Federal order markets and should be retained. However, data which more accurately represent the conditions in this market should be available on or before the end of the 18-month effective period of the proposed Class I pricing provision of the order. The Class I pricing provisions of the Rio Grande Valley order should be reconsidered when adequate data are available. In any event, if it is evident that conditions have changed before the end of the 18-month period, another hearing should be called at such time to review the Class I price level.

2. *Location differentials.* The location differential provisions of the Rio Grande Valley order should not be changed.

The Dairy Farmers' Association proposed that the location differential credit applicable to producer milk received at pool plants located in eastern New Mexico including the locations of Tucumcari, Clovis, Portales, Roswell, Artesia, and Carlsbad be reduced by 10 cents. The Central West Texas producers' Association proposed that the Class I price effective at Clovis be identical to the Class I price effective at Albuquerque, New Mexico.

The present location differentials subtracted from the Class I price applicable at Albuquerque and Santa Fe at the following locations in eastern New Mexico are: Tucumcari—22 cents; Clovis—26 cents; Roswell—15 cents; and Carlsbad—11 cents. During October 1963, the latest month for which data were available, there were no pool plants located in Portales and Artesia, New Mexico. The location differentials applicable at pool plants located in Tucumcari and Clovis are based on the alternative cost of hauling milk to Albuquerque (Bernalillo County) or Santa Fe (Santa Fe County). The location differentials applicable at pool plants located in Roswell and Carlsbad are based on the cost of hauling milk to El Paso, Texas.

The Dairy Farmers' Association representative asserted that producer milk is no longer being hauled from the Clovis area to plants located in Albuquerque and Santa Fe as was the situation at the time of the order promulgation hearing. The association now occasionally moves producer milk from the Clovis area to Albuquerque or Santa Fe but only to balance supplies. This change was brought about by the opening of a new milk plant in Clovis (Curry County) during May 1963. The association furnishes this plant a full supply of milk primarily from producers' farms located in Curry County or Roosevelt County which borders Curry County to the south. The average hauling cost from farm to plant is about 31.5 cents per hundredweight. The additional cost when the cooperative hauls the milk from Clovis to Santa Fe is 26 cents per hundredweight.

The association representative further stated that a 10-cent higher price at Clovis is necessary to align the Clovis price with nearby Federal order markets in West Texas and to prevent producers from shifting to these markets. The Central West Texas Producers' Association, a cooperative representing approximately 40 percent of the producers on the Lubbock-Plainview market and 98 percent of the producers on the Central West Texas market, also based its proposal on the alignment of prices between Clovis and the Texas markets of Lubbock-Plainview, Texas Panhandle and Central West Texas. The Central West Texas Producers' Association representative stressed that the new milk plant located in Clovis had considerable Class I sales in competition with the higher priced western Texas markets.

Dairy farmers located in Curry or Roosevelt County ship milk to the Texas Panhandle and Lubbock-Plainview markets as well as to Clovis and Roswell, New Mexico. Farmers in Lea County, just south of Roosevelt County, ship milk to the Central West Texas market. The average Class I price at Clovis for the latest 12-month period available has been considerably lower than the Class I prices of the three Texas markets, particularly so when compared with the costs of hauling milk from farms in the Roosevelt-Curry County area to plants in Clovis and the Texas Panhandle and Lubbock-Plainview markets.

A handler with a plant located in Santa Fe, New Mexico, proposed that all minus location adjustments in areas east and south of Albuquerque be eliminated and that the Class I price at El Paso be the Albuquerque Class I price plus 32 cents. Another handler with a plant located in El Paso, Texas, proposed that all location differentials be revoked.

These proposals would involve the location differentials applicable to handlers with pool plants located in El Paso, Texas; Durango, Colorado; and Alamogordo, Las Cruces, Farmington, and Aztec, New Mexico, in addition to the location differentials at locations previously mentioned. The present location differential applicable at El Paso, Alamogordo and Las Cruces, all located south of Albuquerque and Santa Fe, is plus 10 cents. The location differential applicable at Durango is minus 26 cents, at Farmington is minus 24 cents and at Aztec is minus 23 cents. These three locations are to the north and west of Albuquerque and Santa Fe.

Other handlers generally opposed any changes in location differentials on the grounds that the location adjustments are necessary to provide equity among handlers and producers and that there have been no significant changes in conditions since the order became effective. One handler opposing the proposed increase in price at El Paso asked that the El Paso price be the same as the Albuquerque-Santa Fe price.

Producer milk should be priced in relation to its location value. Since the value of producer milk varies with the proximity of a producer to a market, milk prices are usually higher at delivery points in the major consumption centers. With the value of producer milk established in relation to the major consumption centers, all producer milk received by handlers in a given area has an alternative value based on the highest net price paid f.o.b. such centers less the cost of hauling milk to the respective market.

Albuquerque, Santa Fe and El Paso are the primary alternate markets for milk produced in eastern New Mexico. Producers supplying the Rio Grande Valley market from the Roosevelt-Curry County area have not shifted to the higher priced Texas markets because handlers under those markets will not as yet accept their milk. Hauling costs of producer milk from this area to Albuquerque and Santa Fe do not warrant a change in location differentials. The Dairy Farmers' Association's cost for hauling producer milk from Clovis to

Albuquerque is 26 cents per hundredweight, the same as provided for under the location differential.

The proponent of the proposal to increase the Class I price at El Paso introduced handlers' costs of moving packaged products to support his proposal. The plus 10 cents applicable at El Paso is based on the difference in approximate costs of moving producer milk to El Paso or the alternate markets of Albuquerque and Santa Fe by efficient means. Producer milk is moved from the Carlsbad, Roswell and Portales areas to pool plants in El Paso. There was no evidence offered on changes in hauling costs of producer milk in these areas which would warrant a change in location differentials.

The location differentials applicable at plants located northwest of Albuquerque and Sante Fe should not be changed. The Dairy Farmers' Association and a handler testified that producer milk moved from this area to Albuquerque at a cost slightly in excess of the location differentials presently applicable.

The reported hauling costs in the Rio Grande Valley market area are equal to or slightly in excess of the present location adjustments. However, these costs have been greatly reduced, primarily through the efforts of the Dairy Farmers' Association. If further reductions in the hauling costs of producer milk are realized, the general scheme of location differentials for the order should be reviewed at that time.

3. *Base and excess price plan.* The proposal to provide that minimum payments to producers be distributed according to a base and excess price plan is denied.

The New Mexico Milk Producers Association proposed the base-excess plan to encourage level patterns of seasonality in milk deliveries by producers. An additional consideration was the fact that the New Mexico Milk Producers Association and the Dairy Farmers' Association, representing over 80 percent of the producers on the market, started a cooperative base-excess plan beginning with the first base-setting month of August 1963. The New Mexico Milk Producers Association contended that a base-excess plan for the order was necessary to provide member producers operating under the cooperative base-excess plan equal treatment with other producers during base-paying months. As proposed, the base-forming period would be the months of August through November and the base-paying period would be the months of April through June.

Other producer groups representing the majority of the producers on the market testified that the base-excess plan was not needed since seasonal pricing is provided. The Dairy Farmers' Association and the Neosho Valley Producers Association, a cooperative with approximately 59–60 producers on the market, did not support the base-excess plan. Since there was no clear showing of need for a base plan, none should be adopted.

4. *Class III classification of milk dumped or used for fertilizer and livestock feed.* The proposal to provide for Class III classification of all milk, the skim milk portion of which, during the months May through August and December, is disposed of for fertilizer and livestock feed or dumped after prior notification to the market administrator should not be adopted.

Two handlers, with the support of the Dairy Farmers' Association, proposed the optional Class III classification and a Class III price to aid in the disposal of surplus milk of a cooperative which cannot be used at handlers' plants. The Southwest Milk Producers Association also supported the Class III classification for a cooperative's surplus milk. The handlers making the proposal stated that they would not support the proposal if the adoption of Class III classification would require an upward adjustment of the order Class II price. The New Mexico Milk Producers Association opposed the establishment of a third price class for the Rio Grande Valley order but would not object to the lowering of the price for skim milk which was "surplus" to the market if the order provided for a higher than Class II price for the butterfat contained in such milk.

The proposed Class III price would be computed by multiplying the butter price specified in the basic formula price by 1.25 and multiplying the result by 3.5. A specific Class III butterfat differential was not proposed. The butterfat in the surplus milk, the skim portion of which is dumped or used for fertilizer and livestock feed, would be priced to the handler according to its use. The Class I and Class II handler butterfat differentials for the order have averaged 72 and 67 cents per pound, respectively, for the past 12 months.

As proposed, the Class III price for the Rio Grande Valley order would have averaged $2.54 per hundredweight for the past year for milk of 3.5 percent butterfat content as compared to the order price for Class II milk which averaged $2.96 per hundredweight for the same period.

The interest of the handlers in making the proposal was to accommodate the cooperative in disposing of surplus milk. Surplus skim milk could be dumped at the proposed Class III price as an alternative to incurring the costs of diverting milk to manufacturing milk plants. The Dairy Farmers' Association during the months of December 1962 and April, May, June, July and August 1963, diverted in excess of eight percent of the total producer milk on the market. Very little nonmember milk was diverted.

Although the cooperative claimed losses of from 50 to 60 cents per hundredweight on surplus milk diverted, there was no detailed information in the record as to the cost of moving the milk to surplus outlets. The cooperative testified that one plant paid 87 cents per pound of butterfat for milk for manufacturing, or $3.04 for milk of 3.5 percent butterfat. This plant is located in Roosevelt County and milk from that area could be diverted to the manufacturing plant with a shorter farm-to-plant haul than when moved from this area to distributing plants. If the milk were moved from more distant areas, some additional hauling expense would be involved. However, since Roosevelt County is an area of heavy milk production, some rearrangement of milk supplies to retain milk in that county for manufacturing when total producer deliveries exceed Class I sales could accomplish important savings in transporting diverted milk.

The Dairy Farmers' Association has been diverting surplus milk for only a short period and is constantly attempting to devise ways to minimize the cost of diverting such milk. As previously mentioned, the supply of producer milk on the market varied widely during several months of 1963. The amounts of surplus milk diverted and the cost of diversion can be expected to change considerably as the cooperative gains experience and when a normal pattern of producer supplies on the market is realized.

The present Class II price is generally in line with the cost of imported cream and nonfat dry milk. Cream is available to the market for about 83 cents per pound of butterfat. On a 3.5 percent butterfat content basis, this would amount to a cost of $2.905 per hundredweight. Nonfat dry milk would cost at least 14 cents per pound. Even with the cost of separating and handling surplus milk the value of the butterfat in such milk plus the skim milk which could be used in making ice cream would be at least the Class II price of $2.96.

5. *Payment to cooperative association handlers.* Proposal No. 12 as it appeared in the hearing notice was to amend the Rio Grande Valley order to provide that each handler pay for milk received by such handler during the month from a cooperative association, for which the association is a handler, on the same dates and at the same rates as prescribed by the order for payments by handlers to producers. This proposal was modified by its proponent at the hearing to provide that each handler who receives milk from a cooperative association acting with handler status under another Federal milk marketing order pay such cooperative association for such milk on the same dates as specified by the Rio Grande Valley order for payment by handlers to producers or to cooperative associations authorized by its members to collect payment for their milk. The modified proposal did not specify any rates at which such payments should be made. There were objections that the modified proposal went beyond the proposal as it appeared in the hearing notice.

The modification of the proposal to provide that payments be required for milk received from a cooperative association acting with handler status under another Federal order raises many questions as to how the amount of such payments is to be determined as well as the date of payment. Such milk is already priced under another order but at a location other than that at which received by the Rio Grande handler. Plant handling and transportation costs have been incurred. Are they to be included in required payments?

The record is not clear as to how these items should be treated in determining required payments. Until more specific

consideration is given to such matters in a hearing the proposal should not be adopted.

6. *Producer butterfat differential.* The proposal to reduce the uniform price to producers for milk containing less than 3.25 percent butterfat by 20 cents per hundredweight for each one-tenth of one percent by which such butterfat content is less than 3.25 percent was withdrawn at the hearing by its proponent. There is no basis for amending the order in this respect on the basis of this record.

7 and 8. *Marketing area and regulation of the own-farm production of a handler.* The proposals to delete the New Mexico counties of Mora and San Miguel from the Rio Grande Valley marketing area and to exempt the own-farm production of a handler from any regulation by the Rio Grande Valley order are denied. These proposals should be considered together since the end result of both proposals, if adopted, would allow the proponents of the proposals to purchase unlimited amounts of fluid milk products from other sources while maintaining exemption from pooling their own-farm production.

The proposal to delete Mora and San Miguel Counties from the marketing area was made by two producer-handlers who have all of their sales in the two counties. One pool handler gave testimony in opposition to the proposal. The Dairy Farmers' Association's representative testified that regulated handlers to whom they sell milk must not be placed at a competitive disadvantage with unregulated handlers. Three pool handlers and the New Mexico Milk Producers Association opposed the deletion of the two counties from the marketing area in their briefs.

The two producer-handlers have from 60 to 90 percent, according to different estimates, of the sales in Mora County and from 65 to 80 percent of the sales in in San Miguel County. The remaining sales in these two counties are made by handlers fully regulated under the Rio Grande Valley order.

One of the producer-handlers sells an average of 128,000 pounds of milk per month on routes in the two counties with approximately 12 percent of these sales in Mora County and 88 percent in San Miguel County. This producer-handler does not normally purchase fluid milk products from any other source but purchases in May 1963 qualified the plant as a pool plant under the Rio Grande Valley order for that month. The other producer-handler sells an average of 100,000 pounds of milk per month on routes in the two counties with approximately 10 percent of these sales in Mora County and 90 percent in San Miguel County. This producer-handler processes all of his fluid milk products from milk he produces, except for sweet cream which he purchases from a pool plant. Both producer-handlers testified that their milk supply and sales have remained relatively unchanged since the order became effective.

The proponent of the proposal to exempt the own-farm production of a handler from any regulation by the order is a fully regulated handler under the Rio Grande Valley order whose plant is located at El Paso, Texas. This handler purchases around 800,000 pounds of milk per month and has own-farm production of approximately 1,000,000 pounds per month. The plant was operated in essentially the same manner before the order became effective with about 40 percent of the handler's needs supplied from sources other than his own-farm production. This handler, as well as both producer-handlers, wanted the opportunity to purchase unlimited amounts of fluid milk products from other sources but still maintain exemption from pooling own-farm production.

Exemption from pricing and pooling under the order is afforded to producer-handlers with respect to their own-farm production. However, certain conditions must be met for producer-handler status. A producer-handler, as presently defined under the order, includes any person who processes and packages milk from his own-farm production, who distributes any portion of such milk on routes within the marketing area, and who receives no fluid milk products from other dairy farmers or from any source other than a pool plant (and receipts from pool plants shall not be in excess of 11,000 pounds per month).

Purchases not in excess of 11,000 pounds monthly from pool plants are allowed producer-handlers to deal with any emergency a producer-handler might experience with his own milk supply. To provide that a producer-handler be permitted to purchase supplemental needs through Class I transfers from pool plants in unlimited quantities would result in the situation whereby the pool of producer milk would carry the reserve for such producer-handler's sales. The exemption from pooling carries with it the obligation that the producer-handler bear the burden of his necessary reserve except for the small quantity he may buy from pool plants. In carrying his own reserves, he will necessarily have some milk in excess of that which he needs for Class I sales. If he were permitted to buy unlimited amounts from the producer pool, he could avoid using any of his own milk for uses other than Class I.

The deletion of the counties of Mora and San Miguel from the marketing area would exempt the two producer-handlers from any regulation under the order. A fully regulated handler with substantial sales in the two counties objected to such deletion on the grounds that he would then be at a disadvantage in meeting the competition from the two plants. The producer-handlers submit bids for supplying milk to schools in these counties. As producer-handlers, the amount of fluid milk they can supply under contract is limited to their own-farm production plus 11,000 pounds monthly from pool plants. Hence, they must consider their ability to supply such sales from their own-farm production.

If completely unregulated, the two plants would be free to purchase fluid milk from any source in unlimited quantities if they so desired. They would thus be relieved of the responsibility of providing a reserve supply through their own production since the reserve could be obtained from other sources. Their sales in the two counties would be made in competition with fully regulated handlers who purchase milk from producers at order prices. These regulated handlers would be at a competitive disadvantage in competing for sales in Mora and San Miguel Counties. Therefore, it is concluded that the retention of Mora and San Miguel Counties as part of the marketing area is necessary to effectuate orderly marketing in the Rio Grande Valley marketing area.

The handler who proposed that his own-farm production be exempt from regulation by the order objected to the payments required by the order to the producer-settlement fund on his own-produced milk

When the Rio Grande Valley order was instituted, it was determined that a marketwide pooling arrangement best met the needs of both handlers and producers. Under marketwide pooling, each producer receives a "blend" price for his milk which reflects the average utilization in the market. Each handler pays for the milk at the class prices according to the use of the milk in his plant. The utilization of all pool plants is averaged to derive the uniform "blend" price for all producers. A producer-settlement fund is provided to balance payments from pool plants with higher than the market average utilization with payments to pool plants with lower than the market average utilization.

To exempt the own-farm production of a fully regulated handler from any regulation under the order would give such a handler an advantage over other "pool handlers" or producers. If his own-farm production was valued at the order "blend" price and utilized in Class I products, he would have a competitive advantage over other handlers who must pay the order Class I price for milk utilized in Class I products. If his own-farm production was utilized in Class I products and valued at the order Class I price, he would have an advantage over other producers who receive only the order "blend" price for their milk. Therefore, it is necessary that the own-farm production of a fully regulated handler be included in the producer pool to effectuate orderly marketing in the Rio Grande Valley marketing area.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously

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

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

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

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

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Rio Grande Valley marketing area", and "Order amending the order regulating the handling of milk in the Rio Grande Valley marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of January 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Rio Grande Valley marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 12, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area.

§ 1138.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, United States Department of Agriculture, on December 27, 1963, and published in the FEDERAL REGISTER on December 31, 1963 (28 F.R. 14526; F.R. Doc. 63–13508), shall be and are the terms and provisions of this order, and are set forth in full herein.

In § 1138.51, paragraph (a) is revised as follows:

§ 1138.51 Class prices.

* * * * *

(a) *Class I milk.* During the period from the effective date of this order until July 1, 1965, the price for Class I milk shall be the basic formula price for the preceding month plus $2.35 during each of the months July through February and plus $2.05 during each of the months March through June. This price shall be increased or decreased by a supply-demand adjustment equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kansas (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); and North Texas (Part 1126 of this chapter) milk marketing orders. If the supply-demand adjustment in any of these markets is limited in its effect by another provision of the respective order, the supply-demand adjustment to be used in this computation shall be the net adjustment which determines the Class I price in such market.

* * * * *

[F.R. Doc. 64–2567; Filed, Mar. 16, 1964; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Allotment and Marketing Quota, 1963 and Subsequent Crops

Pursuant to authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), a proposed amendment is being prepared to amend the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920, 28 F.R. 11811).

As presently contemplated the amendment would:

1. Amend § 729.1424(c), as amended, to (1) provide that the farm peanut history acreage shall not, under any circumstances, exceed the farm allotment, (2) eliminate the provision under which the final acreage, as adjusted, cannot exceed the planted acreage to permit an adjustment in cases where because of conditions beyond the control of the farm operator the acreage planted is less than 75 percent of the farm allotment, and (3) specify that in no case shall an adjustment be made for abnormal conditions unless the farm operator files a request for such an adjustment at the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

office of the county committee prior to November 1 of the current year.

2. Amend paragraphs (a) and (b) of § 729.1435, as amended, to establish April 1 as the closing date for all counties in California for voluntarily releasing peanut acreage which will not be used on the farm to which allotted, and the date by which the farm owner or operator must file a written request for reapportionment of acreage released from other farms.

Prior to the amendment being issued, consideration will be given to any data, views and recommendations which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. To be considered, any such submission must be postmarked not later than 10 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 11, 1964.

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

[F.R. Doc. 64-2566; Filed, Mar. 16, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[Docket No. 15080]

EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS AND SUBSTITUTE SERVICE

Notice of Proposed Rule Making

MARCH 13, 1964.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 288 to set new minimum rates for MATS cargo charters in fiscal year 1965 which will take into account the operating costs of pure jet cargo aircraft, as well as the costs of the turbo-prop CL-44 aircraft which were used as the basis for the new minimum rates adopted by the Board on February 28, 1964 in Regulation ER-401. The amendment is proposed under authority of sections 204(a), 407, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766, 771; 49 U.S.C. 1324, 1377, 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before March 27, 1964 will be considered by the Board before taking action. In view of the importance of establishing new minimum rates for MATS cargo charters prior to the award of the fiscal year 1965 contracts by the Department of Defense in April, the Board does not anticipate granting requests for extensions of time for submitting comments. Copies of communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 288 provides the exemption authority for air carriers to perform short notice MATS charters and substitute service in foreign and overseas air transportation and between the 48 contiguous states, on the one hand, and the state of Alaska or Hawaii, on the other. Such authority is conditioned upon the observance of the minimum rates specified in § 288.7, which are also made applicable to all MATS charters to points outside the 48 contiguous states by § 399.16 of the Board's Policy Statements, governing the grant of individual exemptions for overseas and foreign MATS charters, and by § 208.30, which conditions the military certificate authority of supplemental carriers.

In Regulation ER-401, which amended Part 288 effective March 1, 1964, the Board, inter alia, revised the minimum rates for MATS cargo charters to reflect the lower costs of turbine aircraft as opposed to piston aircraft formerly predominantly used for MATS charters. The new minimum cargo rates were based on the cost experience of turboprop CL-44 aircraft which presently perform most of the MATS cargo charters. The Board noted, however, that the pure jet aircraft, such as the DC-8F and B-707-320C, are expected to be used to an increasing extent during fiscal year 1965 and that it contemplated an early notice of proposed rule making for the purpose of setting new minimum rates for MATS cargo charters which would take into account the costs of pure jet operations.

The new minimum rates[1] here proposed for July 1, 1964 effectiveness compare with those presently specified in Part 288 as follows:

	Present	Proposed	Unit
	Cents	*Cents*	
Round-trip cargo	11.5	10.5	Per ton-mile.
One-way cargo	21.0	19.0	Do.

The proposed minimum cargo rates are based on an average daily aircraft utilization of 8 hours, which is approximately the recent experience of Seaboard World Airlines, Inc., and The Flying Tiger Line Inc., which operate all-cargo charter services. The rates are also predicated on an even division between the usage of pure jets and CL-44's in MATS foreign and overseas cargo charter services in fiscal year 1965 and onward.

Because convertible jets, the pure jet aircraft types used in cargo services, are so new, experience data are limited. We have therefore relied upon the cost forecasts submitted by the carriers in connection with the proposal to amend Part 288 in Docket 14749. These data are shown in the attached Appendix[2] Pan American World Airways, Inc., submitted separate cost forecasts for passenger operations with B-707-300 type aircraft and for cargo operations with B-707-320C type aircraft. After adjustments consistent with those for passenger operations shown in Appendix A to ER-401, and in other particulars as described for other carriers hereunder, an adjusted cargo forecast for Pan American has been derived. The other carriers' forecasts are as shown in Appendix A to ER-401, with adjustments to eliminate passenger service expenses and the general burden associated therewith; adjustments of insurance expense, flight equipment depreciation, and amortization of preoperating expenses to reflect 8 hours utilization; and with income taxes at 49 percent (the average of the corporate rate of 50 percent in 1964 and 48 percent for 1965). The investments have been adjusted to reflect 8 hours utilization, and the net book value of flight equipment and unamortized balance of deferred preoperating expenses has been adjusted to July 1, 1964, the beginning of fiscal year 1965.

Instead of a weighting factor by carrier that was used in preparing the minimum rates adopted in ER-401, the simple arithmetic average cost of the six convertible jet aircraft operators was used. This method produced a figure of 9.66 cents per ton-mile, as indicated by the following table:

	Cargo cost per ton-mile (cents)
Pan American	10.26
World	10.76
Trans Caribbean	8.85
Riddle	9.49
Trans International	9.42
Capitol	9.19
Average	9.66

The costs of the CL-44 cargo charter were adjusted to reflect a 49 percent tax liability, in lieu of the former 52 percent, and to reflect the investment in flight equipment and deferred preoperating expenses as of July 1, 1964. The former and revised data for the CL-44 cargo carriers are shown below:

	CL-44 cargo cost per ton-mile	
	ER-401	As revised
	Cents	*Cents*
Flying Tiger	11.78	11.48
Slick	10.74	10.45
Seaboard	11.84	11.53
Weighted average	11.48	Not computed
Simple average	11.45	11.15

On the basis that cargo charters will be evenly distributed between pure jet and CL-44 aircraft in fiscal year 1965, the average cost is 10.41 cents per ton-mile. The current minimum rate, based on CL-44 costs exclusively, is 11.5 cents per ton-mile for round-trip services. The simple average of the current rate

[1] It is not proposed to change existing rate levels for application to piston services in areas where turbine operations are not feasible.

[2] Appendix filed as part of original document.

of 11.5 cents and the estimated average cost for pure jets of 9.66 cents is 10.58 cents. It is therefore proposed that the fair and reasonable rate for round-trip cargo operations for fiscal year 1965 should be 10.5 cents, which is a rough average of the two bases.

If the principle adopted in ER–401 were followed to provide a yield for one-way cargo charters that is 91 percent of the yield for round-trip cargo charters, the one-way cargo rate would be 19.1 cents per ton-mile. A rate of 19.0 cents for one-way charter trips is being here proposed. That figure is close to the 91 percent ratio in the existing rates and it will also make the cargo one-way yield per mile for convertible jet aircraft approximately equal to the passenger one-way yield per mile for the same aircraft.

Proposed rule. It is proposed to amend Part 288 of the Economic Regulations (14 CFR Part 288) as follows:

In § 288.7(a), redesignate subparagraphs (5) and (6) as subparagraphs (6) and (7), respectively, and add new paragraph (5) to read:

(5) For services performed on and after July 1, 1964, other than services specified in subparagraphs (6) and (7) below:

(i) All round trips on which passengers are carried on at least one segment thereof, 2.55 cents per passenger-mile.

(ii) Round-trip cargo services, 10.5 cents per cargo ton-mile.

(iii) One-way passenger and mixed passenger-cargo services, 4.2 cents per passenger-mile.

(iv) One-way cargo services, 19.0 cents per cargo ton-mile.

Provided, That, subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to the passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

[F.R. Doc. 64–2631; Filed, Mar. 16, 1964; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 11 [New]]

[Reg. Docket No. 4003; Notice 64–9A]

ASSIGNMENT OF NAVIGABLE AIRSPACE

Notice of Proposed Rule Making; Extension of Comment Period

In a notice of proposed rule making published in the FEDERAL REGISTER February 14, 1964 (29 F.R. 2467), it was stated that the Federal Aviation Agency is considering a proposal to amend the Agency's general rule making procedures to authorize FAA Regional Directors to issue regulations assigning the navigable airspace. This notice was slightly modified by an editorial change published in the FEDERAL REGISTER February 25, 1964 (29 F.R. 2677).

Subsequent to the publication of the notice, the Department of Defense notified the Agency that the proposal could significantly affect the processes of coordination with the FAA by the military departments and that there is not sufficient time to obtain, correlate and consolidate all the responses that the Department of Defense is soliciting from the various military departments by the published date for closing of comments, March 16, 1964. The Department of Defense therefore requested a thirty day extension of time for the receipt of comments to the subject proposal.

Accordingly, the notice is hereby amended to extend the period for the filing of comments by all persons for an additional thirty days to April 15, 1964.

Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553.

These amendments are proposed under the authority of section 307 of the Federal Aviation Act of 1958, 49 U.S.C. 1348.

Issued in Washington, D.C., on March 12, 1964.

NATHANIEL H. GOODRICH,
General Counsel.

[F.R. Doc. 64–2523; Filed, Mar. 16, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 23, 87]

[Docket No. 12169]

REDUCED SEPARATION BETWEEN ASSIGNABLE FREQUENCIES

Closing and Terminating of Proceeding; Supplemental Order Number Ten

The Commission having under consideration the First Report and Order in the above-entitled matter (FCC 57–1393), adopted December 18, 1957; and

It appearing, under the terms of the subject First Report and Order, that Part 2 of the Commission's rules was amended as set forth therein, and that Parts 7, 8, 10, 11, and 16 of the rules were amended by subsequent orders of the Commission; and

It further appearing, that amendment of Parts 6 and 9 (subsequently renumbered Parts 23 and 87) was never necessary; that the matters involved are now moot in view of subsequent action by the Commission in Docket No. 13616 (FCC 60–1228, adopted October 12, 1960); and, therefore, that this docket should be formally closed and the proceeding terminated; and

It further appearing, that the authority for the action herein ordered is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and § 0.261 of the Commission's rules;

It is ordered, This 10th day of March 1964, effective March 18, 1964, that Docket No. 12169 is closed and the proceeding is terminated.

Released: March 11, 1964.

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

[F.R. Doc. 64–2570; Filed, Mar. 16, 1964; 8:53 a.m.]

[47 CFR Part 73]

[Docket No. 15377, RM–543; FCC 64–214]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, ROSCOE, S. DAK.

Notice of Proposed Rule Making

1. Notice is hereby given in the above-entitled matter.

2. The Commission has before it for consideration a petition filed November 29, 1963, by the South Dakota Educational Television Association and M. F. Coddington, State Superintendent of Public Instruction of the State of South Dakota. The petition requests rule making to assign Channel 2 to Roscoe, South Dakota, as a reserved noncommercial educational channel.

3. Roscoe, South Dakota, with a population of 532, is located in Edmunds County. That county's population according to the 1960 U.S. Census is 6,079. There are no television channels assigned to Roscoe.

4. Petitioners state that "* * * The essential purpose of the instant request is to make possible the creation of a statewide network of five noncommercial educational VHF stations, which will serve approximately 95 percent of the entire population of South Dakota * * *" Currently there are four VHF channels reserved in South Dakota: Brookings, Channel *8; Vermillion, Channel *2; Pierre, Channel *10; and Rapid City, Channel *9. A fifth VHF channel evidently is desired because of its wide coverage potential.

5. Petitioners hope to use the proposed channel and network in both general, and in school educational programs. Petitioners allege that, at the present time South Dakota is suffering from a severe shortage of teachers. It is expected that the proposed noncommercial educational television service will ameliorate that general problem as well as the problem of providing sufficient instruction to students in foreign languages, frequently required for admittance to college. Further it is maintained that television can be of particular educational service in sparsely populated rural areas and that assignment of Channel *2 to Roscoe will meet all of the Commission's minimum mileage separation requirements.

6. The Commission is of the view that it is in the public interest that rule making proceeding should be instituted in respect to the following proposal so as to permit all interested parties to submit their views and other relevant data.

City	Channel No. Present	Proposed
Roscoe, South Dakota		*2

7. Since Roscoe, South Dakota, is within 250 miles of the U.S.-Canadian border, assignment of Channel *2 to that community would require the concurrence of Canadian authorities, in accordance with the U.S.-Canadian agreement of 1952. No final action on the proposal will be taken without formal Canadian concurrence.

8. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission Rules, interested persons may file comments on or before April 20, 1964, and reply comments on or before April 30, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: March 11, 1964.

Released: March 12, 1964.

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

[F.R. Doc. 64-2571; Filed, Mar. 16, 1964; 8:53 a.m.]

[47 CFR Part 85]

[Docket No. 15372; FCC 64-206]

PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Ship-Shore Public Telephone Service in All Zones; Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter. The amendments proposed to be adopted are set forth below.

2. Section 85.260 (formerly § 14.260) of the Commission's rules provides, among other things, for use of the frequency 2134 kc/s in all zones of the Alaska area by public ship stations for communications exclusively with coast stations of the Alaska Communications System (hereinafter referred to as ACS) which are located in the Alaska area and are open to public correspondence. These coast stations are operated by the U.S. Air Force as Government stations and are open to the public upon request for ship-shore communications.

3. The Department of the Air Force, Headquarters United States Air Force, Washington, D.C., 20330, has requested that Part 85 (formerly Part 14) of the Commission's rules be amended to set forth an additional frequency which would be available for use by ship stations to communicate with ACS coast stations. The Department of the Air Force has indicated that only one channel is now available for such purpose, resulting in severe traffic congestion and interference in certain areas. The provision of a second frequency, 2240 kc/s, will relieve this problem.

4. In addition, it is proposed to delete the optional use of telegraph emission (Class A1) in the ACS ship-shore public telephone service and to authorize single sideband operations.

5. To allow sufficient time for Commission rule making procedures, and for the addition of 2240 kc/s to ship radiotelephone transmitters where required, it is proposed that the effective date of proposed use of 2240 kc/s be July 1, 1964.

6. The proposed amendment is issued under the authority contained in section 303 (c) and (r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 20, 1964, and reply comments on or before April 30, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. The Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

8. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: March 11, 1964.

Released: March 12, 1964.

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

A. Part 85 Public Fixed Stations and Stations of the Maritime Services in Alaska, is amended as follows:

1. Section 85.260(a) is amended to read:

§ 85.260 Frequencies in the band 1605–3400 kc/s for ship-shore public telephone service in all zones.

(a) (1) The frequencies 2134 kc/s and 2240 kc/s are authorized carrier frequencies for use in all zones of the Alaska area by public ship stations, in accordance with Subpart E of this part, for communication exclusively with coast stations of the Alaska Communication System which are located in the Alaska area and are open to public correspondence. When transmitting on these frequencies to any ACS coast stations, ship stations shall employ class A3, A3A, A3H, or A3J emission for telephony. The associated frequency to be used for transmission from the ACS coast station to the ship station shall be within the band 1605 to 3400 kc/s and shall be designated for each location by the ACS.

(2) Public ship stations shall use the frequencies shown below for working with the particular ACS coast stations designated herewith. The hours of service of each ACS coast station may be obtained upon request made to the ACS or to the Commission's Engineer-in-Charge at Anchorage, Alaska, or Seattle, Washington.

For communication with ACS coast stations located in the vicinity of—	Ship station transmitting frequency	Respective ACS coast station frequency
	(kc/s)	(kc/s)
Anchorage, Alaska	2134	2312
Cordova, Alaska	2134	2312
Cold Bay, Alaska	2134	2312
King Salmon, Alaska	2134	2312
Unalaska, Alaska	2134	2312
Ketchikan, Alaska	2134	2312
Petersburg, Alaska	2134	2312
Juneau, Alaska	2240	2400
Kodiak, Alaska	2240	2400
Nome, Alaska	2240	2400
Sitka, Alaska	2240	2400

* * * * *

[F.R. Doc. 64-2572; Filed, Mar. 16, 1964; 8:53 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. R-256]

ELECTRIC UTILITIES AND NATURAL GAS COMPANIES

Annual Reporting of Research and Development Activities; Notice of Extension of Time for Comments

MARCH 11, 1964.

Upon consideration of the request filed on March 5, 1964, by Edison Electric Institute for an extension of time within which to file data, views, and comments in the above-designated matter;

Notice is hereby given that the time is extended from March 16, 1964, to and including April 15, 1964, within which all parties may file data, views, and comments on the Notice of Proposed Rule Making issued February 11, 1964, in the above-designated matter.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2529; Filed, Mar. 16, 1964; 8:45 a.m.]

[1] Commissioner Lee absent.

Notices

DEPARTMENT OF STATE

[Public Notice 229]

[No. 104–4]

DELEGATION OF AUTHORITY

By virtue of the authority vested in me by Executive Order No. 10973 of November 3, 1961 (26 F.R. 10469), the Foreign Assistance Act of 1961, as amended (75 Stat. 612) and section 4 of the Act of May 26, 1949, it is directed that Delegation of Authority No. 104 of November 3, 1961 (26 F.R. 10608) be, and it is hereby, further amended as follows:

By deleting paragraph "(f)" of section 6 in its entirety and substituting in lieu thereof the following:

(f) The Administrator and any other officer to whom functions are delegated by this Delegation of Authority may, to the extent consistent with law: (1) delegate or assign any of the functions delegated or assigned to him by this Delegation of Authority, including with respect to the Administrator, authority to delegate or assign any of such functions to an officer of the Department of State, and (2) authorize any officer to whom functions are so delegated or assigned successively to redelegate or reassign any of such functions.

This delegation of authority shall be effective immediately.

[SEAL] DEAN RUSK,
Secretary of State.

MARCH 4, 1964.

[F.R. Doc. 64–2609; Filed, Mar. 16, 1964; 8:53 a.m.]

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

STATEMENT OF ORGANIZATION

The statement of organization of the Foreign Assets Control published in the FEDERAL REGISTER (15 F.R. 776) pursuant to section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002) (currently published in the "United States Government Organization Manual," at pp. 98–99) is hereby amended to read as follows:

The Office of Foreign Assets Control, originally established as a Division of the Office of International Finance under Treasury Department Order No. 128 of December 14, 1950, was established as the Office of Foreign Assets Control separate from the Office of International Finance (now designated as Office of International Affairs) by an amendment of October 15, 1962, to Treasury Department Order No. 128. The Office of Foreign Assets Control is headed by a Director who reports to the Assistant Secretary for International Affairs through the Assistant to the Secretary (National Security Affairs).

The Office administers controls over the assets in the United States of, and financial transactions by, China (except Formosa), North Korea, Cuba, and their nationals for the purpose of preventing transactions which would be inimical to the interests of the United States. The controls are administerd through a system of licenses, rulings and other documents (see 31 CFR Chapter V) pursuant to powers of the President under section 5(b) of the Trading With the Enemy Act, as amended, and any proclamations, orders, regulations or rulings that have been or may be issued thereunder. The Office of Foreign Assets Control is represented in the field by the Federal Reserve Bank of New York.

The Director of the Office of Foreign Assets Control has been delegated by the Secretary of the Treasury power to exercise and perform all authority, duties and functions which the Secretary is authorized or required to exercise or perform under Sections 3 and 5(b) of the Trading With the Enemy Act, as amended, and any proclamations, orders, regulations, or rulings that have been or may be issued thereunder.

Authority to take final licensing action on certain applications for specific licenses authorizing certain types of transactions prohibited by the regulations is delegated to the Federal Reserve Bank of New York, subject to policies and procedures prescribed by the Office of Foreign Assets Control.

The public may in general secure any information or make submittals, requests or petitions with respect to any Foreign Assets Control matters by communicating through correspondence or telephone or by coming in person or sending a representative, either to the central office in Washington or to the Federal Reserve Bank of New York.

Correspondence with the central office should be directed to "Foreign Assets Control, United States Treasury Department, Washington, D.C., 20220." Personal inquiries to the central office should be made to the Main Treasury Building, Washington, D.C., 20220. All correspondence or inquiries to the Federal Reserve Bank of New York should be addressed as follows: Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, New York, 10045.

[SEAL] MARGARET W. SCHWARTZ,
Director, Office of Foreign Assets Control.

[F.R. Doc. 64–2560; Filed, Mar. 16, 1964; 8:45 a.m.]

PATENT AND TECHNICAL DATA CONTROLS

Export Control Regulations

The Department of Commerce is announcing the amendment effective April 1, 1964 of its Export Control Regulations governing the export of patent information or technical data from the United States, and the Office of Foreign Assets Control hereby announces corresponding changes in certain Treasury Regulations. After April 1, 1964, persons subject to the jurisdiction of the United States who license foreign firms to use patents or technical data will no longer be required by the Office of Foreign Assets Control to incorporate in the license agreements certain restrictions on the disposition of commodities produced abroad under such license agreements.

Heretofore, the Office of Foreign Assets Control has under the Foreign Assets Control Regulations (31 CFR Part 500) required that licensors include in licensing agreements undertakings by the foreign licensees not to sell any item produced under the license to Communist China or North Korea or their nationals, without prior permission from the licensor. Such permission could not be given in the absence of a license granted by the Treasury to the licensor authorizing the specific transaction. Similarly, under the Transaction Control Regulations (31 CFR Part 505), American licensors have been required to incorporate in licensing agreements undertakings by the foreign licensees not to sell any strategic item produced under the license to European Soviet Bloc nations, without prior permission of the licensor. Again, such permission could not be given in the absence of a license granted by the Treasury to the licensor.

These undertakings are no longer required so far as licensing agreements entered into on or after April 1, 1964, are concerned. The restrictions contained in licensing agreements entered into before April 1, 1964, should continue to be enforced by the licensor. However, if the licensee signs a certification which meets the requirements of General License GTDU of the Export Control Regulations administered by the Department of Commerce, as now amended, this certification will be acceptable evidence that the requirements of the Treasury Regulations applicable to such prior licensing agreements have been complied with.

Attention is directed to the fact that the restrictions of the Treasury Regulations remain in full force and effect insofar as they involve foreign firms which are directly or indirectly controlled by persons subject to the jurisdiction of the United States in any way other than by licensing agreements. For example, foreign subsidiaries of U.S. firms and foreign firms which are joint ventures by a U.S. firm and a foreign firm continue to be affected by the restrictions of the Treasury Regulations.

[SEAL] MARGARET W. SCHWARTZ,
Director Office of Foreign Assets Control.

[F.R. Doc. 64–2563; Filed, Mar. 16, 1964; 8:50 a.m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

Office of the General Counsel

The Statement of the Department's Organization and Administration, as published in the FEDERAL REGISTER of September 11, 1962, at pages 8982 and 9007, and as amended by 27 F.R. 11558–11559, 12452–12453, 28 F.R. 914, 2690, 3674, 7362, 8295–8296, 11322–11323 and 29 F.R. 1661, is further amended by making the following changes in 823.2 to remove from the Office of the General Counsel the function of adjusting postmaster claims for loss of public funds and accountable paper as a result of fire, burglary, or other unavoidable casualty. Effective April 1, 1964 this function is delegated to Regional Directors.

I. Under 823.2 amend paragraph "g" to read as follows:

823.2—GENERAL COUNSEL

* * * * *

g. Acts for the Postmaster General, with authority to redelegate the function to General Counsel staff members, in the settlement of personal or property damage claims of $100 to $2,500, inclusive, brought against the Department; formulates and administers policies and standards governing the adjudication and settlement by regional offices of personal or property damage claims under $100.

II. Under 823.252 Claims Division delete paragraph "d" and redesignate paragraph "e" as new paragraph "d".

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64–2545; Filed, Mar. 16, 1964; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Small Tract Classification Orders Canceled in Their Entirety

MARCH 10, 1964.

Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 2, Delegation of Authority (28 F.R. 294) dated January 9, 1963, it is hereby ordered effective immediately that the following Small Tract Classification Orders are hereby canceled in their entirety:

(a) No. 76 dated November 13, 1953
(b) No. 117 dated June 15, 1962

This order affects 171 tracts aggregating approximately 217 acres.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 64–2541; Filed, Mar. 16, 1964; 8:46 a.m.]

[Montana 020933]

MONTANA

Order Providing for Opening of Public Lands

MARCH 9, 1964.

1. An order of the Bureau of Reclamation dated January 10, 1956, concurred in by the Director, Bureau of Land Management, revoked Departmental Orders of August 18, 1902, and August 25, 1904, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Milk River Project, Montana, and provided that such revocation should not affect the withdrawal of any other lands by said orders or affect any order withdrawing or reserving the lands described:

PRINCIPAL MERIDIAN, MONTANA

T. 28 N., R. 32 E.,
Sec. 25, SW¼NW¼ and W½SW¼;
Sec. 26, SE¼SE¼.

The areas described total 160 acres of public lands.

2. The lands were not opened to entry at the time the Order of Revocation issued because they were included in a pending homestead application, which had been suspended by the Secretary's decision dated December 20, 1918. The homestead application was finally rejected June 10, 1963, and the lands are now cleared for opening under the public land laws.

3. The area described is moderately rolling grazing land, located twenty five miles southeast of Malta, Montana, in Phillips County. These lands support an average stand of native grasses. The soil is heavy clay loam with underlying shale. Due to adverse topographic features, limited rainfall, and marginal soils, the lands are not suited for intensive agricultural use.

4. No application for these lands will be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable, for such type of application, or shall be so classified upon consideration of an appropriate petition. Any petition that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m., on September 8, 1964, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the non-mineral public land laws other than any from the State of Montana presented at or prior to 10:00 a.m., on September 8, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been opened to applications and offers under the mineral leasing laws. They will be opened to location under the United States mining laws after 10:00 a.m., September 8, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana 59101.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 64–2542; Filed, Mar. 16, 1964; 8:47 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order 60]

TOLEDO-LUCAS COUNTY PORT AUTHORITY

Temporary Suspension and Withdrawal From Foreign-Trade Zone

In the matter of the application of the Toledo-Lucas County Port Authority of Toledo, Ohio, Grantee, to temporarily suspend and withdraw from zone use areas within the boundary of Foreign-Trade Zone No. 8.

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Toledo-Lucas County Port Authority, as Grantee of Foreign-Trade Zone No. 8, Toledo, Ohio, filed application on November 12, 1963, requesting that the Foreign-Trade Zones Board authorize the Bureau of Customs to approve temporary suspension and withdrawal from, and subsequent return to, zone status of certain areas within the Toledo Foreign-Trade Zone, upon request of the Grantee;

Whereas, the Toledo-Lucas County Port Authority states that a major portion of income-producing business now conducted in the zone consists of the storage and handling of domestic merchandise not requiring foreign-trade zone facilities, and use of zone facilities for these purposes results in burdensome operating costs;

Whereas, the Toledo-Lucas County Port Authority desires that the suspension and withdrawal of portions of the zone be made on a temporary basis, in order that these facilities will be readily available to accommodate any future increase in zone business of sufficient volume to warrant their use economically;

Now, therefore, the Foreign-Trade Zones Board, after full consideration of the matter and a finding that the proposal, as herein modified, is in the public interest, hereby orders:

That the Toledo-Lucas County Port Authority, as Grantee, may suspend and withdraw from foreign-trade zone status, and subsequently return to zone status,

specifically designated areas and physical facilities within the limits of Foreign-Trade Zone No. 8 as the zone is presently constituted, provided that it is shown to the satisfaction of the Collector of Customs of Cleveland, Ohio, that Custom's requirements for physical security and protection of the revenue are met, and that building facilities remaining in zone status contain a minimum of sixty thousand square feet of floor space; and provided further, that such zone changes may be made only within two years from the date of publication of this order in the FEDERAL REGISTER. The area and physical facilities remaining in zone status at the expiration of the two-year period shall constitute Foreign-Trade Zone No. 8 and thereafter any zone changes shall be made upon application to the Board.

The Collector of Customs shall furnish a report to the Executive Secretary of the Foreign-Trade Zones Board with respect to each action taken under the provisions of this Order within fifteen (15) days following such action. A detailed map, as described in § 400.603(j) of the Board Regulations, to be furnished by the Grantee, shall be presented with each such report.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary in connection with the issuance of this Order. Its application is restricted to one Foreign-Trade Zone and is of a nature that it imposes no burden on the parties of interest. The effective date of this Order, is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 6th day of March 1964.

FOREIGN-TRADE ZONES BOARD,
[SEAL] FRANKLIN D. ROOSEVELT, Jr.,
Acting Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

RICHARD H. LAKE,
Executive Secretary, Foreign-Trades Zones Board.

[F.R. Doc. 64-2525; Filed, Mar. 16, 1964; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-141]

BOARD OF TRUSTEES OF LELAND STANFORD JUNIOR UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6, set forth below, to Facility License No. R-60. The license authorizes The Board of Trustees of the Leland Stanford Junior University to possess and operate the pool-type nuclear reactor located on the University's campus near Palo Alto, California. The amendment would permit the reactor to be operated using either of two speeds for the regulating blade which is used to bring the reactor to criticality and to compensate for small changes in reactivity during reactor operation. The amendment was requested by the licensee in an application for license amendment dated July 16, 1963.

The Commission has found that:

1. Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

2. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated July 16, 1963, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 6th day of March 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-2527; Filed, Mar. 16, 1964; 8:45 a.m.]

BUREAU OF THE BUDGET

CERTAIN HOSPITALIZATION AND DISPENSARY SERVICES

Notice of Modification of Rates of Charges

Notice is hereby given that, pursuant to authority vested in the President by the last sentence of section 4 of the Act of May 10, 1943 (24 U.S.C. 34), and delegated to the Director of the Bureau of the Budget by section 1(w) of Executive Order No. 10530, as added by Executive Order No. 11116 of August 5, 1963 (28 F.R. 8075), the rates of charges for certain hospitalization and dispensary services prescribed by section 1(1)(ii) of Executive Order No. 11116 have been modified as follows: On and after March 1, 1964, charges for such care shall be at such rates as may be established for comparable care of dependents of uniformed services personnel under the Dependents' Medical Care Act (10 U.S.C. 1085).

The appropriate agencies of the Government have been notified accordingly. The rates presently established for inpatient care of dependents under the Dependents Medical Care Act are $39.00 per day effective for the period March 1, 1964, to June 30, 1964, and $40.00 per day for the fiscal year 1965.

Any future changes in rates prescribed by Executive Order No. 11116 are expected to be made by the Director of the Bureau of the Budget with notice to the agencies concerned and without publication in the FEDERAL REGISTER.

WILLIAM D. CAREY,
Executive Assistant Director.

MARCH 11, 1964.

[F.R. Doc. 64-2626; Filed, Mar. 16, 1964; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-377]

ACCIDENT AT GAINESVILLE MUNICIPAL AIRPORT, GAINESVILLE, FLA.

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 2999, which occurred at Gainesville Municipal Airport, Gainesville, Florida, February 3, 1964; Docket No. SA-377.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 1:30 p.m. (local time), on Tuesday, March 24, 1964, at the Alachua County Courthouse, Gainesville, Florida.

Dated this 24th day of February 1964.

[SEAL] CLAUDE M. SCHONBERGER,
Hearing Officer.

[F.R. Doc. 64-2555; Filed, Mar. 16, 1964; 8:48 a.m.]

[Docket No. 14868]

LAKE CENTRAL AIRLINES, INC.

"Use It or Lose It" and Route Alignment Investigation; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 7, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., March 12, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2556; Filed, Mar. 16, 1964; 8:48 a.m.]

[Docket No. 13777; Order E-20533]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of March 1964.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to fares; Docket No. 13777, Agreement C.A.B. 17419, R-1.

In Order No. E-20286, dated December 20, 1963, the Board deferred action on Resolution JT31(Mail 85)150a, assigned the above C.A.B. Agreement Number, adopted by Joint Conference 3-1 of the International Air Transport Association (IATA), proposing to establish a 5-percent round-trip discount on South Pacific fares as opposed to the 10-percent round-trip discount now offered. In deferring action, the Board noted, among other things, that no economic justification had been submitted in support of the agreement which would permit increased fares and provided a 15-day period in which to receive comments from carrier parties to the agreement or other interested persons. Comments were received from Pan American World Airways within the 15-day period in support of increased round-trip fares.[1]

Pan American relies upon data extracted from the IATA Cost Committee Report, dated July 1963, intended to show unprofitable results on South Pacific services. Pan American shows its load factors, actual for 1962 and estimated for 1963-64, as below industry actual and estimated load factors for the same periods, which, in turn, are below break-even load factors as forecast for the industry for 1964.

We are herein disapproving the subject agreement. The data submitted are based upon a composite average of the carriers' operating results. No details used in its development are available, and we have no means of evaluating the information. Moreover, the data are deficient in themselves in that they do not reflect actual operating results for the current period for either Pan American or the industry; nor is a comparison made of Pan American's actual load factors with its break-even requirements. Here we would note that the Board has made clear on numerous occasions its views that fares must bear a proper relationship to attainable costs of operations and that proposals contemplating adjustments in fares be so documented as to demonstrate clearly the actual operating experience upon which the adjustment is predicated.

Without reaching a conclusion as to whether an increase in the South Pacific fares can be justified on the basis of the economics related to the routes, we would point out that the Board generally tests the reasonableness of fares on the basis of carrier experience in broad geographical areas. In this regard, it must be recognized that an economically sound level of fares in a given area must necessarily embrace certain services that are not wholly profitable. As noted in the order deferring action on this agreement, the Board in acting on the Chandler fare agreement (Orders E-19294 and E-19385) disapproved a similar resolution revising the round-trip discount for application on the Pacific where it found that the existing fares produced more than adequate earnings. In the ensuing time, the Board has maintained a continuing scrutiny of United States carriers' transpacific operating results. These data, as set forth below, demonstrate more favorable results than those upon which the Board relied in disapproving the Chandler agreement.

Calendar year	Percent of return on investment [2]	
	Northwest	Pan American
1959	13.10	5.77
1960	4.46	10.39
1961	13.02	10.84
1962	15.0	15.4
1963 [3]	17.8	18.5

[2] Net profit after taxes and special items, but before interest expense, as a percent of net worth plus long-term debt.

[3] 12 months ended September 30, 1963.

On the basis of these data, it may be concluded that there is no need for increased fares in transpacific operations. We are not therefore prepared at this time to approve the proposed fare increase for South Pacific services.

Indeed, based on the financial results of the United States-flag carriers, the only such data available to us, it appears quite clear by our standards that fares are higher than are required to support profitable and efficient services. We are therefore convinced that a reduction in fares is both economically feasible and required in the public interest. For this reason, we urge the carriers to reexamine the level of fares with this objective in mind. We would assume that such re-examination would be undertaken within the framework of IATA. On the other hand, IATA fares are open in the Pacific area and we perceive no bar to individual carrier filings to effect prompt and appropriate reductions.

Our concern, it should be understood, is with the over-all general level of transpacific passenger fares, not with the amount of the round-trip discount as such. If an appropriate reduction of basic fares is accomplished we would not hesitate to approve the proposed five-percent round-trip discount both as proposed on South Pacific routes, and on the Central and Northern routes as well. In addition, we would be willing to consider an increase in basic South Pacific fares if the operating results on those routes so indicate, provided reductions are effected elsewhere so that the general level of transpacific fares is not excessive.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, finds Resolution JT31(Mail 85)150a (Round-Trip Discount, South Pacific), which is incorporated in the above-described agreement, to be adverse to the public interest.

Accordingly, it is ordered, That, Agreement C.A.B. 17419, R-1, be and hereby is disapproved insofar as it is applicable in air transportation as defined by the Act.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2557; Filed, Mar. 16, 1964; 8:48 a.m.]

[Docket No. 13777; Order E-20569]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1964.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17456, R-4.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notice to the carriers and promulgated in IATA memorandum JT31/Rates 327, names the following additional specific commodity rates:

Item 4420—Radio, Television and Combination Radio, Television and Phonograph Apparatus.

From	To	Rate in cents per kg.	Minimum weight
			kgs.
Hong Kong	New York	215	200
Hong Kong	West Coast	185	200

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement C.A.B. 17456, R-4, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of traffic publication.

[1] At the request of IATA, an additional 15-day period was granted, but no further information was submitted.

[1] Dissenting statement of Gurney and Gilliland, Members, filed as part of the original document.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2558; Filed, Mar. 16, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-5]

ATHENS CABLEVISION, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-3116) to determine its effect upon the safe and efficient utilization of navigable airspace.

Athens Cablevision, Inc., Atlanta, Georgia, proposes to construct a television receiving antenna structure near Athens, Alabama, at latitude 34°49'50" north, longitude 86°57'48" west. The overall height of the structure would be 1,265 feet above mean sea level (500 feet above ground).

The proposed structure would be located approximately 12 miles north of Pryor Field, Decatur, Alabama, within the procedure turn obstruction clearance area for its only instrument approach procedure, and within the boundaries of VOR Federal airways Nos. 54, 54N, and 7E. At this location the structure would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(2) of the Federal Aviation Regulations by 300 feet as applied to the above airways.

The aeronautical study disclosed that the structure would require an increase from 2000 feet to 2300 feet in the minimum en route altitude for that segment of Victor 54N between Muscle Shoals, Alabama, VOR and Toney, Alabama, Intersection and an increase from 2000 feet to 2300 feet in the minimum obstruction clearance altitude for that segment of Victor 7E between Tanner, Alabama, and Bethel, Tennessee, Intersections. The increase in the minimum en route altitude for V54N would result in the loss of the cardinal altitude of 2000 feet. However, the increase in MEA on V54N and MOCA on V7E would have no adverse effect on aeronautical operations since the minimum altitudes are not used and there are no plans for their use.

The study disclosed that the proposed structure, if erected, would require an increase from 2000 feet to 2300 feet in the procedure turn altitude for standard instrument approach procedure AL-719-VOR-RWY 18 for Pryor Field. The rate of descent required by the increase in the procedure turn altitude would result in the cancellation of the straight-in approach procedure to Pryor Field. During FY 1963, there were 446 instrument approaches made at Pryor Field, 262 of these approaches were air carrier, 174 were general aviation, and 10 were Air Force.

The study further disclosed that although procedural changes could be made, such changes would complicate approach procedures, increase the time required for each approach, and generally reduce the instrument approach and landing capability at Pryor Field. Furthermore, the changes would not permit retention of the straight-in approach procedure for aircraft with single VOR equipment.

Based upon the aeronautical study, it is the finding of the Agency that the changes in IFR procedures that would be necessary to accommodate the proposed structure would have a substantial adverse effect on aeronautical operations at Pryor Field.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 (New)), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace, and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (New) (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

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

GEORGE R. BORSARI,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 64-2524; Filed, Mar. 16, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15365]

JIM HARPER

Order To Show Cause

In the matter of Jim Harper, East Point, Georgia, Docket No. 15365, order to show cause why there should not be revoked the license for radio station 6W4919 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76; (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated September 4, 1963, alleging violation of §§ 19.24(a)(1) and 19.61 (a) (now §§ 95.35(a)(1) and 95.81(a)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated September 6, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules;

It is ordered, This 9th day of March 1964, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by certified mail—return receipt requested to the said licensee at his last known address of 1270 East Virginia Avenue, East Point, Georgia.

Released: March 10, 1964.

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

[F.R. Doc. 64-2577; Filed, Mar. 16, 1964; 8:51 a.m.]

[Docket Nos. 15303, 15304; FCC 64M-207]

CASCADE BROADCASTING CO. AND SUNSET BROADCASTING CO. (KNDX-FM)

Order Regarding Procedural Dates

In re applications of Cascade Broadcasting Company, Yakima, Washington, Docket No. 15303, File No. BPH-4072; David Zander Pugsley tr/as Sunset Broadcasting Company (KNDX-FM), Yakima, Washington, Docket No. 15304, File No. BPH-4180; for construction permits.

The Hearing Examiner having under consideration the desirability of the change of date for commencement of hearing in view of possible developments which will eliminate the need for hearing;

It is ordered, This 10th day of March 1964, that the current date for commencement of hearing, April 8, 1964, is cancelled; and

It is further ordered, That a further prehearing conference will be held May 1, 1964.

Released: March 11, 1964.

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

[F.R. Doc. 64-2573; Filed, Mar. 16, 1964; 8:50 a.m.]

[Docket No. 15247; FCC 64M-205]

FRANKLIN BROADCASTING CO. ET AL.

Order Continuing Hearing

In re application of Franklin Broadcasting Company (Transferor), and William F. Johns, Sr., and William F. Johns, Jr. (Transferees), Docket No. 15247, File No. BTC-4303, for transfer of control of WLOD, Inc., Pompano Beach, Florida.

The Hearing Examiner having before him Broadcast Bureau's request for continuance, filed on March 9, 1964, requesting that the date for exchange of exhibits and the date of hearing in this proceeding be continued; and

It appearing that no other party to the proceeding has objection to grant of the request;

It is ordered, This 10th day of March 1964, that the Broadcast Bureau's Request for Continuance, filed on March 9, 1964, is granted, and the date for exchange of exhibits is continued from March 23, 1964, to March 30, 1964, and hearing now scheduled for April 6, 1964, is continued to April 13, 1964.

Released: March 11, 1964.

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

[F.R. Doc. 64-2574; Filed, Mar. 16, 1964; 8:50 a.m.]

[Docket No. 15362; FCC 64M-203]

GRAYSON ENTERPRISES, INC.

Order Scheduling Hearing

In re application of Grayson Enterprises, Incorporated, Big Spring, Texas, Docket No. 15362, File No. BPCT-3029; for construction permit to increase power, change transmitter site, and other changes in facilities of Station KWAB-TV (formerly KEDY-TV), Big Spring, Texas.

It is ordered, This 9th day of March 1964, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 4, 1964, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., April 2, 1964.

Released: March 11, 1964.

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

[F.R. Doc. 64-2575; Filed, Mar. 16, 1964; 8:50 a.m.]

[Docket Nos. 15299, 15300; FCC 64M-197]

GREAT NORTHERN BROADCASTING SYSTEM AND MIDWESTERN BROADCASTING CO.

Statement and Order After Prehearing Conference

In re applications of Robert L. Greaige and Roderick C. Maxson, d/b as Great Northern Broadcasting System, Traverse City, Michigan, Docket No. 15299, File No. BPH-3982; Midwestern Broadcasting Company, Traverse City, Michigan, Docket No. 15300, File No. BPH-4079; for construction permits.

At today's prehearing conference, among other things the following schedule was agreed to:

Exchange of direct affirmative written cases of applicants, April 27, 1964.

Receipt of notification of witnesses desired for cross-examination, May 5, 1964.

Hearing, Tuesday, May 12, 1964 (Rescheduled from April 7, 1964).

So ordered, This 9th day of March 1964.

Released: March 10, 1964.

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

[F.R. Doc. 64-2576; Filed, Mar. 16, 1964; 8:51 a.m.]

[Docket No. 15358; FCC 64M-213]

LOMPOC VALLEY CABLE TV

Order Scheduling Hearing

In re application of Lompoc Valley Cable TV (KGT-30), Docket No. 15358, File No. 30779-IB-53X; for operational fixed stations in the Business Radio Service.

It is ordered, This 9th day of March 1964, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 18, 1964, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., April 3, 1964.

Released: March 12, 1964.

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

[F.R. Doc. 64-2578; Filed, Mar. 16, 1964; 8:51 a.m.]

[Docket No. 15358; FCC 64-170]

LOMPOC VALLEY CABLE TV

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Lompoc Valley Cable TV (KGT-30), Docket No. 15358, File No. 30779-IB-53X, for operational fixed stations in the Business Radio Service.

1. The Commission has before it for consideration: (a) a "Petition for Reconsideration" filed December 6, 1963, by Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli, d/b as Central Coast Television (petitioner), permittee of Television Broadcast Station KCOY-TV, Channel 12, Santa Maria, California, directed against the Commission's action announced November 6, 1963, granting the above-captioned application which had been filed May 24, 1963; (b) an "Opposition to Petition for Reconsideration" filed January 10, 1964, by Lompoc Valley Cable TV; (c) a "Reply to Opposition to Petition for Reconsideration" filed January 22, 1964, by petitioner; and (d) the Commission's opinion in Lompoc Valley Cable TV, FCC 64-73, ordering a stay of the grant of the above-captioned application pending further Commission decision.

2. On November 6, 1963, the Commission granted the unopposed application of Lompoc Valley Cable TV (Lompoc Valley) for authority to construct a microwave relay system in the Business Radio Service to relay the signals of seven Los Angeles television stations to a community antenna system to be constructed to serve the residents of Vandenburg Village and Mission Hills in Santa Barbara County, California. Lompoc Valley accepted the grant subject to the condition that,

> If the CATV system operates in an area within the predicted Grade A contour of any television broadcast station in operation, or which subsequently comes into operation, the CATV system must not duplicate simultaneously or 30 days prior or subsequent thereto a program broadcast by such television broadcast station, provided the CATV operator has received at least 30 days advance notification from the broadcast station licensee of the date of such broadcast. Further, if requested by such television station, the CATV system must carry the signal of such station without any material degradation in quality.

Subsequently the condition was modified in accordance with the Commission's Further Notice of Proposed Rule Making in Docket No. 14895 released December 13, 1963. On December 6, 1963, petitioner filed the present "Petition for Reconsideration" of the grant of the above-captioned application as well as a "Petition for Stay". On February 5, 1964, the Commission adopted the above-cited opinion ordering the requested stay pending this decision.

3. Petitioner is the permittee of Station KCOY-TV, Channel 12, Santa Maria, California, which is presently being constructed. It is clear that this station would compete for audience with community antenna systems operating in Vandenburg Village and Mission Hills. Therefore, it is clear that petitioner has standing as a "person aggrieved or whose interests are adversely affected" within the meaning of Section 405 of the Communications Act of 1934, as amended. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470. Lompoc Valley has raised the related question of petitioner's failure to file a pre-grant petition to deny its application as a bar to its present petition. However, as petitioner points out, it could not comply with the pre-grant procedures of the rules since it did not receive its grant until September 13, 1963. And in any event, the Commission considers the problem raised here to be so substantial as to require Commission consideration in the public interest as provided for in § 1.106(c)(3) of the Commission's rules.

4. Petitioner contends that if Lompoc Valley is permitted to bring such extensive multiple services into the area by microwave it will be exposed to the danger of severe, if not fatal, competi-

tion with subsequent injury to the public which would lose the benefit of a local television station. In addition, petitioner urges that there is a strong possibility that RKO General, Inc., may acquire control of Lompoc Valley.[1] Petitioner questions, as a matter of policy, whether a multiple owner such as RKO General, Inc., should be permitted to acquire such extensive holdings in the community antenna field or whether the policy underlying the Commission's multiple ownership rules requires that the Commission strive to prevent such entry.

5. Lompoc Valley relies on the fact that it has accepted the Docket No. 14895 conditions as sufficient rebuttal for petitioner's economic claims. Petitioner, in turn, claims that the competition which could result to Station KCOY-TV would be so intense that the station could not be sufficiently protected by the conditions. The purpose of the Commission's interim procedure for processing applications for microwave facilities in the Business Radio Service is to avoid a total freeze upon the processing and grant of such applications without permitting microwave communication systems to go into operation under conditions that may be inconsistent with the policy upon which the Commission finally determines. TV Cable of Austin, Inc., FCC 63-1146, 1 R.R. 2d 587, 589. It seems obvious that Lompoc Valley's willingness to accept the Docket No. 14895 conditions cannot be an adequate answer if, in fact, its operation would endanger Station KCOY-TV.[2] The pleadings presently before the Commission do not supply all of the information which could be considered in attempting to assess the effect of a grant. Consequently, the Commission believes it necessary to designate the present application for hearing in order to gather on a record the full background of information—including such matters as the populations affected and the other television service, both from operating stations and from existing or proposed community antenna systems—to estimate the potential impact of Lompoc Valley's proposal. Petitioner's other arguments, related to possible ownership of Lompoc Valley by RKO General, Inc., need not be disposed of in the present proceeding since the pending transfer application (see Footnote 1) will provide a more convenient vehicle for Commission consideration.

[1] Lompoc Valley is wholly owned by H & B American Corp. There is presently pending in the Commission's Common Carrier Bureau, an application (2400-CL-TC-(9)-64) for transfer of control of various H & B interests to Video Independent Theatres, Inc., a wholly owned subsidiary of RKO General, Inc.

[2] The Commission notes that on February 19, 1964, Central Coast Television filed a Petition to Deny directed against an application (File No. 4866-C1-P-64) of Golden West Communications, which proposes to modify the facilities of Station KNK-60 to permit it to furnish seven channels to a community antenna system in San Luis Obispo, California.

6. In view of the foregoing, the Commission is of the opinion that grant of the above-captioned application should be set aside and the application designated for evidentiary hearing.

Accordingly, it is ordered, That the grant of the above-captioned application is set side.

It is further ordered, That, pursuant to section 405 of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine the areas and populations which would receive a predicted signal from Station KCOY-TV and to determine what other television service—either from broadcast stations or from community antenna systems—is presently available, or will be, to the public in this area.

2. To determine what impact a grant of the above-captioned application will have upon the operation of Station KCOY-TV, Santa Maria, California, and the resulting injury, if any, to the public to be served thereby.

3. To determine in view of the evidence adduced pursuant to the foregoing issues whether and, if so, under what conditions a grant of the above captioned application would serve the public interest, convenience and necessity.

It is further ordered, That the "Petition for Reconsideration" filed by petitioner on December 6, 1963, is granted to the extent indicated above and is otherwise denied.

It is further ordered, That Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli, d/b as Central Coast Television and Chief, Broadcast Bureau are made parties to this proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issues 1 and 2 is hereby placed on Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli, d/b as Central Coast Television.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and the party respondent herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Adopted: March 4, 1964.

Released: March 11, 1964.

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

[F.R. Doc. 64-2579; Filed, Mar. 16, 1964; 8:51 a.m.]

[1] Chairman Henry and Commissioner Ford absent; Commissioners Bartley and Loevinger dissenting.

[Docket No. 8218, etc.; FCC 64M-201]

NORTHWESTERN INDIANA RADIO CO., INC., ET AL.

Order Scheduling Hearing

In re applications of Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana, Docket No. 8218, File No. BP-5574; Anthony Santucci, Robert Jones, Kenneth Berres, Albert Geller and Gabriel Aprati d/b as Valley Broadcasting, Kankakee, Illinois, Docket No. 15359, File No. BP-15459; Merlin J. Meythaler, Merton J. Gonstead, Rex N. Eyler and James B. Goetz, d/b as Livingston County Broadcasting Company, Pontiac, Illinois, Docket No. 15360, File No. BP-15470; for construction permits.

It is ordered, This 9th day of March 1964, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 25, 1964, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., April 15, 1964.

Released: March 11, 1964.

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

[F.R. Doc. 64-2580; Filed, Mar. 16, 1964; 8:52 a.m.]

[Docket No. 14722; FCC 64M-202]

SOUTH MISSISSIPPI BROADCASTING CO.

Order Scheduling Hearing

In re application of Holton D. Turnbough and George J. Sliman d/b as South Mississippi Broadcasting Company, Mississippi City, Mississippi, Docket No. 14722, File No. BP-14865; for construction permit.

It is ordered, This 9th day of March 1964, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 11, 1964, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., April 3, 1964.

Released: March 11, 1964.

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

[F.R. Doc. 64-2581; Filed, Mar. 16, 1964; 8:52 a.m.]

[Docket Nos. 15254, 15255; FCC 64M-198]

ULTRAVISION BROADCASTING CO. AND WEBR, INC.

Order Continuing Hearing

In re applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, Buffalo, New York, Docket No.

15254, File No. BPCT-3200; WEBR, Inc., Buffalo, New York, Docket No. 15255, File No. BPCT-3211; for construction permits for new television broadcast stations.

The Hearing Examiner has under consideration (1) a petition for leave to amend filed January 22, 1964, on behalf of Ultravision Broadcasting Company; (2) an opposition to petition for leave to amend filed January 27, 1964, on behalf of WEBR, Inc.; (3) response of Broadcast Bureau to petition for leave to amend filed January 31, 1964; (4) a second petition for leave to amend filed February 19, 1964, on behalf of Ultravision Broadcasting Company; and (5) an opposition to the second petition for leave to amend filed February 26, 1964, on behalf of WEBR, Inc.

The purpose of the proposed amendments is to reflect the manner in which the applicant proposes to finance the construction and initial operation of the proposed station and to amend the application to conform to the proof which is to be offered in response to the presently pending financial issue.

The petitions for leave to amend and the comments and oppositions thereto were discussed at the prehearing conference held March 9, 1964. The Hearing Examiner, for reasons stated on the record, dismissed as moot the first petition of Ultravision Broadcasting Company for leave to amend and granted the second petition for leave to amend.

At the hearing conference, it was also agreed that a further prehearing conference will be held immediately after the Review Board has acted on petitions presently pending before that Board to (a) enlarge issues, and (b) delete issues. It was further agreed that the date for the start of the evidentiary hearing now scheduled for March 31, 1964, will be continued to a date to be announced following the conclusion of the next hearing conference.

It is ordered, This the 9th day of March 1964, in accordance with the rulings of the Hearing Examiner made on the record at the prehearing conference of this date, that (1) the petition of Ultravision Broadcasting Company for leave to amend filed January 22, 1964, is dismissed as moot; and (2) the petition of Ultravision Broadcasting Company for leave to amend filed February 19, 1964, is granted and the amendments attached thereto are accepted; and

It is further ordered, That a further prehearing conference will be held at the first available date after the Review Board has acted on petitions presently pending before that Board to (a) enlarge issues, and (b) delete issues; and

It is further ordered, That the evidentiary hearing in the above-entitled proceeding now scheduled for March 31, 1964, is continued to a date to be specified at the conclusion of the next prehearing conference.

Released: March 10, 1964.

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

[F.R. Doc. 64-2582; Filed, Mar. 16, 1964; 8:52 a.m.]

[Docket No. 15339; FCC 64M-208]

JAMES E. WALLEY (KAOR)

Order Continuing Hearing

In re application of James E. Walley (KAOR), Oroville, California; Docket No. 15339, File No. BP-15814, for construction permit.

To formalize the agreements and rulings made on the record at a prehearing conference held on March 10, 1964 in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 10th day of March 1964, that:

Exchange of exhibits is scheduled for April 30, 1964;

Notification of witnesses is scheduled for May 11, 1964; and

Hearing presently scheduled for April 16, 1964 is rescheduled for May 27, 1964.

Released: March 11, 1964.

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

[F.R. Doc. 64-2583; Filed, Mar. 16, 1964; 8:52 a.m.]

[Docket Nos. 15204-15207; FCC 64R-128]

WHDH, INC. (WHDH-TV) ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of WHDH, Inc. (WHDH-TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT-530, for renewal of license; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT-3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT-3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT-3171; for construction permits for new VHF television broadcast stations.

1. The Review Board has before it for consideration a petition to enlarge issues, filed November 18, 1963, by Charles River Civic Television, Inc. (Charles), and related pleadings.[1] Charles requests the addition of legal and character qualifications issues and an issue to determine whether there has been an unauthorized transfer of control, all as to WHDH, Inc. (WHDH), the existing licensee in this comparative case.

2. Charles' first allegation is that WHDH's parent company, the Boston Herald-Traveler Corp. (Herald-Traveler), may not have the necessary legal or character qualifications to be a licensee.[2] In support of this allegation, Charles sets out the fact that WHDH filed Form 301 information with respect to the Herald-Traveler stockholders in 1954 when the original WHDH application was filed, but that no such information has been filed since that time despite the fact that there have been changes in stockholders.[3] All that have been filed are Form 303 renewal applications and Form 323 Ownership Reports,[4] and Charles alleges that even in the latter case WHDH has been remiss because it has failed to identify the beneficial owners of some of the stock.[5] Thus, Charles' main complaint is that the lack of Form 301 information about some of Herald-Traveler's current stockholders makes it difficult, if not impossible, to determine that WHDH is legally qualified. Charles did uncover some information which a current Form 301 would have revealed about WHDH.[6] These facts, plus WHDH's failure to identify the beneficial owners of some of Herald-Traveler stock, lead Charles to its allegation of a lack of legal and character qualifications.

3. The Broadcast Bureau opposes Charles' request because it does not "specifically challenge" WHDH's legal and character qualifications. The Bureau asserts that evidence on the matters raised by petitioner can be adduced under the standard comparative issue, and if the matters are shown to be significant, issues can be added later. WHDH also opposes the petition, and points out that it has complied with all the Commission Rules. It states that Form 301 information is required only of new applicants; that WHDH is not a new applicant; that only Form 303 need be filed for renewal applicants such as WHDH; and that it has duly filed a Form 303 plus the periodic Form 323 Ownership Reports.

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[1] Also before the Board are: Opposition, filed December 10, 1963, by WHDH, Inc.; Broadcast Bureau's comments, filed December 10, 1963; and reply, filed December 19, 1963, by Charles.

[2] WHDH is wholly owned by Herald-Traveler.

[3] Form 301 information must be filed for officers and directors, and 3 percent stockholders. Section II of Form 301 requires extensive information to be set out concerning the business and financial interests and identity of the above-named persons.

[4] Renewal Form 303 does not require any information as to directors, officers or stockholders. Form 323 must be filed for all stock transfers involving an officer or director, or a stockholder holding more than 1 percent of the stock. No information about the stockholder is required except his name, address and percentage holding of stock.

[5] 12.22 percent of the Herald-Traveler stock is held by an irrevocable voting trust. This is the largest single bloc of stock. WHDH's Form 323 does not contain the identity of the beneficial owners, although such information is required by that form.

[6] Some of the information which Charles has uncovered, plus information from Commission files, has revealed the following:

1. Merrill Lynch, a brokerage firm, owned 1.01 percent of Herald-Traveler as of December 31, 1963. It also owned, as of October 31, 1963, 6.85 percent of RKO-General, licensee of WNAC-TV in Boston; more than 1 percent of Westinghouse Broadcasting Co., licensee of WBZ-TV in Boston, as of July 31, 1963; and more than 1 percent of American Broadcasting-Paramount Theaters, Inc., as of December 31, 1959.

2. Salkeld and Co., an investment firm, owned 4.11 percent of Herald-Traveler as of November 30, 1963; and more than 1 percent of American Broadcasting-Paramount Theaters, Inc., which owns the permissible limit of broadcast properties.

3. There is a total of four new 3 percent stockholders since 1954, and no Form 301 information exists for them. One 3 percent stockholder in 1954, Sidney Winslow, Jr., died in 1963 and his estate now holds the stock (7.60 percent). Winslow was a director as was Robert B. Choate, who also died in 1963. Similar shifts in officers have occurred.

4. WHDH is correct in stating that it has filed all of the required forms. However, this case is not the usual renewal proceeding. WHDH received a four month license on September 25, 1962 (FCC 62–986, 24 RR 255 (1962)), in a decision in which special circumstances were involved. In December, 1962, the Commission released an Order directing that new applications would be accepted (FCC 62–1318, 25 RR 80 (1962)). The three applications now consolidated with WHDH were filed early in 1963. Under these circumstances, WHDH cannot be treated as an ordinary renewal applicant. This situation is more closely analogous to a hearing with all new applicants. Accentuating the need for Form 301 information is the great turnover of officers, directors and principal stockholders in Herald-Traveler since 1954. Thus, Form 301 information is needed as to Herald-Traveler in order to properly evaluate WHDH's legal qualifications for the purposes of this proceeding. Further, the facts set out in footnote 6, supra, raise a multiple ownership question under § 73.636 of the Commission's rules. Issues directed to these questions will therefore be added. However, Charles' request for a character qualifications issue will be denied. WHDH has filed all required forms, and has not been shown to have misrepresented any facts. Thus, there are no allegations that impinge upon its character.

5. Charles' next allegation is that there has been an unauthorized transfer of control of Herald-Traveler, the parent corporation of WHDH. Section 310(b) of the Communications Act of 1934, as amended, requires Commission consent to a transfer of control of a licensee (or parent corporation, as here). Such a transfer occurs when the licensee's original owners no longer own 50 percent of the licensee. To help enforce section 310(b), the Commission requires changes in stock ownership to be reported (FCC Form 323). However, when a licensee corporation has 50 or more stockholders, the Commission, as a matter of convenience, only requires stock transfers to be reported in the case of stockholders who own 1 percent or more of the stock, and officers and directors. Because of this fact, Charles asserts that a different test for transfer of control must be used under section 310(b) for widely held corporations. Charles suggests that the control of such a licensee rests in the hands of those stockholders whose stock transfers must be reported. Charles calls these stockholders the "control group". Applying its theory to the subject case, Charles shows the following:

"CONTROL GROUP" MAKEUP

Control group	Percent of control group stock	Percent of all Herald-Traveler stock
1954	100.0	31.9
1963 old (1954 remainder)	37.5	19.7
1963 new	62.5	33.0
	100.0	52.7

Those stockholders who owned 100 percent of the "control group" stock in 1954 now own only 37.5 percent of the "control group", a shift of 62.5 percent. Charles' theory labels this a transfer of control.

6. Charles' suggested test of control for a widely-held licensee is not satisfactory. The stockholders in the 1954 "control group" only owned 31.9 percent of Herald-Traveler in 1954, so they never had de jure control of the corporation to transfer. The total apparent shift in stock by these 1954 people was a little over 12 percent from 31.9 percent to 19.7 percent. The total stock transfer figure is undoubtedly somewhat higher because the new members of the "control group" now own 33 percent of all Herald-Traveler stock, whereas in 1954 they either owned no stock or else did not own enough to be in the "control group". But Charles' 1954 "control group" had no de jure control and it has not been shown that they had de facto control, thus Charles has failed to allege facts sufficient to show that there has been a transfer of control. Therefore, an issue as to whether there has been an unauthorized transfer of control under section 310(b) of the Act will not be added.

7. However, Charles has cast some negative doubts about Herald-Traveler's control. For example, none of the major 1954 stockholders remain; there are four new 3 percent shareholders; and there has been a large turnover in the board of directors and officers. The first issue added below requires information to be submitted by WHDH, Inc. comparable to the information required by section II of FCC Form 301. On the basis of this information and any other pertinent evidence, a determination of where control of WHDH, Inc.'s parent corporation, the Boston Herald-Traveler Corp., presently lies must be made in order to arrive at a meaningful determination of the standard comparative issue.

Accordingly, it is ordered, This 11th day of March 1964, That the petition to enlarge issues, filed November 18, 1963, by Charles River Civic Television, Inc., is granted as indicated herein, and denied in all other respects; and the issues in this proceeding are enlarged by the addition of the following issues:

To determine, with respect to the stockholders, directors, and officers of WHDH, Inc.'s parent corporation, the Boston Herald-Traveler Corp., the information required by section II of FCC Form 301, and, in light of the evidence adduced, to determine whether WHDH, Inc. is legally qualified.

To determine whether a grant of the application of WHDH, Inc. would be consistent with the provisions of § 73.636 of the Commission's rules.

Released: March 12, 1964.

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

[F.R. Doc. 64–2584; Filed, Mar. 16, 1964; 8:53 a.m.]

[1] Review Board Member Slone concurring; Member Nelson not participating.

[Docket No. 15361; FCC 64M–204]

M. H. WIRTH

Order Scheduling Hearing

In re application of M. H. Wirth, Mason, Michigan, Docket No. 15361, File No. BP–15367, for construction permit.

It is ordered, This 9th day of March 1964, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 14, 1964, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., April 6, 1964.

Released: March 11, 1964.

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

[F.R. Doc. 64–2585; Filed, Mar. 16, 1964; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND CHINA NAVIGATION CO., LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9328, between American President Lines, Ltd., and China Navigation Co., Ltd., covers and is restricted to the transportation of Asbestos in bags under through bills of lading from ports in Western Australia to Los Angelcs, California,, with transhipment at the port of Singapore.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 12, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–2561; Filed, Mar. 16, 1964; 8:49 a.m.]

FRANCESCO PARISI FORWARDING CORP. ET AL.

Independent Ocean Freight Forwarder Applications; Notice of Revision

Notice is hereby given of changes in the following applications for independ-

ent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

NAME AND ADDRESS

Francesco Parisi Forwarding Corp., The, No. 770, 17 State Street, New York, New York, 10004; Withdrawn February 24, 1964.
Riverside Forwarding Corp., No. 447, 830 Tenth Avenue, New York, New York; Revoked February 28, 1964.
White, Inc., Gordon W., No. 830, 17 Battery Place, New York, New York; Revoked February 27, 1964.

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

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

NON-GRANDFATHER APPLICANTS

NAME AND ADDRESS

Arnel International Corporation, 6 State Street, New York, New York; Lawrence W. Beinhacker, President; Helen Beinhacker, Secretary-Treasurer.
Karmel Forwarding Inc., G., 11 Broadway, New York, New York, 10004; George Karmel, President-Treasurer; Rachelle Karmel, Secretary; Adele Katz, Director.
Nippon Express U.S.A., Inc., 2 West 46th Street, New York, New York, 10036; Yoshikazu Hosoi, President-Treasurer-Director; Takeshi Nagaoka, Vice President-Director; Thomas T. Hayashi, Secretary-Director; Yukito Ikeda, Director.
Rees, Joe I., 200 North 11th Street, Easton, Pennsylvania; Joe I. Rees, Owner.

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

NON-GRANDFATHER APPLICANTS

Martinez, Enrique G., 55 West 42d Street, New York, New York; Withdrawn February 12, 1964.
Westerlund, Ulf, 450 72d Street, Brooklyn, New York; Withdrawn February 6, 1964.

Dated: March 9, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2562; Filed, Mar. 16, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3037, etc.]

FORDS-BROOK DRILLING CO. ET AL.

Notice of Applications for Certificates et al.; Correction

MARCH 9, 1964.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued March 2, 1964 and published in the FEDERAL REGISTER March 10, 1964 (F.R. Doc. 64-2226; 29 F.R. 3212), change protest date to read "March 30, 1964" in lieu of March 30, 1963 in the first complete paragraph of the second column.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2531; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket No. G-4883 etc.]

IRVE C. GRIMM, JR., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 10, 1964.

Irve C. Grimm, Jr. (Successor to Doham Gas Company), and other applicants listed herein, Docket Nos. G-4883, et al.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-4883 E 2-24-64	Irve C. Grimm, Jr. (successor to Doham Gas. Co.	The Manufacturers Light and Heat Co., McClellan District, Doddridge County, W. Va.	20.0	15.325
G-5146 C 2-28-64	Humble Oil & Refining Co	El Paso Natural Gas Co., Yarbrough-Allen Field, Ector County, Tex.	9.0	14.65
G-7039 C 3-2-64	Dalport Oil Corp	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	15.5	14.65
G-7074 C 2-27-64	Columbian Fuel Corp	Hope Natural Gas Co., Elk District, Kanawha County, W. Va.	23.5	15.325
G-8552 E 2-26-64	International Oil & Gas Corp. (Operator), et al. (successor to International Oil Corp. (Operator), et al.).	United Gas Pipe Line Co., Emma Haynes Field, Goliad County, Tex.	12.0	14.65
G-11720 E 2-26-64	do	Texas Eastern Transmission Corp., Yoward Field, Bee County, Tex.	10.2	14.65
G-13103 C 2-24-64	Aztec Oil & Gas Co	Southern Union Gathering Co., acreage in San Juan County, N. Mex.	13.0	15.025
G-14594 E 2-26-64	International Oil & Gas Corp. (successor to International Oil Corp.).	Texas Eastern Transmission Corp., Yoward Field, Bee County, Tex.	10.2	14.65
G-17339 D 2-28-64	The California Co., a division of California Oil Co.	Hope Natural Gas Co., South Bosco Field, Acadia and Lafayette Parishes, La.	[2]	
G-19707 C 2-26-64	Cities Service Oil Co. (formerly Cities Service Production Co.)	Tennessee Gas Transmission Co., South Timbalier Bay Area, Offshore LaFourche Parish, La.	19.0	15.025
CI61-1091 C 2-28-64	Amerada Petroleum Corp	Michigan Wisconsin Pipe Line Co., acreage in Dewey County, Okla.	15.0	14.65
CI63-574 C 3-4-64	Austral Oil Co., Inc	Valley Gas Transmission, Inc., acreage in Live Oak County, Tex.	14.0	14.65
CI63-819 C 3-3-64	The Atlantic Refining Co	Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla.	16.0	14.65
CI63-1317 C 3-2-64	Columbian Fuel Corp	Texas Gas Transmission Corp., Midland Field, Acadia Parish, La.	19.5	15.025
CI64-946 A 2-27-64	Tenneco Oil Co. (operator), et al	Michigan Wisconsin Pipe Line Co., Curtis Area, Woodward County, Okla.	19.5	14.65
CI64-947 A 2-28-64	The Atlantic Refining Co	Northern Natural Gas Co., Ivanhoe Field, Beaver County, Okla.; Kiowa Creek and Bechthold Fields, Lipscomb County, Tex.	17.0	14.65
CI64-948 B 2-27-64	Cline Gas Co	Hope Natural Gas Co., Clearfork District, Wyoming County, W. Va.	[2]	
CI64-949 A 2-27-64	Mohawk Petroleum Corp	Colorado Interstate Gas Co., Desert Springs Field, Sweetwater County, Wyo.	14.5	14.65
CI64-950 A 2-27-64	Texas Crude Oil Co	Northern Natural Gas Co., Upper Morrow Field, Hansford County, Tex.	17.0	14.65
		Northern Natural Gas Co., Horizon Northwest, Cleveland Field, Hansford County, Tex.	15.0	14.65

Filing Code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI64-951 A 2-27-64	Martha Featherstone	Colorado Interstate Gas Co., Patrick Draw Area, Sweetwater County, Wyo.	14.5	14.65
CI64-952 A 2-28-64	Worldwide Petroleum Corp	Lake Shore Pipe Line Co., Conneaut Township, Erie County, Pa.	27.0	15.025
CI64-953 A 2-27-64	John Franks	Florida Gas Transmission Co., North Veltin Field, St. Landry Parish, La.	15.0	15.025
CI64-954 A 3-2-64	BTA Oil Producers (Operator), et al.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	16.0	14.65
CI64-955 A 3-3-64	W. H. Pitts, et al	Hope Natural Gas Co., Collins Settlement District, Lewis County, W. Va.	25.0	15.325
CI64-956 A 3-3-64	A. C. Radford & Walter Fredericks.	Columbian Fuel Corp., Elk District, Kanawha County, W. Va.	15.0	15.325
CI64-957 B 3-2-64	Yucca Petroleum Co. (Operator), et al.	Panhandle Eastern Pipe Line Co., Eva Field, Texas County, Okla.	Depleted	
CI64-958 A 3-3-64	Union Oil Co. of Calif.	Northern Natural Gas Co., Kiowa Creek Field, Lipscomb County, Tex.	17.0	14.65
CI64-959 A 2-14-64	Medallion Oil Co. (successor to Westates Petroleum Co., et al.) (partial succession).	Texas Eastern Transmission Corp., Rodessa Field, Marion County, Tex.	14.8	14.65
CI64-960 A 3-4-64	Amerada Petroleum Corp	Northern Natural Gas Co., N. E. Catesby and Ivanhoe Fields, Ellis and Beaver Counties, Okla.	17.0	14.65
CI64-961 A 3-4-64	Anadarko Production Co	Panhandle Eastern Pipe Line Co., Greenwood Field, Morton County, Kans.	16.0	14.65
CI64-962 A 3-4-64	Cooper Petroleum Co., (Operator), et al.	Texas Eastern Transmission Corp., West May Field, Kleberg County, Tex.	12.0	14.65
CI64-963 A 3-4-64	Blackburn Gas Co., a partnership	United Fuel Gas Co., Campbells Creek Field, Blount, W. Va.	(1)	15.325
CI64-964 A 3-5-64	Pan American Petroleum Corp	El Paso Natural Gas Co., Bita Peak Field, Apache County, Ariz.	[2] 15.0	15.025
CI64-965 A 3-5-64	Union Pacific Railroad Co	Colorado Interstate Gas Co., Table Rock Field, Sweetwater County, Wyo.	15.0	14.65
CI64-966 A 3-5-64	Texaco Inc	do	15.0	14.65

[1] Price is 23.0 cents plus 2.0 cent/Mcf for transporting.
[2] Approximately less 3.2143 cents/Mcf for sweet gas.
[3] Uneconomical.

[F.R. Doc. 64-2532; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket Nos. RI64-408, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings, et al.; Correction

MARCH 9, 1964.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 20, 1963 and published in the FEDERAL REGISTER December 28, 1963 (F.R. Doc. 63-13409; 28 F.R. 14451-14454), after "By the Commission." change "Commissioner O'Connor not participating in Docket No. RI64-413, General Crude Oil Company." to "Commissioner O'Connor not participating in Docket No. RI64-427, J. F. Merrick (Operator), et al."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2533; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket Nos. CP61-45, CP63-292]

INDIANA NATURAL GAS CORP. AND INDIANA NATURAL GAS CORP.

Notice of Postponement of Hearing

MARCH 10, 1964.

Notice is hereby given that the hearing in the above-numbered dockets now scheduled to commence on March 17, 1964, is postponed to a date to be hereafter fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2534; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket No. CP64-168]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application

MARCH 10, 1964.

Take notice that on January 27, 1964, The Manufacturers Light and Heat Company (Applicant) filed in Docket No. CP64-168, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 8.14 miles of 26-inch gas transmission pipeline in Marshall County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The pipeline proposed to be constructed hereunder consists of 8.14 miles of 26-inch gas transmission pipeline looping its existing 20-inch Line No. 1758 from a connection with its existing Adaline Compressor Station in Liberty District, Marshall County, West Virginia, in a northerly direction to a point in Cameron District, Marshall County, West Virginia. The estimated total capital cost of this proposed facility is $949,500.00 to be financed through the issuance and sale of promissory notes or common stock to Applicant's parent company, The Columbia Gas System, Inc.

Applicant states that the proposed facility is necessary in order to serve the 1964-1965 winter requirements of its market area.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2535; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket No. E-7155]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

MARCH 11, 1964.

Take notice that on March 3, 1964, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co. (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at 831 Second Avenue South, Minneapolis 2, Minnesota, seeking authority to increase the par value of its common shares by an amendment to its Certificate of Incorporation. Applicant proposes to increase its common stock par value from $5 per share to $15 per share on 2,354,738 shares outstanding and transfer the entire balance of $20,125,482.78 now in the Premium on Common Stock account and transfer the amount of $3,421,897.22 out of the earned surplus account, thereby increasing the common stock account in the total amount of $23,547,380 or $10 per share.

According to the Applicant, the proposed change will provide the Applicant with a more balanced capital structure.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1964, 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.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2536; Filed, Mar. 16, 1964; 8:46 a.m.]

[Project No. 1957]

OTTER RAPIDS PROJECT, WISCONSIN PUBLIC SERVICE CORP.

Notice of Land Withdrawal; Wisconsin

MARCH 11, 1964.

Conformable to the provisions of Section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the land hereinafter described, insofar as title thereto remains in the United States is included in constructed power Project No. 1957 (Other Rapids Project) for which an application for license was filed September 25, 1946, and supplemented January 31, 1949.

On February 19, 1964, the licensee, Wisconsin Public Service Corporation, 1029 North Marshall Street, Milwaukee 1, Wisconsin, requested this Commission to include the following-described parcel of United States land in the project withdrawal. Under said Section 24 this land is from the date of filing, noted above, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

4th P.M.—WISCONSIN

T. 40 N., R. 10 E.,
Section 25: Lot 9.

The area of United States land reserved pursuant to the request submitted by the licensee on February 19, 1964, is 0.37 acre, as depicted on a sketch identified as No. C-7978. Copies of this sketch have been transmitted to the Bureau of Land Management and Geological Survey along with copies of the J & K exhibit (FPC No. 1957-1) which shows the project as licensed.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2537; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket Nos. RI64-622, RI64-624]

SOCONY MOBIL OIL CO., INC., ET AL.

Order Providing for Hearings, et al.; Correction

MARCH 6, 1964.

Socony Mobil Oil Company, Inc. (Operator), et al., Docket Nos. RI64-622 etc.: Humble Oil & Refining Company, Docket No. RI64-624.

In the order providing for hearings on and suspension of proposed changes in rates, issued February 26, 1964 and published in the FEDERAL REGISTER March 3, 1964 (F.R. Doc. 64-2031; 20 F.R. 2918), after "Docket No.", in the chart, change "RI64-623, Humble Oil & Refining Company" to read "Docket No. RI64-624, Humble Oil & Refining Company".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2538; Filed, Mar. 16, 1964; 8:46 a.m.]

[Docket Nos. G-19934; CI64-351]

SUPERIOR OIL CO. ET AL.

Findings and Order After Statutory Hearing, Issuing Certificate of Public Convenience and Necessity, Making Successor in Interest Co-Respondent, Redesignating Proceeding, and Requiring Successor To File Agreement and Undertaking

MARCH 10, 1964.

The Superior Oil Company, and Bowers Drilling Company, Inc., Docket No. G-19934;[1] Bowers Drilling Company, Inc. (Successor to The Superior Oil Company), Docket No. CI64-351.

On September 16, 1963, Bowers Drilling Company (Applicant) filed in Docket No. CI64-351 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce for resale for ultimate public consumption, all as more fully set forth in the application.

Applicant proposes to sell natural gas to Cities Service Gas Company (Cities Service) from acreage in the Boggs Field, Barber County, Kansas, at a rate of 13.0 cents per Mcf at 14.65 psia. Part of the producing property dedicated to the contract[2] between Applicant and Cities Service was previously dedicated to a contract[3] between The Superior Oil Company (Superior) and Cities Service. Superior was collecting 13.0 cents per Mcf subject to refund as finally determined in the rate proceeding in Docket No. G-19934.

After due notice, no petition to intervene, notice of intervention or protest to the granting of the application has been filed.

At a hearing held on February 27, 1964, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, submitted in support of the authorization sought herein, and upon consideration of the record.

The Commission finds:

(1) Applicant, Bowers Drilling Company, Inc., will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of the service under the authorization hereinafter granted.

[1] Consolidated with Docket No. AR64-1, et al.

[2] Bowers Drilling Company, Inc., FPC Gas Rate Schedule No. 2.

[3] The Superior Oil Company FPC Gas Rate Schedule No. 46.

(2) The sale of natural gas hereinbefore described, as more fully described in the application herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sale of natural gas by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(4) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) Applicant should be joined as a party respondent with The Superior Oil Company in the proceeding in Docket No. G-19934; said proceeding should be redesignated accordingly; and Applicant should be required to file an agreement and undertaking in Docket No. G-19934.

The Commission orders:

(A) A certificate of public convenience and necessity be and the same is hereby issued, upon the terms and conditions of this order, authorizing the sale by Applicant, Bowers Drilling Company, Inc., to sell natural gas in interstate commerce at a price of 13.0 cents for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in this proceeding.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as Applicant continues the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any price or related provisions in the gas purchase contract herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate aforesaid be construed to precude the imposition of any sanctions

pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificate.

(D) Bowers Drilling Company, Inc., be and is hereby joined as a party respondent with the Superior Oil Company in the proceeding in Docket No. G–19934, and the proceeding is hereby redesignated as "The Superior Oil Company and Bowers Drilling Company, Inc."

(E) Within 30 days from the issuance of this order, Bowers Drilling Company, Inc., shall execute in the form set out below and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. G–19934 to assure refund of any portion of the increased rate found by the Commission not to be justified therein, together with interest at the rate of 7 percent per annum, insofar as such proceeding pertains to the sale of natural gas by Bowers Drilling Company, Inc., from the producing property acquired from The Superior Oil Company from the time of such acquisition. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(F) Bowers Drilling Company, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and its agreement and undertaking filed in Docket No. G–19934 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

SUGGESTED AGREEMENT AND UNDERTAKING BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent) Docket No.

Agreement and Undertaking of (Name of Respondent) To Comply With Refunding and Reporting Provisions of § 154.102 of the Commission's Regulations Under the Natural Gas Act

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of Section 154.102 of the Commission's Regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No.
(and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]) this
day of , 196 .

[1] If a corporation.

(Name of Respondent),
By ----------
Attest:

[F.R. Doc. 64–2539; Filed, Mar. 16, 1964; 8:46 a.m.]

No. 53——6

[Docket No. CP64–96]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MARCH 10, 1964.

Take notice that on October 25, 1963, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas, filed in Docket No. CP64–96 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities and the sale and delivery of an additional 53,663 Mcf of natural gas per day to certain existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows the proposed construction consists of approximately 116 miles of 30- and 36-inch pipeline loops and 10,960 additional compressor horsepower in existing mainline compressor stations together with miscellaneous sales and appurtenant facilities. The application indicates the total proposed additional service of 53,663 Mcf per day will consist of 43,845 Mcf per day of pipeline service, 8,818 Mcf per day of storage service and 1,000 Mcf per day of liquified natural gas service.

Applicant states that the proposed construction and additional service is designed to meet the demand of Applicant's customers commencing with the 1964–65 heating season. The application indicates that the proposed facilities will increase Applicant's system capacity to 2,581,352 Mcf per day.

The application shows the estimated total cost of the proposed facilities to be $24,422,000, which cost will be financed initially through short-term bank loans. Long-term financing will be accomplished as part of a financing program covering the proposed and other facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–2540; Filed, Mar. 16, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY–5218]

GENERAL BOATS CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 11, 1964.

I. General Boats Corporation (issuer), 32 West 46th Street, New York, New York, was incorporated under the laws of the State of New York on July 7, 1959. On July 29, 1960, the issuer filed a notification under Regulation A to cover a proposed offering of 20,000 shares of common stock (par value 20 cents per share) at $5 per share or $100,000 in the aggregate.

Prior to the commencement of the public offering, the issuer decided to revise the terms of the offering and accordingly filed an amendment to the notification on October 14, 1960, to cover a proposed offering of 240 units, each unit consisting of $470 principal amount five year 6 percent subordinated debentures due October 31, 1965, and 100 shares of common stock (par value 20 cents per share) or an aggregate of $112,800 principal amount of debentures and 24,000 shares of common stock at $620 per unit or $148,800 in the aggregate. The issuer was notified that the staff had no further comments on the notification and that the offering could commence on October 27, 1960.

II. The Commission has been advised that the terms and conditions of Regulation A have not been complied with in that the issuer failed to file Form 2–A reports of sales as required by Rule 260 of Regulation A.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exempion under Regulation A be temporarily suspended:

It is ordered, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the presentation and consideration of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-2546; Filed, Mar. 16, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 07-0019]

MID-AMERICA CAPITAL CORP.

Notice of Order To Show Cause

I. Pursuant to section 309(c) of the Small Business Investment Act of 1958, as amended (15 USC 661 et seq.) (hereinafter called the Act) and § 109.4 of the regulations promulgated thereunder (13 CFR 109.4), the Licensee is hereby ordered to show cause, if any it has, why an order suspending its license, or a cease and desist order, or any other appropriate order should not be issued.

II. Examination of the Licensee as of January 31, 1962, revealed numerous violations of the Act and regulations and was the basis for a report, dated May 3, 1962, which was brought to the attention of the Licensee. This report is included in this order by reference as if set forth in full.

III. The deficiencies set forth in the aforementioned report have not been rectified despite the request of the Administration at the time it forwarded a copy of the report to the Licensee that appropriate corrective action be taken. Subsequently, numerous efforts on the part of the Administration have failed in getting the Licensee to take appropriate corrective action.

IV. Among the deficiencies and violations of the Act and regulations revealed by the examination were:

(1) Licensee acquired a 50 percent stock interest in a borrowing small business concern, Case Lot Grocers, Inc., by purchase of such stock from other shareholders in violation of section 304(a) and 305(a) of the Act and § 107.501 of the regulations (13 CFR 107.501);

(2) No record of the renegotiation, whereby Licensee acquired the stock from other stockholders of Case Lot Grocers, Inc., appeared on the books of Licensee in violation of § 107.802 of the regulations;

(3) Licensee guaranteed to Rockwell Manufacturing Company the obligation of Mobile Classroom Rental, Inc. Sections 304(a) and 305(a) of the Act do not recognize Licensee guaranteeing the obligation of a small business concern. Such activity is in violation of § 107.704 (a) of the regulations. Further, the guarantee exceeded permissible loan limits in violation of § 107.708 of the regulations;

(4) Licensee's investment in Drive-O-Ed Company, Inc., is in violation of §§ 107.501 and 107.704(a) of the regulations in that Drive-O-Ed Company, Inc., was organized and wholly owned by Licensee for the sole purpose of purchasing an 85 percent interest from the shareholders of a small business concern and is not an activity contemplated by sections 304(a) and 305(a) of the Act; and

(5) Licensee violated the provisions of sections 304(a) and 305(a) of the Act and § 107.501 of the regulations establishing the permissible activities of a Licensee in that Licensee acquired the stock of Plastic Contact Lens Co. directly from individual stockholders of Plastic Contact Lens Co.

V. Licensee was ordered to divest itself of its investments in Case Lot Grocers, Inc., Mobile Classroom Rental, Inc., Drive-O-Ed Company, Inc., and Plastic Contact Lens Co., but has failed to do so.

VI. Licensee has failed to pay interest installments as they became due on the subordinated debentures issued to the Small Business Administration. Three semi-annual interest installments of $3,750.00 each are past due and owing to the Small Business Administration. Licensee has failed to pay these delinquent installments despite representations that the past due installments would be paid in September, October and December 1963.

VII. As of December 31, 1963, Licensee has failed to submit a certified annual report (SBA Form 468) as of March 31, 1963, which was required by § 107.802(c) (1) of the regulations to be submitted to the Small Business Administration by June 30, 1963.

VIII. In addition to the foregoing, Licensee has failed to keep its books and records as required by § 107.704(c) (4) of the regulations in that Licensee has failed to promptly notify the Small Business Administration of changes in directors and officers and also Licensee has failed to prepare and execute appropriate SBA Forms 480 in connection with Licensee's investments as required by § 107.704(e) of the regulation.

Licensee's failure to comply with SBA's order to divest itself of certain investments, its failure to meet interest installments, its failure to submit appropriate reports, its failure to maintain its books and records in the required manner coupled with its failure to take appropriate corrective action in respect thereto is indicative of contumacy and a wilful disregard of the Act and regulations.

Accordingly, the Licensee is required to show cause, if any it has, why it has failed to comply with the orders and directions of the Administration, has failed to meet its commitments, and has failed to take indicated appropriate action to comply with the Act and the regulations. Failure of the Licensee to show cause will result in the Administration issuing an order suspending the License, or an order to cease and desist, or such other order as the Administration determines is necessary to insure compliance with the Act and regulations.

Pursuant to § 109.5(a) of the regulations, a hearing will be held at the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., at 9:00 a.m. on April 15, 1964, to determine whether the License should be suspended, whether a cease and desist order should be issued or any other appropriate action be taken.

Dated this 4th day of March A.D. 1964.

ROSS D. DAVIS,
Acting Administrator.

[F.R. Doc. 64-2641; Filed, Mar. 16, 1964; 8:53 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 954]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 12, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66291 (REPUBLICATION). By order of March 10, 1964, the Transfer Board approved the transfer of the rights in No. MC 59531 (Sub-No. 71) which supplements the order of December 19, 1963, published in the FEDERAL REGISTER December 28, 1963, which approved the transfer to Estate of Harry E. Stewart, Peter P. Stewart, Henry Exall, Jr., Peter Stewart Trust A-E, Walso E. Stewart Trust 1-5, and Ian, Inc., a partnership, doing business as Auto Convoy Co., Dallas, Texas, of the operating rights in Certificates Nos. MC 59531, MC 59531 (Sub-No. 53), MC 59531 (Sub-No. 54), MC 59531 (Sub-No. 59), MC 59531 (Sub-No. 61), MC 59531 (Sub-No. 67), MC 59531 (Sub-No. 73), MC 59531 (Sub-No. 78), MC 59531 (Sub-No. 82), MC 59531 (Sub-No. 85), MC 59531 (Sub-No. 86), and MC 59531 (Sub-No. 87). No. MC 59531 (Sub-

No. 71) was inadvertently omitted, which was issued July 3, 1957, to Auto Convoy Co., a corporation, authorizing the transportation of new automobiles, in secondary movements, in truckaway service, from Anthony, N. Mex., to points in Texas and Oklahoma; and damaged shipments of new automobiles, from points in Texas and Oklahoma to Anthony, N. Mex.

NOTE: The purpose of this republication is to include authority transferred in MC 59531 (Sub-No. 71).

No. MC–FC 66502. By order of March 10, 1964, the Transfer Board approved the transfer to Richards Moving & Storage Co., a corporation, Melrose Park, Ill., of the operating rights in Certificate No. MC 49544, issued August 12, 1955 to Kott Storage & Van Co., Inc., Berwyn, Ill., authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, between Chicago, Ill., and points in Illinois within 50 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Illinois, Indiana, Michigan, Ohio, Missouri, Iowa, Wisconsin, Minnesota, Kentucky, Alabama, Nebraska, Tennessee, and the District of Columbia. Alvin Altman, 1776 Broadway, New York, N.Y., 10019, attorney for transferor, and Louis J. Mark, 11 South LaSalle St., Chicago, Ill., 60603, attorney for transferee.

No. MC–FC 66567. By order of March 10, 1964, the transfer Board approved the transfer to Branson Truck Line, Inc., Lyons, Kans., of the operating rights in Certificate in No. MC 117375, issued April 4, 1960, to Leigh Showalter and Ray Showalter, doing business as Showalter Brothers, South Hutchinson, Kans., authorizing the transportation, over irregular routes, of: Livestock (other than ordinary), and emigrant movables, subject to certain restrictions, between points in Kansas within 100 miles of Hutchinson, Kans., on the one hand, and, on the other, points in the United States, except Alaska, Hawaii, and the District of Columbia. Leland M. Spurgeon, 308 Casson Bldg., Topeka, Kans., 66603, attorney for applicants.

No. MC–FC 66659. By order of March 9, 1964, the Transfer Board approved the transfer to Gene Mitchell, West Liberty, Iowa, of the operating rights issued by the Commission April 18, 1950, and September 24, 1953, under Certificates in Nos. MC 15855 and MC 15855 (Sub-No. 5), respectively, to Perry L. Bodie, doing business as The Bodie Lines, West Liberty, Iowa, authorizing the transportation, over irregular routes, of livestock and seeds, farm machinery and parts, and farm hardware, petroleum products, in containers, and batteries and tires, radios and radio parts, refrigerators and refrigerator parts, washing machines and washing machine parts, new furniture and undertakers' supplies, tomatoes, empty tomato containers, feed, tankage, fertilizer, beans, agricultural implements, building materials, hardware, windmills, drain tiles, wire fencing, and posts, coal, empty tin cans, limestone, grain and fresh cabbage, lumber, sand, and gravel, binder twine, livestock, household goods, and emigrant movables, from, to, and between specified points in Iowa, Illinois, Minnesota, Missouri, Nebraska, and Wisconsin, varying with the commodities indicated. William A. Landau, 1307 East Walnut St., Des Moines, Iowa, 50306, representative for applicants.

No. MC–FC 66674. By order of March 10, 1964, the Transfer Board approved the transfer to Cecil Beatty and J. W. England III, a partnership, doing business as Beatty-England Trucking Service, Ottawa, Kans., of the operating rights issued by the Commission June 21, 1954, under Certificate in No. MC 21753, to Elvin E. Malburg and Elmer Malburg, a partnership, doing business as Malburg Bros. Truck Line, Williamsburg, Kans., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Williamsburg, Kans., and Kansas City, Mo., serving the intermediate point of Kansas City, Kans., and intermediate and off-route points within 10 miles of Williamsburg; from Kansas City, Mo., to Ottawa, Kans., and livestock, between Kansas City, Mo., and Ottawa, Kans., serving the intermediate point of Kansas City, Kans., and intermediate and off-route points within 11 miles of Ottawa. Kenton C. Granger, % Anderson & Byrd, First National Bank Bldg., Ottawa, Kans., attorney for applicants.

No. MC–FC 66676. By order of March 10, 1964, the Transfer Board approved the transfer to Mitchko Trucking, Inc., Boonton, N.J., of the operating rights in Certificates in Nos. MC 30114, MC 30114 (Sub-No. 1), MC 30114 (Sub-No. 2) and MC 30114 (Sub-No. 3), issued June 10, 1941, August 22, 1947, August 22, 1951 and May 15, 1953, authorizing the transportation, over irregular routes, of general commodities, with exceptions, and commodities of a general commodity nature, between specified points and designated areas in Delaware, Maryland, New Jersey, New York, and Pennsylvania. Bert Collins, 140 Cedar St., New York 6, N.Y., representative for applicants.

No. MC–FC 66690. By order of March 10, 1964, the transfer Board approved the transfer to Page Perkinson, Wise, N.C., of the operating rights issued by the Commission December 14, 1961, under Certificate in No. MC 123368, to Furney McCoy Rivers, R.F.D. 2, Box 16, Warrenton, N.C., authorizing the transportation, over irregular routes, of livestock and poultry feed, and fertilizers, other than liquid, from Norfolk and Hopewell, Va., to points in Vance and Warren Counties, N.C.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–2549; Filed, Mar. 16, 1964; 8:47 a.m.]

[Notice 954–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 12, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66668. By order of March 11, 1964, the Transfer Board approved the transfer to Harbourt Air Freight Service, Inc., West Trenton, N.J., of Certificate in No. MC 123579, issued November 21, 1961, to Howard A. Harbourt, doing business as Harbourt Air Freight Service, West Trenton, N.J., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between Philadelphia International Airport, Philadelphia, Pa., La Guardia Airport and International (Idlewild) Airport, Long Island, N.Y., and Newark Municipal Airport, Newark, N.J., on the one hand, and, on the other, Rocky Hill, Plainsboro, Monmouth Junction, Dayton, Cranbury, and Lambertville, N.J., points in Mercer and Burlington Counties, N.J., north of Rancocas Creek; and points in Bucks County, Pa., on and south and east of Pennsylvania Highway 232. Robert Watkins, 170 South Broad Street, Trenton, New Jersey, 08608, attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–2550; Filed, Mar. 16, 1964; 8:47 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 169]

RAILROADS SERVING PENNSYLVANIA, WEST VIRGINIA, OHIO, KENTUCKY, INDIANA, ILLINOIS, AND MISSOURI

Rerouting of Traffic

In the opinion of Charles W. Taylor, agent, railroads serving the States of Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois, and Missouri are unable to transport traffic routed over their lines because of floods, washouts, and damage to tracks.

It is ordered, That:

(a) Rerouting of traffic: Railroads serving the States of Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois, and Missouri being unable to transport traffic in accordance with shippers routing because of floods, washouts, and damage to tracks are hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroad before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2:00 p.m., March 10, 1964.

(g) Expiration date: This order shall expire at 11:59 p.m., March 31, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 10, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-2551; Filed, Mar. 16, 1964; 8:48 a.m.]

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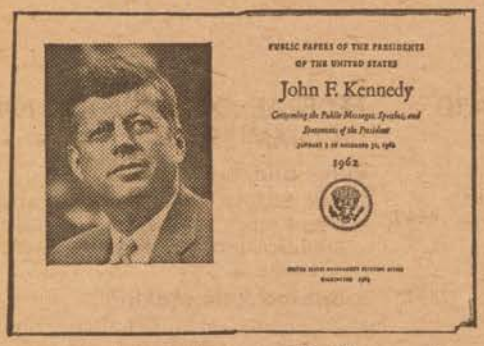

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