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FEDERAL REGISTER

VOLUME 29 NUMBER 99

Washington, Wednesday, May 20, 1964

Contents

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Codification Guide

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

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

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 40—FEDERAL INTERMEDIATE CREDIT BANKS

Subpart B—Loans and Discounts

PRIOR APPROVAL OF FCA

In order to reflect a change in the Manual for Federal Intermediate Credit Banks, § 40.251–2 of Title 6 of the Code of Federal Regulations (27 F.R. 12808) is amended to read as follows:

§ 40.251–2 Same; other financing institutions.

In addition to any limitations imposed by laws governing a financing institution, any obligation of a borrower accepted for discount or as collateral for a direct loan shall have the prior approval of the Farm Credit Administration when the total obligations of such borrower to the offering institution exceed $50,000, or 50 percent of the paid-in and unimpaired capital and surplus of such institution, whichever is larger.

(Sec. 209, 42 Stat. 1459, as amended; 12 U.S.C. 1101)

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 64–4963; Filed, May 19, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 577, 8th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

RUST-RESISTANT BARBERRY, MAHOBERBERIS AND MAHONIA PLANTS

Pursuant to § 301.38–5 of the regulations supplemental to the black stem rust quarantine (7 CFR 301.38–5), issued under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), and section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee), administrative instructions appearing as 7 CFR 301.38–5a are hereby revised to read as follows:

§ 301.38–5a Administrative instructions designating rust-resistant barberry, mahoberberis, and mahonia plants.

(a) The Director of the Division, upon the basis of evidence satisfactory to him, has determined that the following species and horticultural varieties of barberry, mahoberberis, and mahonia are resistant to black stem rust, and such species and varieties are hereby designated as rust-resistant:

SCIENTIFIC NAME

Berberis aridocalida.
B. beaniana.
B. buxifolia.
B. buxifolia nana.
B. calliantha.
B. candidula.
B. cavallieri.
B. chenaulti.
B. circumserrata.
B. concinna.
B. coxii.
B. darwini.
B. dasystachya.
B. dubia.
B. formosana.
B. franchetiana.
B. gagnepaini.
B. gilgiana.
B. gladwynensis.
B. heterophylla.
B. horvathi.
B. hybrido-gagnepaini.
B. insignis.
B. julianae.
B. koreana.
B. lempergiana.
B. lepidifolia.
B. linearifolia.
B. linearifolia var. Orange King.
B. lologensis.
B. manipurana.
B. media "Park Juweel".
B. mentorensis.
B. pallens.
B. potanini.
B. Renton.
B. replicata.
B. sanguinea.
B. sargentiana.
B. stenophylla.
B. stenophylla diversifolia.
B. stenophylla gracilis.
B. stenophylla irwini.
B. stenophylla nana compacta.
B. taliensis.
B. telomaica artisepala.
B. thunbergi.
B. thunbergi argenteo marginata.
B. thunbergi atropurpurea.
B. thunbergi atropurpurea erecta.
B. thunbergi atropurpurea nana.
B. thunbergi atropurpurea "Redbird".
B. thunbergi atropurpurea "Zebra".
B. thunbergi "Dwarf Jewell".
B. thunbergi erecta.
B. thunbergi "globe".
B. thunbergi "golden".
B. thunbergi maximowiczi.
B. thunbergi minor.
B. thunbergi pluriflora.
B. thunbergi "Rose Glow".
B. thunbergi "thornless".
B. thunbergi "Upright Jewell".
B. thunbergi "variegata".
B. thunbergi xanthocarpa.
B. triacanthophora.
B. triculosa.
B. verruculosa.
B. virgatorum.
B. wokingensis.
B. xanthoxylon.
Mahoberberis aqui-candidula.
M. aqui-sargentiae.
M. miethkeana.
Mahonia amplectens.
M. aquifolium.
M. aquifolium atropurpurea.
M. aquifolium compacta.
M. bealei.
M. compacta.
M. dictyota.
M. fortunei.
M. japonica.
M. lomarifolia.
M. nervosa.
M. pinnata.
M. piperiana.
M. pumila.
M. repens.

(b) Plants of the species and varieties listed in paragraph (a) of this section may be moved interstate in compliance with the regulations in this subpart.

(c) Under the regulations in this subpart, seeds and fruit of the species and varieties listed in paragraph (a) of this section, if produced in any of the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, may be moved between such States only under permit. Seeds and fruit of the species and varieties listed in paragraph (a) of this section, regardless of where they are produced, may be moved from the States named above to points outside thereof, and between States other than those named, without restriction. Seeds and fruit of the species and varieties listed in paragraph (a) of this section generally are prohibited movement into the States named.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended, 7 CFR 301.38–5)

These instructions shall become effective on May 20, 1964, when they shall supersede P.P.C. 577, 7th Revision, effective September 19, 1962 (7 CFR 301.38–5a).

The purpose of this revision is to add to the list of rust-resistant species and horticultural varieties of barberry, mahoberberis, and mahonia plants the following four additional species and varieties: Berberis media "Park Juweel", B. triculosa, Mahonia amplectens, and M. aquifolium compacta.

The designation of such rust-resistant species and varieties in effect constitutes a relaxation of the restrictions of the regulations and depends upon facts within the knowledge of the Plant Pest Control Division, based on tests conducted by the U.S. Department of Agriculture to determine the susceptibility of such species and varieties to black stem rust. It has been determined that there is no unwarranted pest risk involved in the permitted movement of such species and varieties.

The determination having been made that these species and varieties are rust-resistant, authorization for their move-

ment in accordance with the regulations should be accomplished promptly in order to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure concerning this revision are impracticable, and since it relieves restrictions it may be made effective less than thirty days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Maryland, this 15th day of May 1964.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 64-4999; Filed, May 19, 1964; 8:48 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 69]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPLICATION FOR INSURANCE

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1965 crop year for wheat in the following respects:

1. That portion of the second sentence of paragraph (a) of § 401.3 of this chapter, beginning with "(2)" and ending with a colon, is amended, effective beginning with the 1965 crop year to read as follows:

§ 401.3 Application for insurance.

(a) * * *

(2) in counties where wheat is an insurable crop an application for insurance on wheat may be filed until the March 31 following the closing date in all counties in Montana, in any county in North Dakota and South Dakota in which insurance is not limited to spring wheat only on the county actuarial table, and in any county in Idaho, Oregon, Utah, and Washington in which insurance is not limited to spring wheat only on the county actuarial table and a premium rate has been established on an irrigated basis, in Klamath and Linn Counties, Oregon, and in Modoc and Siskiyou Counties, California, but in any such case for the first wheat crop year of the contract, winter wheat in all of such counties and spring wheat planted on land which is nonirrigated in any of the counties described above which are located in the States of Idaho, Oregon (except Linn County), Utah, and Washington will not be insured:

* * * * *

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on May 12, 1964.

[SEAL] MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved: May 15, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-5035; Filed, May 19, 1964; 8:51 a.m.]

[Amdt. 68]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

TOBACCO

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1965 crop year in the following respects:

1. The tobacco endorsements shown in §§ 401.30 and 401.31 of this chapter are amended effective beginning with the 1965 crop year by changing each section 2 in each such endorsement to read as follows:

2. *Insured crop.* Insurance shall not be considered to have attached on (a) acreage on which it is determined by the Corporation that tobacco is destroyed for the purpose of conforming with any other program administered by the Secretary of Agriculture, (b) any acreage planted to tobacco of a discount variety under the provisions of the tobacco price support program, (c) an irrigated basis on acreage otherwise insurable on such basis unless it is so reported and designated by such practice at the time the acreage is reported, or (d) any acreage not planted to tobacco of a type shown as insurable on the county actuarial table.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on May 12, 1964.

EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: May 15, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-5034; Filed, May 19, 1964; 8:51 a.m.]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1964 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Raisin Crop Insurance Regulations for the 1961 and Succeeding Crop Years, as amended, which shall remain in full force and effect for the 1963 crop year, are hereby amended for the 1964 and succeeding crop years to read as set forth below. The provisions of this subpart shall apply, until amended or superseded, to all continuous raisin crop insurance contracts as they relate to the 1964 and succeeding crop years.

Sec.
402.20 Availability of raisin crop insurance.
402.21 Premium rates and amounts of insurance.
402.22 Application for insurance.
402.23 Public notice of indemnities paid.
402.24 Creditors.
402.25 The application and the policy.

AUTHORITY: The provisions of this subpart issued under secs. 506, 516, 52 Stat. 73, as amended, 77, as amended, 7 U.S.C. 1506, 1516.

§ 402.20 Availability of raisin crop insurance.

Raisin crop insurance shall be offered for the 1964 and succeeding crop years under the provisions of § 402.20 through § 402.25 in counties in California within limits prescribed by and in accordance with the provision of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for raisin crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 402.21 Premium rates and amounts of insurance.

The Manager shall establish premium rates and the amounts of insurance per ton which shall be shown on the county actuarial table on file in the county office. Such premium rates and amounts of insurance may be changed from year to year.

§ 402.22 Application for insurance.

The application for insurance, provided for in § 402.25 of this chapter, shall be submitted to the county office for the Corporation on or before the July 31 of the first crop year for which insurance is to be in effect, or such earlier date as may be established by the Corporation for any county in any year upon its determination that the insurance risk involved is excessive.

§ 402.23 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 402.24 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 402.25.

§ 402.25 The application and the policy.

The provisions of the Application and Policy for Raisin Crop Insurance for the 1964 and succeeding crop years are as follows:

Application and Policy
Form FCI-812—Raisin

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

CALIFORNIA APPLICATION AND POLICY FOR RAISIN INSURANCE (FOR 196_ AND SUCCEEDING CROP YEARS)

(Name of insured)

(Address of insured)

(State and county code)

(Contract number)

(Phone number)

(County)

1. The undersigned applicant (herein called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on his interest in the insurable raisins named below located in the above-identified county. The amount of insurance per ton and premium rate for the crop year are shown on the county actuarial table (herein called "actuarial table"). This application when executed by an individual shall not cover his interest in a crop produced by a partnership or other entity.

2. *Cause of loss insured against.* Insurance applied for and the insurance provided is against unavoidable damage or loss resulting from rainfall on the raisins during the insurance period while in the field on trays, or in rolls, for drying.

3. *Insurable raisins.* Only raisins while in the field on trays, or in rolls, for drying of the varieties (1) Thompson seedless, (2) Muscats, (3) Monukkas, and (4) Sultanas produced by the insured on the insurance unit (hereinafter called "unit") are insurable raisins: *Provided,* That insurance shall not attach to (a) raisins from any variety of grapes treated with gibberellin, (b) raisins picked from vines girded within the crop year, (c) raisins which are first placed on trays after September 15 in any crop year, as determined by the Corporation, or (d) any raisins produced from acreage shown as noninsurable on the actuarial table.

4. *Supplements to application showing identification of vineyards, varieties, acres, estimated tonnages and interest.* The insured at the time of filing this application shall also file a supplement hereto, on a form prescribed by the Corporation, which shall be a part of this application. The insured shall show on such supplement, in accordance with instructions thereon, the location of vineyards, varieties, acres, estimated tonnage of insurable raisins to be produced and his interest in each variety. Such information may be revised by the insured not later than August 25, of any crop year, by giving notice in writing to the county office of the Corporation: *Provided, however,* That downward revisions of estimated tonnage after August 25, of any crop year, for premium adjustment purposes for any unit may be allowed if requested not later than the March 31, immediately following the crop year involved, but shall be limited to the most accurate determination the Corporation can make of the insurable tonnage placed on trays from records acceptable to the Corporation. Any such downward revisions shall be made only after satisfactory evidence is provided to the Corporation. When the annual premium is recomputed on the basis of a downward revision made after August 25, of any crop year, as provided herein, such premium shall be increased 10 percent.

Any acceptable revision shall be a part of the application, in lieu of any supplement previously filed, and shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. Notwithstanding any provision of this contract, the Corporation reserves the right to determine the tonnage of raisins insured under the contract, or on any insurance unit, and the insured's interest therein.

5. *The contract.* Upon acceptance of this application by the Corporation the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until terminated in accordance with the provisions of the contract. This application and policy, endorsements and supplements thereto, if any, and the county actuarial tables for each crop year on file in the county office for the above county shall constitute the contract for raisin insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year, insurance attaches at the time the raisins insured are placed on trays for drying, provided they are so placed by September 15 of such year as determined by the Corporation, and continues throughout the drying season while the raisins are in the field and ceases on October 25, or upon the raisins being permanently removed from the field, or boxed, whichever first occurs.

7. *Annual premium.* The annual premium for each unit shall be earned and payable at the time insurance attaches and shall be determined by multiplying the insured tonnage as reported by the insured or as determined by the Corporation pursuant to Section 4, by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the increases provided in Sections 4 and 8, respectively.

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that as to any amount thereof not paid by the January 31 immediately following the crop year in which earned, it shall, in addition to the increase provided for in Section 4 hereof, be further increased by 10 percent. It is further agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

(Witness to signature)

(Signature of applicant)

---- 19__
(Date)

9. Recommended for acceptance by:

(Corporation representative)

10. Accepted for the corporation by:

(State director)

---- 19__
(Date)

(County office address)

(Name, address, and telephone number of vineyard manager)

(Packer or marketing agency)

11. *Life of contract.* This contract is noncancelable the first crop year and shall continue in effect for each succeeding crop year until either the insured, or the Corporation, cancels the contract by giving written notice to the other by June 30 of the crop year for which the cancellation is to become effective. The contract shall, however, terminate for nonpayment of premium if such premium is not paid by July 31, following the crop year in which the premium was earned.

12. *Notice of damage or loss.* The insured shall report each damage to the raisins insured resulting from rainfall to the county office immediately after such damage becomes apparent. If not so reported within seven days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report.

13. *Amount of loss and proof of loss.* (a) The amount of loss insured against shall be determined and adjusted separately for each unit by multiplying the tonnage of raisins insured by the amount of insurance per ton and multiplying such product by the insured interest in the raisins and deducting from such result the insured interest in the value, as determined by the Corporation, of the damaged and undamaged insured raisin tonnage produced on the unit. Undamaged raisins shall be valued at the market value or the amount of insurance, whichever is higher.

Raisins damaged by rainfall, but which are reconditioned so that they may be marketed the same as undamaged raisins, shall be valued at the market value or the amount of insurance, whichever is higher, except that the cost of reconditioning shall be deducted from such value as herein provided.

Raisins damaged by rainfall, but which, as determined by the Corporation, cannot be reconditioned so that they may be marketed as undamaged raisins, shall be valued at the highest price obtainable, except that the cost of reconditioning, if any, shall be deducted from such value as herein provided.

The maximum which shall be allowed for any one reconditioning operation shall be $30.00 per ton but such allowance, or the aggregate thereof, shall not exceed the value of the raisins for the unit put through the reconditioning process, as determined by the Corporation.

Raisins damaged solely by uninsured causes shall be valued at the market value of undamaged raisins or the amount of insurance, whichever is higher.

Raisins damaged partially by uninsured causes and partially by rainfall shall be valued at the highest prices obtainable, subject to an adjustment for any reduction in value due to uninsured causes.

(b) In the case of any insured raisins damaged by rainfall which have not been put through the reconditioning process, the Corporation shall have the right to require the insured, at the insured's expense, to recondition representative samples of such raisins to determine whether they may be profitably reconditioned. If it is so determined, the Corporation may require the insured to recondition all of such raisins. Compliance by the insured with any requirement made pursuant to this paragraph shall be a condition precedent to the right of the insured to any indemnity hereunder on the insurance unit involved.

(c) Notwithstanding any other provision hereof, the Corporation shall have the right, at its election, to take and acquire all of the right, title and interest of the insured in and to any raisins damaged by rainfall. In such event, in determining the amount of loss, such raisins shall be valued at zero. The Corporation's representatives and employees shall have the right to ingress and egress on the insured's farm to the extent necessary to take possession of, care for, and remove such raisins pursuant to the provisions hereof.

(d) If, for the unit the insured fails to report all his interest in, or tonnage of, in-

surable raisins, the Corporation may elect to determine the amount of loss with respect to all his insurable interest and tonnage as determined by the Corporation on either a tonnage or premium ratio basis, and reduce the amount of loss under the contract proportionately. All insurable tonnage picked and placed on trays by September 15 shall for the purposes of this determination be treated as insurable raisins.

(e) If the tonnage reported of raisins insured is more than the tonnage determined by the Corporation, or the Corporation determines the interest of the insured in the raisins insured to be less than as reported, the indemnity shall be computed on the basis of the determined tonnage and interest and the excess premium shall be refunded.

(f) It shall be a condition precedent to payment of any claim that the insured furnish any information required by the Corporation regarding the production, weight and handling of the raisins insured and the manner and extent of loss. If production from two or more units is commingled, or insurable and uninsurable tonnage is commingled, and satisfactory records are not made available to establish the facts, the Corporation reserves the right to deny liability or to allocate the production in such manner as it deems appropriate for the purposes of computing any indemnity involved. Any claim for loss shall be submitted on a form prescribed by the Corporation not more than 30 days after total destruction in the field or after the records required herein are available to the insured, unless such time is extended in writing by the Corporation.

14. *Preparation of land.* There shall be no liability hereunder for any damage resulting from failure to properly prepare the land to allow for the run-off of water.

15. *Abandonment of crop.* There shall be no abandonment of any tonnage to the Corporation.

16. *Contract changes.* After the first crop year, the Corporation reserves the right to amend or change the terms and conditions of this contract from year to year. Notice thereof shall be mailed to the insured, or be made available at the county office, not later than May 31 of any crop year. Acceptance of the changes will be conclusive in the absence of any notice from the insured to cancel the contract as provided in paragraph 11, above.

17. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned as security upon prior approval of the Corporation. If the insured transfers his interest in raisins insured in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the raisins insured. Any assignment or transfer shall be made on assignment and transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

18. *Interest insured.* For the purpose of determining the amount of loss the interest insured shall be the interest of the insured at the time damage becomes apparent in the tonnage of insured raisins as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

19. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for any earned premium(s) if at any time the insured has concealed or misrepresented any material fact or committed any fraudulent act against the Corporation and such voidance shall be effective as of the beginning of the crop year which relates to the raisins with respect to which any such act or omission occurred.

20. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

21. *Other insurance.* If the insured in any crop year has any other insurance on any insurance unit against rainfall damage or loss while the raisins are on the trays for drying, this contract shall be void as to such unit and the Corporation shall refund any paid premium thereon.

22. *Causes of loss not insured against.* The contract shall not cover any loss due to neglect or malfeasance of the insured, any member of his household, his tenants, or employees, or failure to follow recognized good raisin practices, including the care of damaged raisins, or to any cause other than the one specified in Section 2.

23. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation: *Provided*, That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity.

(b) If the insured dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of death or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person or persons the Corporation determines to be beneficially entitled thereto.

24. *Meaning of terms.* For the purposes of insurance on raisins in California:

(a) "County actuarial table" means the forms and related material which are approved by the Corporation which are on file for public inspection in the county office and which show the amount of insurance, premium rate(s), and related information with respect to raisin crop insurance for each crop year in the county.

(b) "County office" means the Corporation's office for the county shown in this application and policy or such other office as may be designated by the Corporation from time to time.

(c) "Crop year" means the calendar year in which the raisins insured are placed on trays for drying.

(d) "Insurance unit" or "unit" means all acreage in the county having insured raisins thereon that is acreage (a) in which the insured has 100 percent interest as owner or operator, or (b) which is owned by one person(s) and operated by the insured as a share tenant, or (c) which is owned by the insured and rented to a share tenant: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of raisins in the county into two or more units, taking into consideration separate and distinct farm operations. Acreage rented for cash or a fixed commodity payment shall be considered as being owned by the lessee.

(e) "Per ton" and "tonnage" mean a ton (2,000 pounds) of raisins placed on trays. When deemed appropriate the Corporation may determine raisin tonnage computed on the basis of one ton of raisins insured for every four tons of fresh grapes when first placed on trays for drying.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on May 12, 1964.

MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved: May 15, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-5036; Filed, May 19, 1964; 8:25 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55) AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years

RELEASE AND TRANSFER OF ALLOTMENT

Basis and purpose. This amendment to the above designated regulations (27 F.R. 8937, 9211, 10743; 28 F.R. 7757, 8018, 9144, 11049; 29 F.R. 1315) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). The purpose of the amendment is to grant relief to the owners and operators of farms having flue-cured tobacco acreage allotments and whose land is determined to be unsuitable for the production of tobacco during the current year because of the application of chemicals to the soil. Since tobacco farmers are engaged in transplanting tobacco in the fields and since the time in which such transplanting can be completed is limited, it is essential that the amendment be made effective at the earliest possible date. Accordingly, it is found and determined that compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and the amendment contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

The amendment. Section 724.67, as amended, of the above designated regulations is hereby amended by adding the following new paragraph:

§ 724.67 Release and transfer of tobacco acreage allotment.

(v) Notwithstanding any other provisions of the regulations in this part, the county committee may, upon written application of the farm operator, with the approval of the State committee and the concurrence of the Administrator,

approve the transfer, effective only for the crop of tobacco to be marketed during the 1964–65 marketing year, to another farm or farms in the same or adjoining county, of any or all of the flue-cured tobacco acreage allotment for any farm which the county committee determines cannot be planted or replanted to such crop on such farm because of the application of chemicals to the soil which made the soil unsuitable for the production of such crop. The tobacco produced on that part of the allotment transferred shall be cured and marketed or disposed of separately from any other tobacco produced on the farm to which transferred, and the tobacco history acreage shall be credited to the farm from which the allotment was transferred under this paragraph.

(Secs. 313, 375, 52 Stat. 47, as amended, 66, as amended; 7 U.S.C. 1313, 1375)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 14, 1964.

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

[F.R. Doc. 64–5037; Filed, May 19, 1964; 8:52 a.m.]

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

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 855.10]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, the following determination is hereby issued.

§ 855.10 Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1965 crop.

(a) *Limitations of 1964-crop acreage.* Any 1964-crop acreage of sugarcane to be considered as a measure of "past production" or "ability to produce" in establishing farm proportionate shares for the 1965 crop shall be limited to such acreage planted on or before May 1, 1964, and which is subsequently marketed (or processed) for the extraction of sugar or liquid sugar, or is harvested for seed or is determined by a member of the county committee to be bona fide abandoned acreage to the extent of fulfilling at least the requirements for abandonment payment set forth in paragraph (c)(1) (i) and (ii) of § 845.2 of this chapter, as shown by county office records.

Statement of bases and considerations. The normal planting period for sugarcane in the Mainland Cane Sugar Area has been in the late months of the year with plantings after the first of the year for the purpose primarily of replacing sugarcane which failed to reach a satisfactory level of growth. Any planting later than May 1 would appear to be primarily for purposes other than the production of sugar therefrom in the crop year. Thus, if proportionate shares are established for the 1965 crop, any consideration of late planted 1964-crop cane for historical purposes would be inequitable for the vast majority of sugarcane producers and would not be a uniform measure of "past production" and "ability to produce" throughout the area.

On April 9, 1964, notice was provided in the FEDERAL REGISTER (29 F.R. 4970) that consideration was being given to limiting 1964 acreage credit for 1965-crop proportionate share purposes to acreages of sugarcane planted on or before April 15, 1964. A second notice appearing in the FEDERAL REGISTER on April 24, 1964, extended this date to May 1, 1964. All persons were given an opportunity to submit their views and comments regarding this limitation set forth above. After consideration of the views and comments submitted on this matter it is determined that in establishing proportionate shares in the Mainland Cane Sugar Area for the 1965 crop, 1964-crop acreage credit would be limited to acreages of sugarcane planted on or before May 1, 1964.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date. Date of publication.

Signed at Washington, D.C., on May 14, 1964.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 64–5000; Filed, May 19, 1964; 8:48 a.m.]

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

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Termination

The marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing (hereinafter referred to collectively as the "order"), issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and all rules and regulations and supplementary orders heretofore issued thereunder and now effective, are hereby terminated effective July 1, 1964. In view of this termination, no further consideration will be given to a proposed amendment of the order (28 F.R. 2802, 6646, and 6751). Therefore, that amendatory proceeding (Docket No. AO 332–A 1) is hereby terminated at the effective time hereof.

Producers of Central California grapes for crushing favor termination of the order at the end of the current 1963–64 crop year. Section 990.82(b) required the Secretary to hold a referendum during the period July 1–July 15, 1963, to determine whether producers favored termination of the order at the end of the third crop year. The referendum was held as required, and producers representing more than 90 percent of the total volume of production participated therein. Of the producers voting, 52.4 percent favored termination of the order and, in terms of volume of production, the votes in favor of termination represented more than 51 percent of the total production voted.

As provided in § 990.83, and on and after the effective time hereof, the members of the Grape Crush Administrative Committee then functioning continue as trustees for the purpose of liquidating the affairs of the Committee in accordance therewith, until discharged by the Secretary. The procedure upon termination of the order shall be as set forth in §§ 990.72(b) and 990.83. As provided in § 990.84, the provisions thereof are, and shall remain, in effect at and after the effective time hereof.

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

Dated May 15th, to be effective July 1, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64–5001; Filed, May 19, 1964; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER PACKERS AND STOCKYARDS ACT

Miscellaneous Amendments

Pursuant to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), the rules of practice governing proceedings under the Packers and Stockyards Act (9 CFR Part 202) are hereby amended as follows:

1. The following language is added at the end of paragraph (p) of § 202.2:

§ 202.2 Definitions.

* * * * *

(p) * * * except that in connection with reparation proceedings, the term "examiner" is synonymous with "presiding officer" and means any attorney employed by the Office of the General Counsel of the Department, as well as any examiner in the Office of Hearing Examiners;

* * * * *

§ 202.39 [Amended]

2. The heading of paragraph (a) of § 202.39 is amended by deleting the words "number of copies" and the semicolon immediately preceding such words. The last two sentences of such paragraph are also deleted.

§ 202.41 [Amended]

3. The words "in triplicate" and the commas setting off such words are deleted from paragraph (a) of § 202.41.

§ 202.44 [Amended]

4. The heading of paragraph (a) of § 202.44 is amended to read *"Assignment"* and the first sentence of such paragraph is deleted.

5. A sentence is inserted after the first sentence in § 202.45, reading as follows:

§ 202.45 Intervention.

* * * The petition shall be filed in quintuplicate with an extra copy for each party in excess of two. * * *

* * * * *

§ 202.49 Depositions.

6. Section 202.49 is amended by deleting the period at the end thereof and adding a phrase reading as follows:

* * * except that instead of the two copies specified in § 202.12(f), three copies (with an extra copy for each party in excess of two) will be required.

7. The heading of § 202.52 and the provisions of paragraphs (a) and (b) of § 202.52 are amended to read as follows:

§ 202.52 Post-hearing procedure before the examiner.

(a) *Filing the transcript of evidence.* As soon as practicable after the close of the hearing, the reporter shall transmit to the examiner the original of the transcript of the testimony and the original exhibits introduced in evidence at the hearing, and as many copies of the transcript as may be required by § 202.48 (g) for the area offices of the Division and as may be required for the Washington office of the Division. Upon receipt of the copies of the transcript, the examiner shall attach to the original transcript of the testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true, correct, and complete transcript of the testimony given at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits received in evidence at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be sent to each party and a copy shall be attached to each copy of the transcript of the testimony. In accordance with such certificate the examiner shall note on the original transcript, and the hearing clerk shall thereafter note upon each copy of the transcript ordered by the Department, each correction detailed in such certificate by adding or crossing out (but without obscuring the texts as originally transcribed) at the appropriate places any words necessary to make the text conform to the correct meaning, as certified by the examiner. The examiner shall send the copies of the transcript to the hearing clerk who shall note the corrections upon each copy. The Department will then send a copy of the transcript to each of the appropriate area offices, as provided in § 202.48 (g). At the same time the reporter sends the transcript and copies thereof to the examiner, he shall also transmit a copy of the transcript to each party who shall have filed an application therefor, as provided in § 202.11(g).

(b) *Suggested findings of fact, conclusions and order.* Within thirty days after the close of the hearing or within such other period as may be specified by the examiner who presided at the hearing, each party may file with the examiner, proposed findings of fact, conclusions and order, based solely upon the evidence of record, and a statement of objections made to the rulings of the examiner at the hearing. The suggested findings, conclusions and order and the statements of objections may be accompanied by briefs in support thereof.

* * * * *

8. The introductory portion of § 202.53 is amended to read as follows:

§ 202.53 Shortened procedure.

The provisions of § 202.17 shall be applicable in reparation proceedings, except that reparation may be awarded in cases where the complainant fails to file an opening statement of facts; respondent will be given an opportunity to file an answering statement irrespective of whether an opening statement was filed; all documents shall be filed in quadruplicate with an extra copy for each party in excess of two; and, in lieu of § 202.17(i), the following shall be applicable:

* * * * *

9. Section 202.58 is amended to read as follows:

§ 202.58 Filing; service; additional time for filing; computation of time.

(a) *Filing; number of copies.* Unless otherwise specified in §§ 202.39 through 202.57, all documents or papers required or authorized to be filed by such sections, shall be filed in quadruplicate with an extra copy for each party in excess of two. Any document or paper required or authorized under such sections to be filed with the hearing clerk shall be filed with the examiner where written notice to that effect is given to the parties.

(b) *Effective date of filing.* Any complaint filed with an employee of the Department at any area office of the Division shall be deemed to be filed with the Administrator at the time when the complaint is filed at the area office. Any other document or paper required or authorized under §§ 202.39 through 202.57 to be filed shall be deemed to be filed at the time when it reaches the Department of Agriculture in Washington, D.C.; or, if authorized to be filed with an officer or employee of the Department at any place outside the District of Columbia, it shall be deemed to be filed at the time when it reaches the office of such officer or employee.

(c) *Additional time for filing.* The provisions of § 202.22(e) shall be applicable in reparation proceedings.

(d) *Computation of time.* Saturdays, Sundays and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Saturday, Sunday or legal holiday, such period shall be extended to include the next following business day.

(e) *Service: proof of service.* The provisions of § 202.22(b) shall be applicable in reparation proceedings.

§ 202.59 [Deleted]

10. Section 202.59 is deleted.

(Sec. 407, 42 Stat. 169; 7 U.S.C. 228)

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

Done at Washington, D.C., this 14th day of May 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-5039; Filed, May 19, 1964; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Reg. Docket No. 1508; Amdts. 40-46, 41-11, 42-10, 46-9]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Requirements for Air Carrier Continuous Airworthiness Program

The Federal Aviation Agency published as a notice of proposed rule making (27 F.R. 12191), and circulated as Civil Air Regulations Draft Release No. 62-51, dated December 3, 1962, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to require each air carrier to establish an approved quality control program, including a maintenance and inspection organization, to assure the proper performance of maintenance.

The notice stated that regulations governing air carrier maintenance programs, maintenance personnel, and performance of maintenance have been found to be basically sound. However, investigation of several major accidents and surveillance of air carrier maintenance activities by the Agency have indicated weaknesses in the airworthiness program of some air carriers, with the

significant deficiency being in the inspection area.

As a result of a study of the comments received in response to Draft Release 62–51 and a further analysis of the problems involved, the Agency decided that several changes were necessary to the rule as proposed in Draft Release 62–51. These changes were set forth in a revised proposal which was incorporated in a Notice of Public Hearing issued December 26, 1963 (29 F.R. 50), by the Director, Flight Standards Service, and a hearing was held on January 29, 1964, in Washington, D.C., to receive the written and oral views of interested persons on the revised proposal.

Although the provisions of the proposal refer to applicable sections of Part 40, identical provisions were also proposed to the comparable sections of Parts 41, 42, and 46. Therefore, the discussion and comments relating to the proposal have been combined in a single preamble for all the parts using references to the applicable sections of Part 40. However, any comment or discussion in the preamble referring to a particular section of Part 40 is equally applicable to the corresponding sections of Parts 41, 42, and 46. In addition, although the proposal referred only to air carriers, it is equally applicable to commercial operators conducting operations under those parts.

At the public hearing conducted by the Agency a spokesman for the Agency described the proposed amendments and the basic reasons for this regulatory action. The merits of the pertinent comments submitted by the industry in response to Draft Release 62–51 and the Notice of Public Hearing, and the changes made in the proposal as a result of such comments, were discussed. Therefore, further discussion of those comments is not considered necessary and the comments discussed herein are limited to those received at the hearing.

A comment made at the public hearing pointed out that the term "executive level" as used in § 40.241(c) of the proposal is ambiguous and does not clearly indicate the point at which separation between the inspection and maintenance organization should occur. The Agency believes there is merit in such comment and in order to clearly define the area in which the separation between the inspection functions and the maintenance and alteration functions must take place, the rule now provides that such separation must occur below that level of administrative control at which overall responsibility for the management of both the maintenance and inspections is exercised.

In another comment regarding § 40.241 (c) it was pointed out that the clause "unless the Administrator or his authorized representative determines in a particular situation that the separation of functions is not necessary or feasible" is not appropriate because the separation in functions is necessary all of the time and under all situations. The Agency agrees that a separation between the inspection organization and the maintenance organization is necessary at all times when the inspection of required items is being performed in addition to maintenance. Therefore, since this regulation is specifically concerned with inspections of required inspection items, the Agency believes that the subject clause serves no useful purpose and it has been deleted from the regulation.

For the purpose of providing a more suitable arrangement to the provisions of the regulation, certain of the requirements of §§ 40.240 and 40.241 have been combined. In this connection, it should be noted that paragraph (c) of § 40.241 now contains only the requirements concerning the separation of the maintenance and inspection functions and makes it clear that the organizational separation applies both to the air carrier and the person with whom it arranges for the performance of such functions. In addition, § 40.241(f)(8) has been revised to make it consistent with the provisions of § 40.241(c) concerning the point at which inspection and maintenance functions come under common control. Finally, the provisions of § 40.241(j) have been revised to make it clear that the air carrier does not have to maintain the listing of individuals who have been trained, qualified, and authorized to inspect required inspection items, if it is determined that the person with whom the carrier arranges for the performance of its inspections maintains such a list.

A comment expressed concern with the proposed provisions of § 40.242(b) which would give an authorized representative of the Administrator the authority to require an air carrier to make such changes in its maintenance and inspection programs as are necessary to meet the requirements of the regulations. The comment was based upon an apprehension that "undue power" would be given to the local FAA inspectors if this provision was adopted without a right of appeal by the air carrier from any decision made by such representative of the Administrator. Since the rules permit each air carrier to design and establish maintenance and inspection programs which are compatible with its particular operation, the local FAA inspector, as the authorized representative of the Administrator, is the proper person to determine whether the particular program established by the carrier meets the requirements of this regulation. In this respect it is to be noted that the Agency's rule-making procedures provide that any interested person may appear informally before an appropriate official of the FAA to present, adjust, or determine a question or controversy relating to a rule-making function of the FAA (§ 11.37 [New]). Although this provision covers situations involving a controversy between the local inspector and the air carrier as to the requirements of regulations, § 40.-242 has been amended to prescribe the procedures by which such a petition for reconsideration may be made.

There were also comments opposing the provisions of § 40.511(b)(3) which permit a certificated repairman to sign a release for the airworthiness of an aircraft. These comments were based upon the belief that a repairman is qualified only to sign for the work which he has performed and for which he is certificated and, therefore, should not be allowed to assume a responsibility in excess of his training, authorization, or certificate. In this connection, it should be pointed out that the regulation was intended to permit a repairman to sign the release only for work for which he is employed and certificated. Under this regulation, the repairman would not be assuming responsibilities in excess of his learning or ability and would be signing only for work for which he is employed and certificated. However, to make this clear § 40.511(b)(3) has been changed to expressly limit the authority of the repairman to sign the release or entry for work for which he is employed and certificated. In addition, a question was raised as to whether the release or entry may be signed by a certificated mechanic or repairman who is not a person authorized to perform required inspections. Since this authority was intended, the language of § 40.511(b)(3) has been changed by deleting the words "a person authorized to perform inspections" and merely referring to a certificated mechanic or repairman as the persons who may be authorized to sign the release or entry.

Subsequent to the issuance of the Notice of Public Hearing, the Agency amended Parts 40, 41, 42, and 46 (Amendments 40–42, 41–8, 42–7, 46–8; 29 F.R. 5450) by transferring from Part 18 to §§ 40.240, 41.240, 42.240, and 46.240, the provisions regarding the maintenance authority of an air carrier or commercial operator certificated under that part. However, in order to place these amendments in their proper sequence in Parts 40, 41, 42, and 46, the provisions concerning the maintenance authority of the air carrier or commercial operator have been moved without change by this amendment to new §§ 40.246, 41.246, 42.246, and 46.246.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matters presented.

This amendment is subject to the FAA Recodification Program announced in Draft Release No. 61–25 (26 F.R. 10698); however, it will not result in any substantive change in the rules as adopted herein.

This amendment is issued under the authority of sections 313(a), 601, 604, 605, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424, 1425, and 1427).

In consideration of the foregoing, Parts 40, 41, 42, and 46 of the Civil Air Regulations are amended as follows, effective October 19, 1964:

Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended), is hereby amended as follows:

1. By amending the undesignated centerhead before § 40.240 to read as follows:

MAINTENANCE OF AIRPLANES

2. By amending § 40.240 to read as follows:

§ 40.240 Responsibility for airworthiness of airplanes.

(a) Each air carrier is primarily responsible for:

(1) The airworthiness of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof; and

(2) The performance of the maintenance, alterations, and inspections of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof, in accordance with its manual and the regulations of this chapter.

(b) An air carrier may make arrangements with another person for the performance of any or all of the maintenance, alteration, or inspection of its airplanes, including airframes, powerplants, propellers, appliances, or parts thereof. However, the air carrier is not relieved of the responsibility specified in paragraph (a) of this section even though the person with whom the arrangements are made for the performance of any or all of its maintenance, alterations, or inspections holds a certificate from the Administrator to perform such maintenance, alteration, and inspection.

3. By amending § 40.241 to read as follows:

§ 40.241 Maintenance and inspection organization and program.

(a) Each air carrier that performs any of its maintenance or alterations, and each person with whom an air carrier arranges for the performance of any of the air carrier's maintenance or alterations, shall have a maintenance organization adequate to perform the work.

(b) Each air carrier that performs inspections in addition to maintenance or alterations shall have a maintenance and inspection organization to perform that work. An air carrier may not arrange with another person to have its inspections performed in addition to its maintenance or alterations, unless that person has a maintenance and inspection organization adequate to perform that work.

(c) The structure of the organization of each air carrier, performing inspections of required inspection items in addition to maintenance or alterations shall provide for the separation of the inspection functions from the maintenance and alteration functions. This separation shall occur below the level of administrative control at which overall responsibility for the management of both the maintenance and inspection functions is exercised. The structure of the organization of any person with whom the air carrier arranges for the performance of inspection of required inspection items must provide the same separation.

(d) The air carrier's manual shall contain a chart or description of the air carrier's organization required by paragraph (a) or (b) of this section and a list of persons with whom it has made arrangements for the performance of any of its maintenance, alterations, or required inspections, including a general description of the work that will be performed.

(e) Each air carrier shall have a maintenance program and an inspection program to insure that:

(1) All maintenance, alterations, and inspections performed by the air carrier, or by persons with whom the air carrier has made arrangements therefor, are performed in accordance with the air carrier's manual;

(2) Competent personnel and adequate facilities and equipment are provided for the proper performance of all maintenance, alteration, and inspection functions; and

(3) Each airplane released to service is airworthy and has been properly maintained for operation in air transportation.

(f) The air carrier's manual must contain the maintenance program and the inspection program of the air carrier which the air carrier, or the person with whom the air carrier has arranged for the performance of any maintenance, alterations, or inspections, must follow in the performance of maintenance, alterations, and inspections of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof, and must include at least the following:

(1) The method of performing the maintenance, both routine and nonroutine, and alterations;

(2) A designation of the items of maintenance and alteration which must be inspected (required inspection items), which must include at least those of maintenance and alteration which could result in a failure, malfunction, or defect endangering the safe operation of the airplane, if not performed properly or if improper parts or materials are used;

(3) The method of accomplishment of the inspection of required inspection items and a designation by occupational title of personnel authorized to perform each inspection;

(4) Procedures for the reinspection of work performed pursuant to previous inspection findings (buy-back procedures);

(5) Procedures, standards, and limits necessary for inspection and acceptance or rejection of required inspection items and for periodic inspection and calibration of precision tools, measuring devices, and test equipment;

(6) Procedures to insure that all required inspection items are inspected;

(7) Instructions to prevent any person who performs the work from performing the inspection of a required inspection item;

(8) Instructions and procedures to prevent the inspection decision of an inspector regarding a required inspection item from being countermanded by persons other than supervisory personnel of the inspection unit or an individual at that level of administrative control which has overall responsibility for the management of both the maintenance and inspection functions; and

(9) Procedures to insure that maintenance, alterations, and inspections which are not completed as a result of shift changes or similar work interruptions are properly completed before the airplane is released to service.

(g) Only appropriately certificated individuals who have been properly trained, qualified, and authorized may be utilized to inspect required inspection items.

(h) Each person performing the inspection of a required inspection item must be under the supervision and control of the inspection unit when performing the inspection of the item.

(i) A person may not inspect a required inspection item if he performed the maintenance or alteration on the item.

(j) Each air carrier shall maintain or shall determine that each person with whom it arranges for the performance of its inspections maintains a current listing of individuals who have been trained, qualified, and authorized to inspect its required inspection items. The individuals must be identified by name, occupational title, and the inspections that the individual is authorized to perform. All persons so authorized shall be informed in writing as to the extent of their responsibilities, authorities, and inspectional limitations. This list shall be available for inspection by the Administrator or his authorized representative upon request.

§ 40.244–1 [Redesignated]

4. By redesignating § 40.241–1 as § 40.244–1.

§§ 40.243, 40.245 [Redesignated]

5. By redesignating §§ 40.242 and 40.243 as §§ 40.243 and 40.245, respectively.

6. By adding a new § 40.242 to read as follows:

§ 40.242 Continuing analysis and surveillance.

(a) Each air carrier shall establish and maintain a system for the continuing analysis and surveillance of the performance and effectiveness of its maintenance program and inspection program and for the correction of any deficiency in these programs, regardless of whether such maintenance, alterations, and inspections are performed by the air carrier or by another person with whom the air carrier has arranged for the performance of maintenance, alterations, and inspections.

(b) Whenever the Administrator or his authorized representative finds that the maintenance program or the inspection program established by an air carrier does not contain adequate procedures or standards to meet the requirements of this part, the air carrier shall upon notice thereof by the Administrator or his authorized representative make such changes in these programs as are necessary to meet such requirements.

(c) The air carrier may petition the Administrator to reconsider the notice to make a change in its program. The petition shall be filed with the local FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations within 30 days after the receipt of the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator or the person authorized by him to consider the petition.

7. By adding a new § 40.244 to read as follows:

§ 40.244 Certificate requirements.

Each individual who is directly in charge of maintenance or alteration of any airplane, engine, propeller, or appliance, and each individual who performs the inspection of required inspection items must hold an appropriate airman certificate.

8. By adding a new § 40.246 to read as follows:

§ 40.246 Authority to perform and approve maintenance, inspection, and alterations.

(a) An air carrier may perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(b) An air carrier may approve any airplane, airframe, airplane engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

9. By amending § 40.511 to read as follows:

§ 40.511 Airworthiness release or airplane log entry.

(a) If maintenance, alterations, or inspections are performed on an airplane, the air carrier, or the person with whom the air carrier has arranged for the performance of the maintenance, alterations, or inspections, shall prepare or cause to be prepared an airworthiness release or an appropriate entry in the airplane log before the air carrier uses the airplane in operations governed by this part.

(b) The release or entry must:

(1) Be prepared in accordance with the procedures set forth in the air carrier's manual;

(2) Include a certification that the work was performed in accordance with the requirements of the air carrier's manual, that all required inspection items were inspected by an authorized person who made a determination that the work was satisfactorily completed, that the airplane is in condition for safe operation, and that no known condition exists that would render the airplane unairworthy; and

(3) Be signed by an authorized certificated mechanic or repairman except that a certificated repairman may sign the release or entry only for the work for which he is employed and certificated.

(c) When a release form is prepared, a copy shall be given to the pilot in command and a record shall be kept for at least 2 months.

§ 40.511–1 [Deleted]

10. By deleting § 40.511–1.

Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended), is hereby amended as follows:

1. By amending the undesignated centerhead before § 41.240 to read as follows:

MAINTENANCE OF AIRPLANES

2. By amending § 41.240 to read as follows:

§ 41.240 Responsibility for airworthiness of airplanes.

(a) Each air carrier is primarily responsible for:

(1) The airworthiness of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof; and

(2) The performance of the maintenance, alterations, and inspections of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof, in accordance with its manual and the regulations of this chapter.

(b) An air carrier may make arrangements with another person for the performance of any or all of the maintenance, alteration, or inspection of its airplanes, including airframes, powerplants, propellers, appliances, or parts thereof. However, the air carrier is not relieved of the responsibility specified in paragraph (a) of this section even though the person with whom the arrangements are made for the performance of any or all of its maintenance, alterations, or inspections holds a certificate from the Administrator to perform such maintenance, alteration, and inspection.

3. By amending § 41.241 to read as follows:

§ 41.241 Maintenance and inspection organization and program.

(a) Each air carrier that performs any of its maintenance or alterations, and each person with whom an air carrier arranges for the performance of any of the air carrier's maintenance or alterations, shall have a maintenance organization adequate to perform the work.

(b) Each air carrier that performs inspections in addition to maintenance or alterations shall have a maintenance and inspection organization to perform that work. An air carrier may not arrange with another person to have its inspections performed in addition to its maintenance or alterations, unless that person has a maintenance and inspection organization adequate to perform that work.

(c) The structure of the organization of each air carrier, performing inspections of required inspection items in addition to maintenance or alterations shall provide for the separation of the inspection functions from the maintenance and alteration functions. This separation shall occur below the level of administrative control at which overall responsibility for the management of both the maintenance and inspection functions is exercised. The structure of the organization of any person with whom the air carrier arranges for the performance of inspection or required inspection items must provide the same separation.

(d) The air carrier's manual shall contain a chart or description of the air carrier's organization required by paragraph (a) or (b) of this section and a list of persons with whom it has made arrangements for the performance of any of its maintenance, alterations, or required inspections, including a general description of the work that will be performed.

(e) Each air carrier shall have a maintenance program and an inspection program to insure that:

(1) All maintenance, alterations, and inspections performed by the air carrier, or by persons with whom the air carrier has made arrangements therefor, are performed in accordance with the air carrier's manual;

(2) Competent personnel and adequate facilities and equipment are provided for the proper performance of all maintenance, alteration, and inspection functions; and

(3) Each airplane released to service is airworthy and has been properly maintained for operation in air transportation.

(f) The air carrier's manual must contain the maintenance program and the inspection program of the air carrier which the air carrier, or the person with whom the air carrier has arranged for the performance of any maintenance, alterations, or inspections, must follow in the performance of maintenance, alterations, and inspections of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof, and must include at least the following:

(1) The method of performing the maintenance, both routine and nonroutine, and alterations;

(2) A designation of the items of maintenance and alteration which must be inspected (required inspection items), which must include at least those of maintenance and alteration which could result in a failure, malfunction, or defect endangering the safe operation of the airplane, if not performed properly or if improper parts or materials are used;

(3) The method of accomplishment of the inspection of required inspection items and a designation by occupational title of personnel authorized to perform each inspection;

(4) Procedures for the reinspection of work performed pursuant to previous inspection findings (buy-back procedures);

(5) Procedures, standards, and limits necessary for inspection and acceptance or rejection of required inspection items and for periodic inspection and calibration of precision tools, measuring devices, and test equipment;

(6) Procedures to insure that all required inspection items are inspected;

(7) Instructions to prevent any person who performs the work from performing the inspection of a required inspection item;

(8) Instructions and procedures to prevent the inspection decision of an inspector regarding a required inspection item from being countermanded by persons other than supervisory personnel of the inspection unit or an individual at

the level of administrative control which has overall responsibility for the management of both the maintenance and inspection functions; and

(9) Procedures to insure that maintenance, alterations, and inspections which are not completed as a result of shift changes or similar work interruptions are properly completed before the airplane is released to service.

(g) Only appropriately certificated individuals who have been properly trained, qualified, and authorized may be utilized to inspect required inspection items.

(h) Each person performing the inspection of a required inspection item must be under the supervision and control of the inspection unit when performing the inspection of the item.

(i) A person may not inspect a required inspection item if he performed the maintenance or alteration on the item.

(j) Each air carrier shall maintain or shall determine that each person with whom it arranges for the performance of its inspections maintains a current listing of individuals who have been trained, qualified, and authorized to inspect its required inspection items. The individuals must be identified by name, occupational title, and the inspections that the individual is authorized to perform. All persons so authorized shall be informed in writing as to the extent of their responsibilities, authorities, and inspectional limitations. This list shall be available for inspection by the Administrator or his authorized representative upon request.

§§ 41.243, 41.245 [Redesignated]

4. By redesignating §§ 41.242 and 41.243 as §§ 41.243 and 41.245, respectively.

5. By adding a new § 41.242 to read as follows:

§ 41.242 Continuing analysis and surveillance.

(a) Each air carrier shall establish and maintain a system for the continuing analysis and surveillance of the performance and effectiveness of its maintenance program and inspection program and for the correction of any deficiency in these programs, regardless of whether such maintenance, alterations, and inspections are performed by the air carrier or by another person with whom the air carrier has arranged for the performance of maintenance, alterations, and inspections.

(b) Whenever the Administrator or his authorized representative finds that the maintenance program or the inspection program established by an air carrier does not contain adequate procedures or standards to meet the requirements of this part, the air carrier shall upon notice thereof by the Administrator or his authorized representative make such changes in these programs as are necessary to meet such requirements;

(c) The air carrier may petition the Administrator to reconsider the notice to make a change in its program. The petition shall be filed with the local FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations within 30 days after the receipt of the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator or the person authorized by him to consider the petition.

6. By adding a new § 41.244 to read as follows:

§ 41.244 Certificate requirements.

Each individual who is directly in charge of maintenance or alteration of any airplane, engine, propeller, or appliance, and each individual who performs the inspection of required inspection items must hold an appropriate airman certificate.

7. By adding a new § 41.246 to read as follows:

§ 41.246 Authority to perform and approve maintenance, inspection, and alterations.

(a) An air carrier may perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(b) An air carrier may approve any airplane, airframe, airplane engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

8. By amending § 41.511 to read as follows:

§ 41.511 Airworthiness release or airplane log entry.

(a) If maintenance, alterations, or inspections are performed on an airplane, the air carrier, or the person with whom the air carrier has arranged for the performance of the maintenance, alterations, or inspections, shall prepare or cause to be prepared an airworthiness release or an appropriate entry in the airplane log before the air carrier uses the airplane in operations governed by this Part.

(b) The release or entry must:

(1) Be prepared in accordance with the procedures set forth in the air carrier's manual;

(2) Include a certification that the work was performed in accordance with the requirements of the air carrier's manual, that all required inspection items were inspected by an authorized person who made a determination that the work was satisfactorily completed, that the airplane is in condition for safe operation, and that no known condition exists that would render the airplane unairworthy; and

(3) Be signed by an authorized certificated mechanic or repairman except that a certificated repairman may sign the release or entry only for the work for which he is employed and certificated.

(c) When a release form is prepared, a copy shall be given to the pilot in command and a record shall be kept for at least 2 months.

Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended), is hereby amended as follows:

1. By amending the undesignated centerhead before § 42.240 to read as follows:

MAINTENANCE OF AIRCRAFT

2. By amending § 42.240 to read as follows:

§ 42.240 Responsibility for airworthiness of aircraft.

(a) Each operator is primarily responsible for:

(1) The airworthiness of its aircraft, including airframes, powerplants, propellers, appliances, and parts thereof; and

(2) The performance of the maintenance, alterations, and inspections of its aircraft, including airframes, powerplants, propellers, appliances, and parts thereof, in accordance with its manual and the regulations of this chapter.

(b) An operator may make arrangements with another person for the performance of any or all of the maintenance, alteration, or inspection of its aircraft, including airframes, powerplants, propellers, appliances, or parts thereof. However, the operator is not relieved of the responsibility specified in paragraph (a) of this section, even though the person with whom the arrangements are made for the performance of any or all of its maintenance, alterations, or inspections holds a certificate from the Administrator to perform such maintenance, alteration, and inspection.

3. By amending § 42.241 to read as follows:

§ 42.241 Maintenance and inspection organization and program.

(a) Each operator that performs any of its maintenance or alterations, and each person with whom an operator arranges for the performance of any of the operator's maintenance or alterations, shall have a maintenance organization adequate to perform the work.

(b) Each operator that performs inspections in addition to maintenance or alterations shall have a maintenance and inspection organization to perform that work. An operator may not arrange with another person to have its inspections performed in addition to its maintenance or alterations, unless that person has a maintenance and inspection organization adequate to perform that work.

(c) The structure of the organization of each operator, performing inspections of required inspection items in addition to maintenance or alterations shall provide for the separation of the inspection functions from the maintenance and alteration functions. This separation shall occur below the level of administrative control at which overall responsi-

bility for the management of both the maintenance and inspection functions is exercised. The structure of the organization of any person with whom the operator arranges for the performance of inspection of required inspection items must provide the same separation.

(d) The operator's manual shall contain a chart or description of the operator's organization required by paragraph (a) or (b) of this section and a list of persons with whom it has made arrangements for the performance of any of its maintenance, alterations, or required inspections, including a general description of the work that will be performed.

(e) Each operator shall have a maintenance program and an inspection program to insure that:

(1) All maintenance, alterations, and inspections performed by the operator, or by persons with whom the operator has made arrangements therefor, are performed in accordance with the operator's manual;

(2) Competent personnel and adequate facilities and equipment are provided for the proper performance of all maintenance, alteration, and inspection functions; and

(3) Each aircraft released to service is airworthy and has been properly maintained for operation in air transportation.

(f) The operator's manual must contain the maintenance program and the inspection program of the operator which the operator, or the person with whom the operator has arranged for the performance of any maintenance, alterations, or inspections, must follow in the performance of maintenance, alterations, and inspections of its aircraft, including airframes, powerplants, propellers, appliances, and parts thereof, and must include at least the following:

(1) The method of performing the maintenance, both routine and nonroutine, and alterations;

(2) A designation of the items of maintenance and alteration which must be inspected (required inspection items), which must include at least those of maintenance and alteration which could result in a failure, malfunction, or defect endangering the safe operation of the aircraft, if not performed properly or if improper parts or materials are used;

(3) The method of accomplishment of the inspection of required inspection items and a designation by occupational title of personnel authorized to perform each inspection;

(4) Procedures for the reinspection of work performed pursuant to previous inspection findings (buy-back procedures);

(5) Procedures, standards, and limits necessary for inspection and acceptance or rejection of required inspection items and for periodic inspection and calibration of precision tools, measuring devices, and test equipment;

(6) Procedures to insure that all required inspection items are inspected;

(7) Instructions to prevent any person who performs the work from performing the inspection of a required inspection item;

(8) Instructions and procedures to prevent the inspection decision of an inspector regarding a required inspection item from being countermanded by persons other than supervisory personnel of the inspection unit or an individual at that level of administrative control which has overall responsibility for the management of both the maintenance and inspection functions; and

(9) Procedures to insure that maintenance, alterations, and inspections which are not completed as a result of shift changes or similar work interruptions are properly completed before the aircraft is released to service.

(g) Only appropriately certificated individuals who have been properly trained, qualified, and authorized may be utilized to inspect required inspection items.

(h) Each person performing the inspection of a required inspection item must be under the supervision and control of the inspection unit when performing the inspection of the item.

(i) A person may not inspect a required inspection item if he performed the maintenance or alteration on the item.

(j) Each operator shall maintain or shall determine that each person with whom it arranges for the performance of its inspections maintains a current listing of individuals who have been trained, qualified, and authorized to inspect its required inspection items. The individuals must be identified by name, occupational title, and the inspections that the individual is authorized to perform. All persons so authorized shall be informed in writing as to the extent of their responsibilities, authorities, and inspectional limitations. This list shall be available for inspection by the Administrator or his authorized representative upon request.

§§ 42.243, 42.245 [Redesignated]

4. By redesignating §§ 42.242 and 42.243 as §§ 42.243 and 42.245, respectively.

5. By adding a new § 42.242 to read as follows:

§ 42.242 Continuing analysis and surveillance.

(a) Each operator shall establish and maintain a system for the continuing analysis and surveillance of the performance and effectiveness of its maintenance program and inspection program and for the correction of any deficiency in these programs, regardless of whether such maintenance, alterations, and inspections are performed by the operator or by another person with whom the operator has arranged for the performance of maintenance, alterations, and inspections.

(b) Whenever the Administrator or his authorized representative finds that the maintenance program or the inspection program established by an operator does not contain adequate procedures or standards to meet the requirements of this part, the operator shall upon notice thereof by the Administrator or his authorized representative make such changes in these programs as are necessary to meet such requirements.

(c) The operator may petition the Administrator to reconsider the notice to make a change in its program. The petition shall be filed with the local FAA Air Carrier District Office charged with the overall inspection of the operator's operations within 30 days after the receipt of the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator or the person authorized by him to consider the petition.

6. By adding a new § 42.244 to read as follows:

§ 42.244 Certificate requirements.

Each individual who is directly in charge of maintenance or alteration of any aircraft, engine, propeller, or appliance, and each individual who performs the inspection of required inspection items must hold an appropriate airman certificate.

7. By adding a new § 42.246 to read as follows:

§ 42.246 Authority to perform and approve maintenance, inspection, and alterations.

(a) An operator may perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(b) An operator may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenanee, preventive maintenance, or alterations that it performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

8. By amending § 42.511 to read as follows:

§ 42.511 Airworthiness release or aircraft log entry.

(a) If maintenance, alterations, or inspections are performed on an aircraft, the operator, or the person with whom the operator has arranged for the performance of the maintenance, alterations, or inspections, shall prepare or cause to be prepared an airworthiness release or an appropriate entry in the aircraft log before the operator uses the aircraft in operations governed by this part.

(b) The release or entry must:

(1) Be prepared in accordance with the procedures set forth in the operator's manual;

(2) Include a certification that the work was performed in accordance with the requirements of the operator's manual, that all required inspection items were inspected by an authorized person who made a determination that the work was satisfactorily completed, that the

aircraft is in condition for safe operation, and that no known condition exists that would render the aircraft unairworthy; and

(3) Be signed by an authorized certificated mechanic or repairman except that a certificated repairman may sign the release or entry only for the work for which he is employed and certificated.

(c) When a release form is prepared, a copy shall be given to the pilot in command and a record shall be kept for at least 2 months.

Part 46 of the Civil Air Regulations (14 CFR Part 46, as amended), is hereby amended as follows:

1. By amending the undesignated centerhead before § 46.240 to read as follows:

MAINTENANCE OF HELICOPTERS

2. By amending § 46.240 to read as follows:

§ 46.240 Responsibility for airworthiness of helicopters.

(a) Each air carrier is primarily responsible for:

(1) The airworthiness of its helicopters, including airframes, powerplants, rotors, appliances, and parts thereof; and

(2) The performance of the maintenance, alterations, and inspections of its helicopters, including airframes, powerplants, rotors, appliances, and parts thereof, in accordance with its manual and the regulations of this chapter.

(b) An air carrier may make arrangements with another person for the performance of any or all of the maintenance, alteration, or inspection of its helicopters, including airframes, powerplants, rotors, appliances, or parts thereof. However, the air carrier is not relieved of the responsibility specified in paragraph (a) of this section even though the person with whom the arrangements are made for the performance of any or all of its maintenance, alterations, or inspections, holds a certificate from the Administrator to perform such maintenance, alteration, and inspection.

3. By amending § 46.241 to read as follows:

§ 46.241 Maintenance and inspection organization and program.

(a) Each air carrier that performs any of its maintenance or alterations, and each person with whom an air carrier arranges for the performance of any of the air carrier's maintenance or alterations shall have a maintenance organization adequate to perform the work.

(b) Each air carrier that performs inspections in addition to maintenance or alterations shall have a maintenance and inspection organization to perform that work. An air carrier may not arrange with another person to have its inspections performed in addition to its maintenance or alterations, unless that person has a maintenance and inspection organization adequate to perform that work.

(c) The structure of the organization of each air carrier, performing inspections of required inspection items in addition to maintenance or alterations shall provide for the separation of the inspection functions from the maintenance and alteration functions. This separation shall occur below the level of administrative control at which overall responsibility for the management of both the maintenance and inspection functions is exercised. The structure of the organization of any person with whom the air carrier arranges for the performance of inspection of required inspection items must provide the same separation.

(d) The air carrier's manual shall contain a chart or description of the air carrier's organization required by paragraph (a) or (b) of this section and a list of persons with whom it has made arrangements for the performance of any of its maintenance, alterations, or required inspections, including a general description of the work that will be performed.

(e) Each air carrier shall have a maintenance program and an inspection program to insure that:

(1) All maintenance, alterations, and inspections performed by the air carrier, or by persons with whom the air carrier has made arrangements therefor, are performed in accordance with the air carrier's manual;

(2) Competent personnel and adequate facilities and equipment are provided for the proper performance of all maintenance, alterations, and inspection functions; and

(3) Each helicopter released to service is airworthy and has been properly maintained for operation in air transportation.

(f) The air carrier's manual must contain the maintenance program and the inspection program of the air carrier which the air carrier, or the person with whom the air carrier has arranged for the performance of any maintenance, alterations, or inspections, must follow in the performance of maintenance, alterations, and inspections of its helicopters, including airframes, powerplants, rotors, appliances, and parts thereof, and must include at least the following:

(1) The method of performing the maintenance, both routine and nonroutine, and alterations;

(2) A designation of the items of maintenance and alteration which must be inspected (required inspection items), which must include at least those of maintenance and alteration which could result in a failure, malfunction, or defect endangering the safe operation of the helicopter, if not performed properly, or if improper parts or materials are used;

(3) The method of accomplishment of the inspection of required inspection items and a designation by occupational title of personnel authorized to perform each inspection.

(4) Procedures for the reinspection of work performed pursuant to previous inspection findings (buy-back procedures);

(5) Procedures, standards, and limits necessary for inspection and acceptance or rejection of required inspection items and for periodic inspection and calibration of precision tools, measuring devices, and test equipment;

(6) Procedures to insure that all required inspection items are inspected;

(7) Instructions to prevent any person who performs the work from performing the inspection of a required inspection item;

(8) Instructions and procedures to prevent the inspection decision of an inspector regarding a required inspection item from being countermanded by persons other than supervisory personnel of the inspection unit or an individual at that level of administrative control which has overall responsibility for the management of both the maintenance and inspection functions; and

(9) Procedures to insure that maintenance, alterations, and inspections which are not completed as a result of shift changes or similar work interruptions are properly completed before the helicopter is released to service.

(g) Only appropriately certificated individuals who have been properly trained, qualified, and authorized may be utilized to inspect required inspection items.

(h) Each person performing the inspection of a required inspection item must be under the supervision and control of the inspection unit when performing the inspection of the item.

(i) A person may not inspect a required inspection item if he performed the maintenance or alteration on the item.

(j) Each air carrier shall maintain or shall determine that each person with whom it arranges for the performance of its inspections maintains a current listing of individuals who have been trained, qualified, and authorized to inspect its required inspection items. The individuals must be identified by name, occupational title, and the inspections that the individual is authorized to perform. All persons so authorized shall be informed in writing as to the extent of their responsibilities, authorities, and inspectional limitations. This list shall be available for inspection by the Administrator or his authorized representative upon request.

§§ 46.243, 46.245 [Redesignated]

4. By redesignating §§ 46.242 and 46.243 as §§ 46.243 and 46.245, respectively.

5. By adding a new § 46.242 to read as follows:

§ 46.242 Continuing analysis and surveillance.

(a) Each air carrier shall establish and maintain a system for the continuing analysis and surveillance of the performance and effectiveness of its maintenance program and inspection program and for the correction of any deficiency in these programs, regardless of whether such maintenance, alterations, and inspections are performed by the air carrier or by another person with

whom the air carrier has arranged for the performance of maintenance, alterations, and inspections.

(b) Whenever the Administrator or his authorized representative finds that the maintenance program or the inspection program established by an air carrier does not contain adequate procedures or standards to meet the requirements of this part, the air carrier shall upon notice thereof by the Administrator or his authorized representative make such changes in these programs as are necessary to meet such requirements;

(c) The air carrier may petition the Administrator to reconsider the notice to make a change in its program. The petition shall be filed with the local FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations within 30 days after the receipt of the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator or the person authorized by him to consider the petition.

6. By adding a new § 46.244 to read as follows:

§ 46.244 Certificate requirements.

Each individual who is directly in charge of maintenance or alteration of any helicopter, helicopter engine, rotor, or appliance, and each individual who performs the inspection of required inspection items must hold an appropriate airman certificate.

7. By adding a new § 46.246 to read as follows:

§ 46.246 Authority to perform and approve maintenance, inspection, and alterations.

(a) An air carrier may perform maintenance, preventive maintenance, and alterations as provide in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(b) An air carrier may approve any helicopter, airframe, helicopter engine, rotor, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

8. By amending § 46.511 to read as follows:

§ 46.511 Airworthiness release or helicopter log entry.

(a) If maintenance, alterations, or inspections are performed on a helicopter, the air carrier, or the person with whom the air carrier has arranged for the performance of the maintenance, alterations, or inspections, shall prepare or cause to be prepared an airworthiness release or an appropriate entry in the helicopter log before the air carrier uses the helicopter in operations governed by this part.

(b) The release or entry must:

(1) Be prepared in accordance with the procedures set forth in the air carrier's manual;

(2) Include a certification that the work was performed in accordance with the requirements of the air carrier's manual, that all required inspection items were inspected by an authorized person who made a determination that the work was satisfactorily completed, that the helicopter is in condition for safe operation, and that no known condition exists that would render the helicopter unairworthy; and

(3) Be signed by an authorized certificated mechanic or repairman except that a certificated repairman may sign the release or entry only for the work for which he is employed and certificated.

(c) When a release form is prepared, a copy shall be given to the pilot in command and a record shall be kept for at least 2 months.

Issued in Washington, D.C., on May 13, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-4965; Filed, May 19, 1964; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-144]

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

Alteration of Federal Airway

On February 15, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 2505) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would extend VOR Federal airway No. 169 from Rapid City, S. Dak., via Dupree, S. Dak., to Bismarck, N. Dak.

The Air Transport Association of America endorsed the proposal. No other comments were received.

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

Section 71.123 (29 F.R. 1009, 3356) is amended as follows: In V-169 "to Rapid City, S. Dak." is deleted and "Rapid City, S. Dak.; Dupree, S. Dak.; to Bismarck, N. Dak." is substituted therefor.

This amendment shall become effective 0001 e.s.t., July 23, 1964.

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

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

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

[F.R. Doc. 64-4968; Filed, May 19, 1964; 8:45 a.m.]

[Airspace Docket No. 63-CE-145]

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

Designation of Federal Airway Segment

On February 15, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 2508) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would designate a standard east alternate to VOR Federal airway No. 13 from Grantsburg, Wis., to Duluth, Minn.

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

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

Section 71.123 (29 F.R. 1009, 2487, 2999) is amended as follows: In V-13 "Duluth, Minn.;" is deleted and "Duluth, Minn., including an E alternate;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., July 23, 1964.

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

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

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

[F.R. Doc. 64-4969; Filed, May 19, 1964; 8:45 a.m.]

[Airspace Docket No. 63-CE-146]

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

Alteration of Federal Airway

On February 15, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 2505) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would designate an additional segment of VOR Federal airway No. 170 from Sioux Falls, S. Dak., to Farmington, Minn.

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

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

Section 71.123 (29 F.R. 1009) is amended as follows: In V-170 "From Nodine, Minn." is deleted and "From Sioux Falls, S. Dak., via Worthington, Minn.; INT Worthington 090° and Mankato, Minn., 212° radials; Mankato; to Farmington, Minn. From Nodine, Minn." is substituted therefor.

This amendment shall become effective 0001 e.s.t., July 23, 1964.

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

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

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

[F.R. Doc. 64-4970; Filed, May 19, 1964; 8:46 a.m.]

[Airspace Docket No. 63-CE-147]

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

Alteration and Revocation of Federal Airway Segments

On February 15, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 2506) stating that the Federal Aviation Agency was considering amendments to Part 71 [New] of the Federal Aviation Regulations which would redesignate VOR Federal airway No. 2 from Helena, Mont., to Livingston, Mont., extend VOR Federal airway No. 86 from Bozeman, Mont., to Livingston, and revoke VOR Federal airway No. 127 from Livingston to Helena.

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

As stated in the notice, it was proposed to extend Victor 86 from Bozeman via the intersection of Bozeman 157° and Livingston 261° True radials; to Livingston. Subsequent to publication of the notice, a flight check of the proposed airway disclosed that use of the Bozeman 157° radial would necessitate raising the 10,000 foot MEA to 10,300 feet MSL. However, if the Bozeman 128° True radial were employed, the 10,000 foot MEA could be retained and the airway distance between Bozeman and Livingston reduced. Accordingly, action is taken herein to extend Victor 86 from Bozeman to Livingston via the intersection of Bozeman 128° and Livingston 261° True radials.

Since this alteration of the proposal is minor in nature, notice and public procedure hereon are unnecessary.

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

Section 71.123 (29 F.R. 1009, 2693) is amended as follows:

1. In V-2 "INT of Helena 119° and Bozeman, Mont., 338° radials; Bozeman; INT of Bozeman 157° and Livingston, Mont., 261° radials;" is deleted and "INT of Helena 119° and Livingston, Mont., 323° radials;" is substituted therefor.

2. In V-86 "to Bozeman, Mont." is deleted and "Bozeman, Mont.; INT of Bozeman 128° and Livingston, Mont., 261° radials; to Livingston." is substituted therefor.

3. V-127 is revoked.

These amendments shall become effective 0001 e.s.t. July 23, 1964.

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

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

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

[F.R. Doc. 64-4971; Filed, May 19, 1964; 8:46 a.m.]

[Airspace Docket No. 63-SW-116]

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

Revocation of Federal Airway Segments

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

1. VOR Federal airway No. 13 west alternate from Lufkin, Tex., to Shreveport, La.

2. VOR Federal airway No. 16 north alternate from Abilene, Tex., to Mineral Wells, Tex.

3. VOR Federal airway No. 1622 from Lubbock, Tex., to Abilene.

4. VOR Federal airway No. 1537 from Dallas, Tex., to McAlester, Okla.

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

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

1. Section 71.123 (29 F.R. 1009, 2487, 2999) is amended as follows:

a. In V-13 "Shreveport, La., including an E and a W alternate;" is deleted and "Shreveport, La., including an E alternate;" is substituted therefor.

b. In V-16 "Mineral Wells, Tex., including an N alternate;" is deleted and "Mineral Wells, Tex.;" is substituted therefor.

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

a. In V-1537 all after "Waco, Tex.;" is deleted and "thence Dallas, Tex. McAlester, Okla., Fayetteville, Ark.; Springfield, Mo.; Hallsville, Mo.; Peoria, Ill.; Joliet, Ill." is substituted therefor.

b. In V-1622 all before "INT Abilene 096" is deleted and "Abilene, Tex.;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., July 23, 1964.

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

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

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

[F.R. Doc. 64-4972; Filed, May 19, 1964; 8:46 a.m.]

[Airspace Docket No. 63-WE-49]

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

Alteration of Transition Area and Control Zone

On September 10, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9845) stating that the Federal Aviation Agency proposed to alter the existing transition area at Pasco, Wash.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The notice proposed, in part, to raise the existing 700-foot transition area southeast extension to 1,200 feet above the surface. This would have required raising the procedure turn altitude from 2,100 feet MSL to 2,600 feet MSL for the VOR public instrument approach to runway 29R, resulting in loss of the straight-in approach minimums. This was not considered serious because the straight-in and circling minimums are basically the same, 800-1. The Air Transport Association, however, commented that raising the area to 1,200 feet would adversely affect West Coast Airlines' VOR 29R approach procedure because it would require elimination of their present 400-1 straight-in approach minimums. It was also pointed out that raising this part of the transition area from 700 to 1,200 feet would have eliminated the existing controlled airspace protection for West Coast Airlines' VOR 29R approach and the final approach area protection for their ADF-1 approach. Since it was not our intent to withdraw necessary existing controlled airspace, action is taken herein to retain this controlled airspace. Also, in order to completely cover the first approach, a one mile addition is designated on the northeast side of the Pasco VOR 312° and 132° True radials.

After publication of the notice, the name of the airport at Pasco, Wash., was changed from "Pasco Municipal Airport" to "Pasco Public Airport". Therefore, in addition to the transition area description, action is taken herein to amend the Pasco control zone description in § 71.171 accordingly.

Since the amendments regarding the airport name change and the one mile transition area addition are minor in nature, compliance with the notice and public procedure requirements of the Administrative Procedure Act is unnecessary. Also, more than 30 days will elapse from the date of publication until the effective date of the transition area amendment.

In consideration of the foregoing, and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.181 (29 F.R. 1160) the Pasco, Wash., transition area is amended to read:

Pasco, Wash.

That airspace extending upward from 700 feet above the surface within 5 miles SW and 9 miles NE of the Pasco VOR 312° and 132° radials, extending from 3 miles NW to 12 miles SE of the Pasco VOR, and within a 5-mile radius of the Pasco Public Airport (latitude 46°15'50" N., longitude 119°06'55" W.), excluding the portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the Pasco VOR 036° and 216° radials, extending from 6 miles SW to 12 miles NE of the Pasco VOR, excluding the portion within R-6715.

This amendment shall become effective 0001 e.s.t., July 23, 1964.

2. In § 71.171 (29 F.R. 1101) the Pasco, Wash., control zone is amended by substituting "Pasco Public Airport" for "Pasco Airport".

This amendment shall become effective immediately.

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

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

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

[F.R. Doc. 64-4966; Filed, May 19, 1964; 8:45 a.m.]

[Airspace Docket No. 63-AL-25]

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

PART 73—SPECIAL USE AIRSPACE [NEW]

Revocation of Restricted Areas; Alteration of Transition Areas and Federal Airways

On January 14, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 325) stating that the Federal Aviation Agency was considering amendments to § 73.22 which would revoke Restricted Areas R-2208 Fort Greely, Alaska, and R-2209 Little Delta, Alaska, and alter R-2202 Big Delta, Alaska. The notice also specified that the descriptions of the Fairbanks and Big Delta, Alaska, transition areas (§ 71.181) would be altered to delete reference to R-2208 and R-2209 and that the descriptions of airways Amber 2, Amber 15 (§ 71.105) and Blue 25 (§ 71.109) would be altered by changing and/or deleting references to R-2202, R-2208, and R-2209. The notation containing the references states that pilots must obtain prior approval from appropriate authority before using portions of the transition areas and airways which coincide with a restricted area. Since this requirement is specified in § 91.95 of the Federal Aviation Regulations, action is taken herein to delete the notations from the descriptions of the Little Delta and Fairbanks, Alaska, transition areas and airways Amber 2, Amber 15 and Blue 25.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Department of the Air Force recommended that the R-2202 joint use letter of procedure be revised by inserting a provision to permit the Fairbanks Center/RAPCON to use that airspace which overlies the presently designated R-2208 above 23,000 feet MSL when it is not required for rocket launchings.

The joint use letter of procedure is being reviewed and the recommendation will be considered. The Air Force comment concerned only the procedures governing use of the proposed restricted area and they had no objection to the proposal.

In consideration of the foregoing and for the reasons stated in the notice, the following action is taken:

1. Section 73.22 Alaska (29 F.R. 1234) is amended as follows:

a. R-2208 Fort Greely, Alaska, and R-2209 Little Delta, Alaska, are revoked.

b. R-2202 Big Delta, Alaska, is amended to read:

R-2202 Big Delta, Alaska.

Boundaries. Beginning at latitude 64°14'-45" N., longitude 146°43'15" W.; to latitude 63°56'17" N., longitude 145°49'30" W.; to latitude 63°54'20" N., longitude 145°50'20" W.; to latitude 63°50'30" N., longitude 145°-50'00" W.; to latitude 63°43'00" N., longitude 145°54'01" W.; to latitude 63°42'15" N., longitude 146°13'26" W.; to latitude 63°-44'00" N., longitude 146°30'00" W.; to latitude 63°50'50" N., longitude 146°47'30" W.; thence along the E bank of the East Fork and Little Delta Rivers to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.

Using agency. President, U.S. Army Arctic Test Board, Fort Greely, Alaska.

2. Section 71.105 (29 F.R. 1006) is amended as follows:

a. In A-2, "The airspace within R-2202, R-2205, R-2207 and R-2208 shall be used only after obtaining prior approval from the appropriate authority." is deleted.

b. In A-15 "The airspace within R-2202, R-2205, R-2207 and R-2208 shall be used only after obtaining prior approval from the appropriate authority." is deleted.

3. Section 71.109 (29 F.R. 1008) is amended as follows: In B-25, "The airspace within R-2208 shall be used only after obtaining prior approval from the appropriate authority." is deleted.

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

a. In the Fairbanks, Alaska transition area, "The portions within R-2202, R-2205, R-2207 and R-2209 shall be used only after obtaining prior approval from appropriate authority." is deleted.

b. In the Big Delta, Alaska transition area, "The portion within R-2202, R-2208 and R-2209 shall be used only after obtaining prior approval from appropriate authority." is deleted.

These amendments shall become effective 0001 e.s.t., July 23, 1964.

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

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

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-4967; Filed, May 19, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-91]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On January 31, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 1623) stating that the Federal Aviation Agency proposed to alter the Merced, Calif. (Castle AFB), Restricted Area/Military Climb Corridor R-2514 in accordance with current airspace criteria.

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

In consideration of the foregoing and for the reasons stated in the notice, the following action is taken:

In § 73.25 (29 F.R. 1238), R-2514 Merced, Calif. (Castle AFB), Restricted Area/Military Climb Corridor is amended to read:

R-2514 Merced, Calif. (Castle AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 37°25'15" N., Longitude 120°36'29" W., the area centered on a bearing therefrom of 320°, extending to a point 25 nmi NW, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes.

Surface to 23,000 feet MSL from the point of beginning to 3 nmi NW.

2,000 feet MSL to 23,000 feet from 3 to 6 nmi NW of the point of beginning.

5,000 feet MSL to 23,000 feet MSL from 6 to 11 nmi NW of the point of beginning.

10,000 feet MSL to 23,000 feet MSL from 11 to 15 nmi NW of the point of beginning.

14,000 feet MSL to 23,000 feet MSL from 15 to 19 nmi NW of the point of beginning.

16,000 feet MSL to 23,000 feet MSL from 19 to 25 nmi NW of the point of beginning.

Time of designation. Continuous.

Using agency. Castle AFB Approach Control.

This amendment shall become effective 0001 e.s.t., July 23, 1964.

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

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

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-4973; Filed, May 19, 1964; 8:46 a.m.]

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

[Reg. Docket No. 5064; Amdt. 115]

PART 95—IFR ALTITUDES [NEW]

Miscellaneous Amendments

This amendment is adopted to provide safety in air commerce for IFR operations by prescribing the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes also assure navigational cover-

age that is adequate and free of frequency interference for such a route or portion thereof.

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

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] (14 CFR Part 95 [New]) is amended as follows:

Section 95.101 *Amber Federal airway 1* is amended to read in part:

From Red Bluff, Calif., LFR; to Fort Jones, Calif., LFR; MEA 10,000.
From Toledo, Wash., LFR; to McChord, Wash., LF/RBN; MEA 5,000.
From McChord, Wash., LF/RBN; to Seattle, Wash., LFR; MEA 3,000.

Section 95.1001 *Direct route—U.S. is* amended to delete:

From Whitmore, Calif., LFR; to Klamath Falls, Oreg. LFR; MEA 10,000.
From Baton Rouge, La., VOR; to *Woodville INT, La.; MEA 1,500. *2,300—MRA.
From Kalamazoo, Mich., VOR; to South Bend, Ind., VOR; MEA 3,000.

Section 95.1001 *Direct route—U.S. is* amended by adding:

From Tyndall, Fla., VOR; to Marianna, Fla., VOR; MEA *2,000. *1,200—MOCA.
From Tyndall, Fla., VOR; to Teresa INT, Fla.; MEA *3,500. *1,400—MOCA.
From Key West, Fla., VOR; to Pahokee, Fla., VOR; MEA *4,500. *1,300—MOCA.

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From Great Inagua, Bh., RBN; to S. Calcos, Bh., RBN; MEA 1,300.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

From Cofield, N.C., VOR; to Deep Creek INT, Va.; MEA 1,400.
From Deep Creek INT, Va.; to Norfolk, Va., VOR; MEA 2,000.
From Norfolk, Va., VOR; to Cape Charles, Va., VOR; MEA 2,000.
From Cape Charles, Va., VOR; to Salisbury, Md., VOR; MEA 2,000.

Section 95.6002 *VOR Federal airway 2* is amended to delete:

From *Spokane, Wash., VOR via S alter.; to Tekoa INT, Wash., via S alter.; MEA **14,000. *12,000—MCA Spokane VOR, southeastbound. **9,000—MOCA.
From Tekoa INT, Wash., via S alter.; to Mullan Pass, Idaho, VOR via S alter.; MEA 9,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

From *Spokane, Wash., VOR via N alter.; to Mullan Pass, Idaho, VOR via N alter.; MEA 9,000. *5,600—MCA Spokane VOR, eastbound.
From Rochester, N.Y., VOR via N alter.; to Syracuse, N.Y., VOR via N alter.; MEA 2,200.
From Alexandria, Minn., VOR; to St. Joseph INT, Minn.; MEA *3,100. *2,600—MOCA.
From St. Joseph INT, Minn.; to Minneapolis, Minn., VOR; MEA *3,000. *2,600—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended by adding:

From Ephrata, Wash., VOR via S alter.; to *Grange INT, Wash. via S alter.; MEA 6,000. *6,000—MRA.
From Grange INT, Wash. via S alter.; to Spokane, Wash., VOR via S alter.; MEA 5,000.
From *Spokane, Wash., VOR via S alter.; to Mullan Pass, Idaho, VOR via S alter.; MEA 11,000. *8,200—MCA Spokane VOR, eastbound.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

From Ipswich INT, Mass.; to Kennebunk, Maine, VOR; MEA 2,500.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

From *Lyman INT, Iowa; to Middle River INT, Iowa; MEA **3,100. *3,500—MRA. **2,600—MOCA.
From Middle River INT, Iowa; to Des Moines, Iowa, VOR; MEA *2,600. *2,100—MOCA.
From Des Moines, Iowa, VOR; to Mine INT, Iowa; MEA *2,500. *2,000—MOCA.
From Mine INT, Iowa; to Percy INT, Iowa; MEA *2,500. *2,300—MOCA.
From Percy INT, Iowa; to New Sharon INT, Iowa; MEA *2,600. *2,200—MOCA.
From Omaha, Nebr., VOR via S alter.; to Elliott INT, Iowa via S alter.; MEA *3,600. *2,700—MOCA.
From Elliott INT, Iowa, via S alter.; to Winterset INT, Iowa via S alter.; MEA *3,600. *2,600—MOCA.
From Winterset INT, Iowa via S alter.; to Des Moines, Iowa, VOR via S alter.; MEA *2,700. *2,300—MOCA.
From Des Moines, Iowa, VOR via S alter.; to Beach INT, Iowa via S alter.; MEA *2,500. *2,200—MOCA.
From Beech INT, Iowa via S alter.; to Knoxville INT, Iowa via S alter.; MEA *2,500. *2,000—MOCA.
From Knoxville INT, Iowa via S alter.; to *Bussey INT, Iowa via S alter.; MEA **2,700. *3,200—MRA. **2,200—MOCA.
From Pioneer INT, Ohio; to Waterville, Ohio, VOR; MEA *3,300. *2,300—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From *Lyman INT, Iowa; to Middle River INT, Iowa; MEA **3,100. *3,500—MRA. **2,600—MOCA.
From Middle River INT, Iowa; to Des Moines, Iowa, VOR; MEA *2,600. *2,100—MOCA.
From Des Moines, Iowa, VOR; to Mine INT, Iowa; MEA 2,000.
From Mine INT, Iowa; to Percy INT, Iowa; MEA *2,500. *2,300—MOCA.
From Percy INT, Iowa; to New Sharon INT, Iowa; MEA *2,600. *2,200—MOCA.
From Omaha, Nebr., VOR via S alter.; to Elliott INT, Iowa via S alter.; MEA *3,600. *2,700—MOCA.
From Elliott INT, Iowa via S alter.; to Winterset INT, Iowa via S alter.; MEA *3,600. *2,600—MOCA.
From Winterset INT, Iowa via S alter.; to Des Moines, Iowa, VOR via S alter.; MEA *2,700. *2,300—MOCA.
From Des Moines, Iowa, VOR via S alter.; to Beech INT, Iowa via S alter.; MEA *2,500. *2,200—MOCA.
From Beech INT, Iowa via S alter.; to Knoxville INT, Iowa via S alter.; MEA *2,500. *2,000—MOCA.
From Knoxville INT, Iowa via S alter.; to *Bussey INT, Iowa via S alter.; MEA **2,700. *3,200—MRA. **2,200—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

From Edgerton INT, Ohio; to Hudson INT, Mich.; MEA *3,500. *2,300—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to delete:

From Anton Chico, N. Mex., VOR via N alter.; to Tucumcari, N. Mex., VOR via N alter.; MEA 7,500.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

From *Woodburn INT, Iowa; to Des Moines, Iowa, VOR; MEA **2,600. *4,300—MRA. **2,100—MOCA.
From Ankeny INT, Iowa; to Ames INT, Iowa; MEA *3,000. *2,200—MOCA.
From Des Moines, Iowa, VOR via E alter.; to Elkhart INT, Iowa via E alter.; MEA 2,500.
From Elkhart INT, Iowa via E alter.; to Union INT, Iowa via E alter.; MEA *3,000. *2,300—MOCA.
From Des Moines, Iowa, VOR via W alter.; to Grimes INT, Iowa via W alter.; MEA *2,700. *2,500—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

From College Station, Tex., VOR; to Satin INT, Tex.; MEA *2,200. *1,700—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to delete:

From *Salt Flat, Tex., VOR via N alter.; to Wink, Tex., VOR via N alter.; MEA 10,800. *10,000—MCA Salt Flat VOR, eastbound.

Section 95.6018 *VOR Federal airway 18* is amended to delete:

From Allendale, S.C., VOR via S alter.; to Charleston, S.C., VOR via S alter.; MEA 1,500.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

From Rattlesnake INT, Colo. via E alter.; to *Pueblo, Colo., VOR via E alter.; MEA 8,200. *6,500—MCA Pueblo VOR, southbound.
From Socorro, N. Mex., VOR; to *Albuquerque, N. Mex., VOR; MEA 8,000. *11,500—MCA Albuquerque VOR, northeastbound.
From Socorro, N. Mex., VOR via W alter.; to Albuquerque, N. Mex., VOR via W alter.; MEA 8,000.
From Socorro, N. Mex., VOR via E alter.; to Albuquerque, N. Mex., VOR via E alter.; MEA 8,000.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

From Palacios, Tex., VOR via N alter.; to Rosenberg INT, Tex. via N alter.; MEA *2,000. *1,400—MOCA.
From Picayune, Miss., VOR via N alter.; to Mobile, Ala., VOR via N alter.; MEA *2,000. *1,600—MOCA.
From New Orleans, La., VOR; to Clam INT, La.; MEA 1,400.
From Clam INT, La.; to Gulfport, Miss., VOR; MEA 1,500.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

From Red Bluff, Calif., VOR; to Benton INT, Calif.; northbound, MEA 8,000; southbound, MEA 3,000.
From Benton INT, Calif.; to *Shasta INT, Calif.; northbound, MEA 8,000; southbound, MEA 6,500. *8,000—MCA Shasta INT, northbound.
From Shasta INT, Calif.; to Fort Jones, Calif., VOR; MEA 10,000.
From Portland, Oreg., VOR; to *Mayfield INT, Wash.; MEA **6,000. *7,000—MRA. **5,000—MOCA.
From Mayfield INT, Wash.; to Rainier INT, Wash.; MEA 6,000.

Section 95.6046 *VOR Federal airway 46* is amended to read in part:

From Hampton, N.Y., VOR; to Oyster INT, N.Y.; MEA *2,000. *1,700—MOCA.
From Oyster INT, N.Y.; to West-Nan INT, Mass.; MEA *2,000. *1,000—MOCA.
From West-Nan INT, Mass.; to Nantucket, Mass., VOR; MEA *2,000. *1,700—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

From Int. 065 M rad Vienna VOR and 335 M rad Alma VOR via E alter.; to Dublin, Ga., VOR via E alter.; MEA *3,000. *1,700—MOCA.

Section 95.6052 *VOR Federal airway 52* is amended to read in part:

From Des Moines, Iowa, VOR; to Beech INT, Iowa; MEA *2,500. *2,200—MOCA.
From Beech INT, Iowa; to Knoxville INT, Iowa; MEA *2,500. *2,000—MOCA.
From Knoxville INT, Iowa; to *Bussey INT, Iowa; MEA **2,700. *3,200—MRA. **2,200—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to delete:

From Zuni, N. Mex., VOR; to Cactus INT, N. Mex.; MEA 12,000.

Section 95.6074 *VOR Federal airway 74* is amended to delete:

From Hugo, Colo., VOR; to *Tuttle INT, Kans.; MEA 6,600. *6,000—MRA.
From Tuttle INT, Kans.; to Garden City, Kans., VOR; MEA *6,000. *5,500—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

From *Woodburn INT, Iowa; to Des Moines, Iowa, VOR; MEA **2,600. *4,300—MRA. **2,100—MOCA.

Section 95.6079 *VOR Federal airway 79* is amended to read in part:

From Fort Stockton, Tex., VOR; to Wink, Tex., VOR; MEA *4,500. *4,000—MOCA.
From Wink, Tex., VOR; to Hobbs, N. Mex., VOR; MEA 5,300.
From Hobbs, N. Mex., VOR via W alter.; to Lubbock, Tex., VOR via W alter.; MEA 5,300.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

From Brainerd, Minn., VOR; to Ramey INT, Minn.; MEA *3,100. *2,400—MOCA.
From Ramey INT, Minn.; to Minneapolis, Minn., VOR; MEA *3,000. *2,500—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

From *Castle INT, Ariz.; to White Creek INT, N. Mex.; MEA #12,000. *11,000—MRA. #Continuous navigational signal coverage does not exist below 13,000'; a 30-mile gap exists at 12,000'.
From White Creek INT, N. Mex.; to Farmington, N. Mex., VOR; MEA 8,000.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

From St. Petersburg, Fla., VOR; to *Darby INT, Fla.; MEA **1,700. *2,000—MRA. **1,300—MOCA.
From Darby INT, Fla.; to Shrimp INT, Fla.; MEA *4,000. *1,000—MOCA.
From St. Petersburg, Fla., VOR via W alter; to *Oyster INT, Fla. via W alter; MEA **1,600. *3,400—MRA. **1,300—MOCA.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

From Hobbs, N. Mex., VOR; to Lubbock, Tex., VOR; MEA *5,400. *5,300—MOCA.

Section 95.6108 *VOR Federal airway 108* is amended to delete:

From Hill City, Kans., VOR; to Salina, Kans., VOR; MEA *7,900. *8,800—MOCA.

Section 95.6112 *VOR Federal airway 112* is amended to read in part:

From Pasco, Wash., VOR via W alter.; to *Grange INT, Wash. via W alter.; MEA 5,000. *6,000—MRA.
From Grange INT, Wash. via W alter.; to Spokane, Wash., VOR via W alter.; MEA 5,000.

Section 95.6114 *VOR Federal airway 114* is amended to delete:

From Amarillo, Tex., VOR via N alter.; to Childress, Tex., VOR via N alter.; MEA *5,300. *4,700—MOCA.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

From Fruitvale INT, Tex.; to Gregg County, Tex., VOR; MEA *2,500. *1,700—MOCA.
From Alexandria, La., VOR via N alter.; to *Woodville INT, La. via N alter.; MEA **4,000. *3,000—MRA. **1,700—MOCA.
From Woodville INT, La. via N alter.; to *Walker INT, La. via N alter.; MEA **5,000. *1,800—MRA. **1,900—MOCA.
From Walker INT, La. via N alter.; to New Orleans, La., VOR via N alter.; MEA *1,800. *1,400—MOCA.

Section 95.6134 *VOR Federal airway 134* is amended to delete:

From Tuskegee, Ala., VOR; to Big Spring INT, Ga.; MEA *2,500. *2,200—MOCA.
From Big Spring INT, Ga.; to Raymond INT, Ga.; MEA 2,500.
From Raymond INT, Ga.; to Atlanta, Ga., VOR; MEA 2,500.

Section 95.6141 *VOR Federal airway 141* is amended to read in part:

From Nantucket, Mass., VOR; to Brewster INT, Mass.; MEA *1,800. *1,700—MOCA.
From Brewster INT, Mass.; to Hyannis, Mass., VOR; MEA *1,900. *1,200—MOCA.
From Hyannis, Mass., VOR; to Brant Rock INT, Mass.; MEA *3,000. *1,200—MOCA.
From Brant Rock INT, Mass.; to Cohassett INT, Mass.; MEA *2,000. *1,900—MOCA.

Section 95.6146 *VOR Federal airway 146* is amended to read in part:

From Coastal INT, Mass.; to Martha's Vineyard, Mass., VOR; MEA *2,000. *1,300—MOCA.
From Martha's Vineyard, Mass., VOR; to Nantucket, Mass., VOR; MEA *2,000. *1,700—MOCA.

Section 95.6147 *VOR Federal airway 147* is amended to read in part:

From Geneseo, N.Y., VOR; to Rochester, N.Y., VOR; MEA 2,700.

Section 95.6153 *VOR Federal airway 153* is amended to delete:

From Sound INT, N.Y.; to La Guardia, N.Y., VOR; MEA 2,000.

Section 95.6153 *VOR Federal airway 153* is amended by adding:

From Madison, Conn., VOR; to Sound, INT N.Y.; MEA *2,100. *1,400—MOCA.
From Sound INT, N.Y.; to Bayville INT N.Y.; MEA *2,000. *1,400—MOCA.
From Bayville INT, N.Y.; to Plandome INT, N.Y.; MEA *2,000. *1,100—MOCA.
From Plandome INT, N.Y.; to La Guardia, N.Y., VOR; MEA *2,000. *1,500—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended by adding:

From Pelham INT, N.Y.; to Stamford INT, N.Y.; MEA *2,500. *1,700—MOCA.
From Stamford INT, N.Y.; to INT. 046 M rad La Guardia VOR and 077 M rad Carmel VOR; MEA *2,600. *2,100—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

From Newton, Iowa, VOR; to *Marshalltown INT, Iowa; MEA **2,800. *2,700—MRA. **2,200—MOCA.
From *Woodburn INT, Iowa; to Des Moines, Iowa, VOR; MEA **2,600. *4,300—MRA. **2,100—MOCA.
From Des Moines, Iowa, VOR via W alter.; to Elkhart INT, Iowa via W alter.; MEA 2,500.
From Elkhart INT, Iowa via W alter.; to Union INT, Iowa via W alter.; MEA *3,000. *2,300—MOCA.

Section 95.6167 *VOR Federal airway 167* is amended to read in part:

From Dennis INT, Mass.; to Hyannis, Mass., VOR; MEA *1,900. *1,300—MOCA.

Section 95.6168 *VOR Federal airway 168* is amended to delete:

From Medicine Bow, Wyo., VOR; to Scottsbluff, Nebr., VOR; MEA *10,200. *9,300—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

From *Menlo INT, Iowa; to Grimes INT, Iowa; MEA **3,600. *4,500—MRA. **2,600—MOCA.
From Grimes INT, Iowa; to Ankeny INT, Iowa; MEA 3,000.
From Ankeny INT, Iowa; to Newton, Iowa, VOR; MEA *2,800. *2,100—MOCA.

Section 95.6178 *VOR Federal airway 178* is amended to read in part:

From New Hope, Ky., VOR; to McAfee INT, Ky.; MEA *3,000. *2,300—MOCA.
From McAfee INT, Ky.; to Lexington, Ky., VOR; MEA *2,700. *2,200—MOCA.

Section 95.6180 *VOR Federal airway 180* is amended to read in part:

From Eagle Lake, Tex., VOR; to Arcola INT, Tex.; MEA 2,000.

Section 95.6182 *VOR Federal airway 182* is amended to delete:

From Douglas, Wyo., VOR to Chadron, Nebr., VOR; MEA *8,000. *7,700—MOCA.

Section 95.6185 *VOR Federal airway 185* is amended to delete:

From Savannah, Ga., VOR via W alter.; to Statesboro INT, Ga. via W alter.; MEA 1,500.
From Statesboro INT, Ga. via W alter.; to Dover INT, Ga. via W alter.; MEA 1,600.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

From Cactus INT, N. Mex.; to Station INT, N. Mex.; MEA *11,000. *10,100—MOCA.
From Station INT, N. Mex.; to Farmington, N. Mex., VOR; MEA 8,000.

Section 95.6189 *VOR Federal airway 189* is amended to read in part:

From Rocky Mount, N.C., VOR; to Jackson, Va., VOR; MEA 1,500.
From Jackson, Va., VOR; to Franklin, Va. VOR; MEA 2,000.
From Franklin, Va., VOR; to Hopewell, Va., VOR; MEA 2,000.

Section 95.6193 *VOR Federal airway 193* is amended to read in part:

From Traverse City, Mich., VOR; to Pellston, Mich., VOR; MEA *3,000. *2,500—MOCA.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

From Cofield, N.C., VOR; to Deep Creek INT, Va.; MEA 1,400.
From Deep Creek INT, Va.; to Norfolk, Va., VOR; MEA 2,000.
From Norfolk, Va., VOR; to Gwynn INT, Va.; MEA 2,000.

Section 95.6203 *VOR Federal airway 203* is amended to read in part:

From Brainard INT, N.Y.; to Albany, N.Y., VOR; MEA 3,400.
From Albany, N.Y., VOR; to Northville INT, N.Y.; MEA 3,800.
From Northville INT, N.Y.; to Wilcox INT, N.Y.; MEA 4,800.
From Wilcox INT, N.Y.; to Tupper Lake INT, N.Y.; MEA *7,000. *5,800—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

From Tuba City, Ariz., VOR; to Power Plant INT, N. Mex.; MEA 12,000.
From Power Plant INT, N. Mex.; to Farmington, N. Mex., VOR; MEA 8,000.

Section 95.6217 *VOR Federal airway 217* is amended by adding:

From Rhinelander, Wis., VOR; to Duluth, Minn., VOR; MEA *6,000. *3,000—MOCA.

Section 95.6233 *VOR Federal airway 233* is amended to delete:

From Capital, Ill., VOR via E alter.; to Peoria, Ill., VOR via E alter.; MEA *2,500. *2,300—MOCA.

Section 95.6244 *VOR Federal airway 244* is amended to read in part:

From Woodward INT, Calif.; to *Duckwall INT, Calif.; MEA 8,000. *13,500—MCA for eastbound transition to V-1516.

Section 95.6251 *VOR Federal airway 251* is amended to read in part:

From Carmel, N.Y., VOR; to Bethany INT, Conn.; MEA 2,100.

Section 95.6260 *VOR Federal airway 260* is amended to read in part:

From Hopewell, Va., VOR; to Driver INT, Va.; MEA 2,000.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

From Chase City INT, Va.; to Lawrenceville, Va., VOR; MEA 2,000.

Section 95.6270 *VOR Federal airway 270* is amended to read in part:

From Binghamton, N.Y., VOR; to Harmony INT, N.Y.; MEA 3,500.
From Harmony INT, N.Y.; to DeLancey, N.Y., VOR; MEA 4,500.

Section 95.6276 *VOR Federal airway 276* is amended to read in part:

From Robbinsville, N.J., VOR; to Int. 067 M rad Coyle VOR and 107 M rad Robbinsville VOR; MEA 1,500.

Section 95.6283 *VOR Federal airway 283* is amended to read in part:

From *Bonham INT, Nev.; to Lakeview, Oreg., VOR; MEA **14,000. *14,000—MRA. **12,000—MOCA.

Section 95.6284 *VOR Federal airway 284* is amended to read:

From Fort Stockton, Tex., VOR; to San Angelo, Tex., VOR; MEA *6,800. *4,500—MOCA.

Section 95.6285 *VOR Federal airway 285* is amended by adding:

From South Bend, Ind., VOR; to Kalamazoo, Mich., VOR; MEA *3,000. *2,100—MOCA.
From Kalamazoo, Mich., VOR; to Orangeville INT, Mich.; MEA *3,000. *2,400—MOCA.
From Orangeville INT, Mich.; to Grand Rapids, Mich., TVOR; MEA *3,000. *2,900—MOCA.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

From Portland, Oreg., VOR; to *Mayfield INT, Wash.; MEA **6,000. *7,000—MRA. **5,000—MOCA.
From Mayfield INT, Wash.; to Olympia, Wash., VOR; MEA *6,000. *5,000—MOCA.

Section 95.6294 *VOR Federal airway 294* is amended to read in part:

From Des Moines, Iowa, VOR; to Mine INT, Iowa; MEA 2,000.
From Mine INT, Iowa; to Percy INT, Iowa; MEA *2,500. *2,300—MOCA.
From Percy INT, Iowa; to New Sharon INT, Iowa; MEA *2,600. *2,200—MOCA.

Section 95.6304 *VOR Federal airway 304* is amended to read in part:

From Borger, Tex., VOR via W alter.; to Liberal, Kans., VOR via W alter.; MEA *6,000. *4,700—MOCA.

Section 95.6421 *VOR Federal airway 421* is amended to read:

From Zuni, N. Mex., VOR; to Hunters INT, N. Mex.; MEA 10,000.
From Hunters INT, N. Mex.; to Farmington, N. Mex., VOR; MEA 8,700.

Section 95.6435 *VOR Federal airway 435* is amended to delete:

From Attica, Ohio, VOR; to Carleton, Mich., VOR; MEA 2,600.

Section 95.6444 *VOR Federal airway 444* is deleted.

Section 95.6448 *VOR Federal airway 448* is amended to read:

From Yakima, Wash., VOR; to Beverly INT, Wash.; MEA 6,000.
From Beverly INT, Wash.; to Ephrata, Wash., VOR; northeastbound, MEA 4,000; southwestbound, MEA 6,000.

Section 95.6459 *VOR Federal airway 459* is amended by adding:

From Friant, Calif., VOR; to Linden, Calif., VOR; MEA 7,000.

Section 95.6432 *VOR Federal airway 482* is deleted:

Section 95.6489 *VOR Federal airway 489* is amended to read in part:

From Clermont, N.Y., VOR; to Albany, N.Y., VOR; MEA 2,600.

Section 95.6490 *VOR Federal airway 490* is amended to read in part:

From Utica, N.Y., VOR; to *Rockwood INT, N.Y.; MEA **4,000. *6,500—MRA. **3,800—MOCA.

Section 95.6496 *VOR Federal airway 496* is amended to read:

From Utica, N.Y., VOR; to *Rockwood INT, N.Y.; MEA **4,000. *6,500—MRA. **3,800—MOCA.
From Rockwood INT, N.Y.; to Northville INT, N.Y.; MEA *6,500. *4,300—MOCA.
From Northville INT, N.Y.; to Glens Falls, N.Y., VOR; MEA 4,000.

Section 95.6809 *VOR Federal airway 809* is amended to read in part:

From Fort Jones, Calif., VOR; to Shasta INT, Calif.; MEA 10,000.
From *Shasta INT, Calif.; to Benton INT, Calif.; northbound, MEA 8,000; southbound, MEA 6,500. *8,000—MCA Shasta INT, northbound.
From Benton INT, Calif.; to Red Bluff, Calif., VOR; northbound, MEA 8,000; southbound, MEA 3,000.
From Olympia, Wash., VOR; to *Mayfield INT, Wash.; MEA **6,000. *7,000—MRA. **5,000—MOCA.
From Mayfield INT, Wash.; to Portland, Oreg., VOR; MEA *6,000. *5,000—MOCA.

Section 95.6813 *VOR Federal airway 813* is amended to read in part:

From Portland, Oreg., VOR; to *Mayfield INT, Wash.; MEA **6,000. *7,000—MRA. **5,000—MOCA.
From Mayfield INT, Wash.; to Rainier INT, Wash.; MEA 6,000.

Section 95.6819 *VOR Federal airway 819* is amended to read in part:

From Int. 065 M rad Vienna VOR and 335 M rad Alma VOR; to Dublin, Ga., VOR; MEA *3,000. *1,700—MOCA

Section 95.6837 *VOR Federal airway 837* is amended to read in part:

From Hampton, N.Y., VOR; to Montauk INT, N.Y.; MEA 1,500.
From Montauk INT, N.Y.; to *Watch Hill INT, R.I.; MEA 4,000. *3,000—MRA.

Section 95.6846 *VOR Federal airway 846* is amended to read in part:

From Newton, Iowa, VOR; to Ankeny INT, Iowa; MEA **3,600. *4,500—MRA. **2,600—MOCA.
From Ankeny INT, Iowa; to Grimes INT, Iowa; MEA 3,000.
From Grimes INT, Iowa; to *Menlo INT, Iowa; MEA **3,600. **2,600—MOCA.

Section 95.6856 *VOR Federal airway 856* is deleted:

Section 95.6863 *VOR Federal airway 863* is amended to delete:

From Sound INT, N.Y.; to Int. 105 M rad Carmel VOR and 236 M rad Hartford VOR; MEA *2,000. *1,800—MOCA.
From Int. 105 M rad Carmel VOR and 236 M rad Hartford VOR; to Saybrook INT, N.Y.; MEA 2,000.
From Saybrook INT, N.Y.; to Salem INT, Conn.; MEA *2,000. *1,500—MOCA.
From Salem INT, Conn.; to Norwich, Conn., VOR; MEA *2,300. *1,700—MOCA.

Section 95.6863 *VOR Federal airway 863* is amended by adding:

From La Guardia, N.Y., VOR; to Plandome INT, N.Y.; MEA *2,000. 1,500—MOCA.
From Plandome INT, N.Y.; to Bayville INT, N.Y.; MEA *2,000. *1,100—MOCA.
From Bayville INT, N.Y.; to Sound INT, N.Y.; MEA *2,000. *1,400—MOCA.
From Sound INT, N.Y.; to Madison, Conn., N.Y.; MEA *2,000. *1,400—MOCA.
From Madison, Conn., VOR; to Norwich, Conn., VOR; MEA *2,300. *1,700—MOCA.

Section 95.6885 *VOR Federal airway 885* is amended to read in part:

From Hampton, N.Y., VOR; to Montauk INT, N.Y.; MEA 1,500.
From Montauk INT, N.Y.; to *Watch Hill INT, R.I.; MEA 4,000. *3,000—MRA.

Section 95.1630 *VOR Federal airway 1630* is amended to delete:

From Santa Fe., N. Mex., VOR; to Las Vegas, N. Mex., VOR; MEA 14,500. MAA 24,000.

From Las Vegas, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA 14,500. MAA 24,000.

From Tucumcari, N. Mex., VOR; to Texico, N. Mex., VOR; MEA 14,500. MAA 24,000.

From Texico, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 14,500. MAA 24,000.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

These rules shall become effective June 25, 1964.

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

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

[F.R. Doc. 64-4927; Filed, May 19, 1964; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. S]

PART 219—BANK SERVICE ARRANGEMENTS

Applicability of Bank Service Corporation Act in Certain Bank Holding Company Situations; Correction

In § 219.101 (28 F.R. 2026), cross reference is made to § 220.115 of this subchapter instead of § 222.115. The correct wording should read:

§ 219.101 Applicability of Bank Service Corporation Act in certain bank holding company situations.

For text of this interpretation, see § 222.115 of this subchapter.

Dated at Washington, D.C., this 13th day of May 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-4964; Filed, May 19, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER D—TRADE REGULATION RULES

PART 403—DECEPTIVE USE OF "LEAKPROOF," "GUARANTEED LEAKPROOF," ETC., AS DESCRIPTIVE OF DRY CELL BATTERIES

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Subpart F, Part 1 of the Commission's procedures and rules of practice, 28 F.R. 7083-84 (July 1963), has conducted a proceeding for the promulgation of a Trade Regulation Rule regarding misrepresentation of dry cell batteries as "leakproof." Notice of this proceeding, including a proposed rule, was published in the FEDERAL REGISTER on November 27, 1963 (28 F.R. 12630). Interested parties were thereafter afforded opportunity to participate in the proceeding through the submission of written data, views and arguments and to appear and express orally their views as to the proposed rule and to suggest amendments, revisions and additions thereto.

The Commission has now considered all matters of fact, law, policy and discretion, including the views and arguments presented by interested parties in the proceeding, and has determined that the Trade Regulation Rule set forth herein is in the public interest and should be adopted.

Sec.
403.1 Facts regarding leakproof claims.
403.2 Deceptive character of the claims.
403.3 Arguments in opposition to the rule.
403.4 The rule.
403.5 Guarantees against damage from leakage.
403.6 Future product improvement.

AUTHORITY: The provisions of this Part 403 issued under 38 Stat. 717, as amended; 15 U.S.C. 41-58.

§ 403.1 Facts regarding leakproof claims.

(a) The terms "leakproof," "guaranteed leakproof" and other words and terms of similar import as descriptive of dry cell batteries are currently used in labeling and advertising in the sale of such batteries in commerce, as "commerce" is defined in the Federal Trade Commission Act. Batteries so described are sold for use in a great number and variety of devices which employ batteries as functional component parts.

(b) Despite efforts by dry cell battery manufacturers to eliminate electrolyte leakage, no dry cell batteries currently marketed and distributed are proof against such leakage. This is evinced by, among other things, statements and statistics furnished by industry members, experts in the field of electrical power sources, marketers of battery operated devices and by consumers. Moreover, the fact that battery leakage does cause extensive damage to devices in which batteries are employed, and to other articles, such as carpets, clothing and furniture has not been disputed.

(c) Although battery leakage may occur while a battery is being discharged, it is more likely to occur after the useful life of the battery has been expended. Consequently, damage from leakage often results from the failure of the user to remove the battery from a device after it has been discharged. Leakage and damage therefrom are also caused or accelerated by continuous drainage of the current or by the use of a battery in a device which may short out or overheat the battery. Climatic conditions, such as heat or high humidity, may also induce battery leakage. Each year literally thousands of incidents of actual damage resulting from leakage of batteries described as "leakproof" and "guaranteed leakproof" are brought to the attention of battery manufacturers by consumers. Under these circumstances, it is concluded that battery leakage and damage therefrom occurs under those conditions of use to which consumers ordinarily subject dry cell batteries.

§ 403.2 Deceptive character of the claims.

The use of the terms "leakproof" and "guaranteed leakproof" and words and representations of similar import in the labeling and advertising of dry cell batteries constitutes a representation that the batteries so described will not leak, and has the capacity and tendency to lead purchasers to believe that there is no danger of leakage or damage resulting therefrom when batteries so described are used in any battery-powered device regardless of the adequacy of design of such device, the duration of use, or other conditions of usage which contribute to electrolyte leakage. Moreover, the use of such terms has the capacity and tendency to lead purchasers to believe that there is no need for periodic inspection of batteries so described.

§ 403.3 Arguments in opposition to the rule.

(a) Many marketers offer a guarantee against damage resulting from leakage. The terms of the guarantee are usually set forth on the battery, and the obligation assumed by most marketers thereunder is to replace batteries and repair or replace any flashlights damaged by leakage. Some marketers voluntarily extend this guarantee to cover the repair or replacement of other devices or property damaged by leakage. It has been argued in opposition to the adoption of the rule that the consumer is adequately protected by scrupulous performance under such guarantees, and that marketers offering these benefits are entitled to call consumer attention thereto by the use of unequivocal "leakproof" claims. This argument is rejected since it is clear that the offering of guarantees and even voluntary performance by the guarantor beyond the scope of the guarantee cannot justify claims which attribute to a product qualities which it does not in fact possess. As to the contention that to disallow the use of "leakproof" representations would deprive consumers of the protection currently furnished them, the rule clearly states that it shall not be interpreted as prohibiting the offering of guarantees which provide for restitution in the event of damage from electrolyte leakage provided no representation is made that the batteries in question are proof against leakage.

(b) It is further argued in opposition to the adoption of the rule that any prohibition of "leakproof" representations will remove the incentive of industry members to develop a genuinely leakproof dry cell battery. This argument is also rejected. By preventing use of such absolute claims as descriptive of batteries which are not proof against leakage, the rule should have the effect of encouraging members of the industry to develop batteries which are in fact

leakproof. In the event such a battery should be constructed, the rule may be amended upon a proper showing to permit use of "leakproof" representations as descriptive of batteries having such "leakproof" construction.

§ 403.4 The rule.

(a) On the basis of the foregoing, the Commission concludes that the practice of describing dry cell batteries as "leakproof", "guaranteed leakproof" or by similar representations has the capacity and tendency to mislead and deceive purchasers and prospective purchasers and to divert business from competitors who do not so describe their products. The Commission further concludes that this practice is violative of section 5 of the Federal Trade Commission Act, and that the public interest in preventing its use is specific and substantial.

(b) Accordingly, for the purpose of preventing such unlawful practices, the Commission hereby promulgates, as a Trade Regulation Rule, its conclusions and determination that in connection with the sale of dry cell batteries in commerce, as "commerce" is defined in the Federal Trade Commission Act, the use of the word "leakproof", the term "guaranteed leakproof" or any other word or term of similar import, or any abbreviation thereof, in advertising, labeling, marking or otherwise, as descriptive of dry cell batteries constitutes an unfair method of competition and an unfair or deceptive act or practice.

§ 403.5 Guarantees against damage from leakage.

The rule should not be interpreted as prohibiting manufacturers or other marketers from offering or furnishing guarantees which provide for restitution in the event of damage from electrolyte leakage provided no representation is made, directly or indirectly, that dry cell batteries will not leak.

§ 403.6 Future product improvement.

In the event any person develops a new or improved dry cell battery which he believes is in fact leakproof, he may apply to the Commission for an amendment to the rule or for other appropriate relief. The application shall be filed with the Secretary, Federal Trade Commission, and be accompanied by a full report of the data upon which the applicant relies to substantiate his claim that the battery is leakproof. The Commission will give public notice of the application and afford interested persons an opportunity to submit written data, views or arguments. The Commission in its discretion may also order such further proceedings as it deems to be necessary. If the Commission determines that the applicant's claim has been substantiated, it will issue an appropriate order amending the rule or taking such other action as may be warranted.

Effective date of the rule. The Commission has carefully considered requests by affected parties that in the event a rule of this nature is promulgated, a reasonable period of time be allowed in order to afford them the opportunity to bring their labeling, packaging and advertising into conformity with the provisions of the rule. Accordingly, with respect to all forms of advertising and sales promotional material including printed matter, radio and television, the rule will become effective on September 21, 1964. With respect to the labeling and packaging of dry cell batteries, the rule will become effective on May 20, 1965.

Promulgated: May 20, 1964.

By the Commission.

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

[F.R. Doc. 64-4950; Filed, May 19, 1964; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56172]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Minneapolis, Minn.

MAY 11, 1964.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), the geographical limits of the customs port of entry of Minneapolis, Minnesota, in Customs Collection District No. 35 (Minnesota), comprising the city of Minneapolis and territory described in Treasury Decision 53033, are extended to include the city of Minneapolis, and that portion of Hennepin County, Minnesota, lying south of 45°4′ north latitude and east of 93°25′ west longitude.

The geographical limits of the customs port of entry of St. Paul, Minnesota, in Customs Collection District No. 35 (Minnesota), comprising the cities of St. Paul, South St. Paul, and West St. Paul, are extended to include the cities of St. Paul, South St. Paul, and West St. Paul, and that portion of Ramsey County, Minnesota, lying south of 45°2′30″ north latitude, and that portion of Dakota County, Minnesota, lying north of 44°51′ north latitude.

Section 1.1(c) of the Customs Regulations is amended by deleting "(including territory described in T.D. 53033)" after "*Minneapolis (E.O. 4295, Aug. 26, 1925)" in the column headed "Ports of Entry" in District No. 35 (Minnesota); and by adding "(including territory described in T.D. 56172)" after "*Minneapolis (E.O. 4295, Aug. 26, 1925)" in the column headed "Ports of Entry" in District No. 35 (Minnesota). Section 1.1(c) of the Customs Regulations is further amended by deleting "(E.O. 7564, Feb. 27, 1937; 2 F.R. 462)" after "St. Paul (E.O. 4295, Aug. 26, 1925)" in the column headed "Ports of Entry" in District No. 35 (Minnesota); and by adding "(including territory described in T.D. 56172)" after "St. Paul (E.O. 4295, Aug. 26, 1925)" in the column headed "Ports of Entry" in District No. 35 (Minnesota).

Notice of the proposed extension of the geographical limits of the customs ports of entry of Minneapolis and St. Paul, Minnesota, was published in the FEDERAL REGISTER on March 12, 1964 (29 F.R. 3308), pursuant to section 4 of the Administrative Procedure Act. No objections were received.

The extension of the port limits of Minneapolis and St. Paul, Minnesota, is effective upon publication of this Treasury decision in the FEDERAL REGISTER. This action is based upon a determination that there exists a sufficient need to justify such an extension of the port limits in order to provide for convenient compliance with customs requirements. It is, therefore, desirable to make this extended area of customs services available to the public as soon as possible, and to dispense with the delayed effective date provision of section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)).

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C 1, 2, 66, 1624)

[SEAL] JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 64-5006; Filed, May 19, 1964; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 94—HIGHWAY TRANSPORTATION

Miscellaneous Amendments

The regulations of the Post Office Department in Part 94 are amended as follows:

In Subpart A—Star Route Service:

§ 94.1 [Amended]

I. In § 94.1 *Description,* delete paragraph (c) as "T route" designations are no longer used.

NOTE: The corresponding Postal Manual section is 521.13.

II. In § 94.3 *Contracts,* make the following changes:

A. In paragraph (c) make the following changes:

1. Amend subparagraph (1)(i) and (iii)(*d*) for the purpose of clarification.

2. In subparagraph (2) *Requirements of bidders,* make the following changes:

a. In subdivision (i) redesignate (*e*) as (*f*) and insert a new (*e*) to specify that contracts may not be made with a person known to have been convicted of a crime unless he has since become rehabilitated.

b. In subdivision (iii), (*a*) and (*b*) are respectively amended to show that individual sureties must each own real estate worth a net value equal to at least the face amount of the land and for the purpose of clarification.

3. In subparagraph (3) add a new subdivision (viii).

4. Amend subparagraph (7) for the purpose of clarification.

B. In paragraph (d)(6), amend subdivision (iii) for the purpose of clarification.

C. In paragraph (e) *Contractor's responsibilities,* make the following changes:

1. In subparagraph (3) add a subdivision (v).

2. In subparagraph (5), subdivision (i) is amended to require that if passengers are transported, mail must be carried in a separate compartment.

D. In paragraph (g), subparagraph (2)(i) is amended to show that forfeitures may be imposed or contracts annulled for violation of postal laws and regulations and other laws; and subdivisions (x) and (xi) are added to include additional conditions under which forfeitures may be imposed or contracts annulled.

The amended and added portions of § 94.3 read as follows:

§ 94.3 Contracts.

* * * * *

(c) *Obtaining bids—(1) Advertisements—(i) Issuance and distribution.* When it becomes necessary to advertise for bids for a 4-year contract term or for the remainder of a regular contract term, when less than 4 years, advertisements will be prepared on Form 5435 "Advertisement for Mail Service," by the director, transportation division. Advertisements will allow at least 30 days' posting from the date of receipt until the closing date for bids, except in emergencies when the advertisements will contain an explanation for the shorter posting period. Sufficient copies of advertisements will be prepared by the director, transportation division, for distribution to postmasters at post offices named in advertisements, prospective bidders, and other interested persons. Form 5468–5468–A, "Star or Water Route Bid and Bond-Work Sheet," is used in submitting bids.

* * * * *

(iii) *Advertising by postmasters.* * * *

(d) Maintain an ample supply of proposal forms (Form 5468–5468–A) while advertisement is pending. Make immediate request to director, transportation division, for needed forms, telephoning or telegraphing that office when necessary to obtain forms during last few closing days for receipt of bids.

NOTE: The corresponding Postal Manual sections are 521.331a and 521.331c(4).

* * * * *

(2) *Requirements of bidders—(i) Eligibility.* * * *

(e) No contract will be made with a person known to have been convicted of a crime such as embezzlement, robbery, burglary, larceny, perversion or other notoriously immoral acts; known to have associated with known criminals; or known to have a record of serious moving traffic violations, unless he has since been rehabilitated and has become a responsible citizen.

NOTE: The corresponding Postal Manual sections are 521.332(a) (5) and (6).

* * * * *

(iii) *Bonds.* (a) Each proposal must be accompanied by a bond executed by a qualified surety company or by two or more individual sureties, each of whom must own real estate worth at least the face amount of bond required, over and above all debts, judgments, mortgages, executions, exemptions.

(b) As a part of the bond, the individual sureties must sign a statement showing the amount of real estate owned by them, a brief description of the real estate, its estimated market value, where it is situated, and in what county and State the titles are recorded.

NOTE: The corresponding Postal Manual sections are 521.332c (1) and (2).

* * * * *

(3) *Instructions to bidders.* * * *

(viii) Suggest to bidders that if they plan to obtain corporate bid bond through a local agent, they make sure the agent has authority from the surety company to write this type of bond.

NOTE: The corresponding Postal Manual section is 521.337.

* * * * *

(7) *Time limitations.* The following time limitations apply:

(i) No withdrawal of a bid will be allowed unless notice of withdrawal is received in the office of the director, transportation division, at least 24 hours before the expiration of the time limit stated in the advertisement.

(ii) The Post Office Department may award a contract at any time within 60 days after the date stated in the advertisement as the closing date for the receipt of bids. A contract may be awarded during an additional 60-day period on written consent of the bidder and his sureties at their bid price.

NOTE: The corresponding Postal Manual section is 521.337.

(d) *Award of contracts.* * * *

(6) *Reservations.* * * *

(iii) Suspend the award of a contract for a period not exceeding 60 days after the date stated in the advertisement as the closing date for receipt of bids and allow a corresponding extension of time for the execution of the contract. It is not always possible to award contracts to be effective on the dates specified in the advertisements.

NOTE: The corresponding Postal Manual section is 521.346c.

* * * * *

(e) *Contractor's responsibilities.* * * *

(3) *For giving preference to mail.* * * *

(v) Contractors and their drivers are prohibited from picking up hitchhikers while transporting the mail.

NOTE: The corresponding Postal Manual section is 521.353e.

* * * * *

(5) *For operating vehicles according to law.* * * *

(i) The award of a contract for the transportation of mail grants no special right or privilege to the contractor to transport passengers, freight, or express. If the contractor desires to transport passengers or cargo other than mail for compensation in interstate or foreign commerce, he must obtain authority from the Interstate Commerce Commission. If he desires to transport either in intrastate commerce, he must obtain authority from the State in which he will operate, if such authority is required by that State. He must comply with all laws and regulations of the State or States which apply to carriers of passengers and cargo for hire. If passengers are transported, the mail must be carried in a separate compartment so passengers will not have access to the mail.

NOTE: The corresponding Postal Manual section is 521.355a.

* * * * *

(g) *Irregularities* * * *

(2) *Forfeitures* * * *

(ii) Administratively determined violations of the postal laws and regulations and other laws related to the performance of the service.

* * * * *

(x) Conviction of a crime such as embezzlement, robbery, burglary larceny, perversion, or other notoriously immoral acts, or serious moving traffic violations.

(xi) Association with known criminals.

NOTE: The corresponding Postal Manual sections are 521.372b, h, and i.

* * * * *

III. In § 94.4 paragraph (f)(1) is amended to read as follows:

§ 94.4 Subcontracts.

* * * * *

(f) *Termination—(1) For cause.* The Director, Transportation Division, may terminate a subcontract on abandonment, unsatisfactory service by the subcontractor or for the reasons stated in § 94.3(g)(2).

NOTE: The corresponding Postal Manual section is 521.46.

* * * * *

IV. In § 94.7, paragraphs (b)(2) and (3) are amended for the purpose of clarification to read as follows:

§ 94.7 Records and reports.

* * * * *

(b) *Recurring reports.* * * *

(2) *Form 5399.* Postmasters and other installation heads maintaining records of performance on Form 5399 will immediately at the end of each accounting period send original Form 5399, properly certified, to the administrative postmaster of the route or to the director, transportation division, whichever he may have been directed to do, and retain copy.

(3) *Form 5397, Star Route Extra Trip Authorization.* Where the director, transportation division, must frequently authorize extra trips on a star route, he will furnish a supply of Form 5397 to the postmaster or other installation head responsible for reporting the extra trips, who will complete the form in accordance with the instructions thereon. When an extra trip is authorized and performed, and the postmaster does not have a Form 5397, the director, transportation division, will furnish the postmaster a

Form 5397 with instructions as to how it should be completed.

NOTE: The corresponding Postal Manual sections are 521.722 and 521.723.

* * * * *

V. Section 94.9 is added to include regulations on screening contractors, subcontractors and drivers. As so added, § 94.9 reads as follows:

§ 94.9 Screening contractors, subcontractors, and drivers.

(a) *Who must be screened.* Each contractor, subcontractor, or driver employed by a contractor or subcontractor, except those enumerated in paragraph (b) of this section, must complete Form 2025, Contract Personnel Questionnaire, and have his fingerprints taken on Form FD–258 (Fingerprint Chart), within 30 days after beginning service. The 30-day limit may be extended by the director, transportation division, in unusual circumstances.

(b) *Those exempted from screening.* The following are exempted from completing screening forms:

(1) Certificated interstate common carriers and their drivers.

(2) Civil service personnel otherwise subject to investigation under Executive Order 10450.

(3) Contractors, subcontractors, or drivers, who have been screened for another route.

(4) Drivers employed for an emergency of only a few days. This does not exempt regular relief or substitute drivers.

(c) *When to complete forms*—(1) *Contractors and subcontractors.* When a new contract is awarded or a subcontract recognized, and such contractor or subcontractor has not been previously screened, the director, transportation division, will furnish the contractor or subcontractor Form 2025 and FD–258 with instructions as to their completion.

(2) *Drivers.* Contractors and subcontractors will immediately notify the director, transportation division, when new drivers are hired so that forms and instructions may be furnished for the screening of the new drivers.

(d) *Removals.* Contractors, subcontractors, or their drivers, may with Departmental approval, be removed if the screening process shows they have been convicted of a crime such as embezzlement, robbery, burglary, larceny, perversion or other notoriously immoral acts; have associated with known criminals; or have a record of serious moving traffic violation, unless they have since been rehabilitated and have become responsible citizens.

NOTE: The corresponding Postal Manual section is 521.9.

In Subpart B—Mail Messenger Service:

VI. Section 94.12 is amended for the purpose of clarification to read as follows:

§ 94.12 Description.

Mail messenger service is a local mail transportation service performed by mail messengers designated by the Post Office Department to collect, transport, and transfer mail between post offices, stations, and branches and railroad terminals, steamboats, highway post offices, star routes, truck terminals, airport mail facilities, and stop points in the same or adjacent communities, including collection of mail from collection boxes when so directed by the director, transportation division. It may be used for occasional unscheduled trips of intercity mail or mail equipment transportation over longer distances. When service is principally for scheduled intercity transportation, use star route service. When local service is so extensive that a performance bond is needed to protect the Government's interest, use contract motor vehicle service. Mail messenger service will not be authorized to transport mail consigned between an airport and a post office at which there is Government-owned vehicle service operated by motor vehicle operators when the distance is not more than 35 miles, if it is possible to transport the mail by Government-owned motor vehicles.

NOTE: The corresponding Postal Manual section is 522.1.

VII. In § 94.13 *Establishing service,* subparagraph (3) (i) of paragraph (c) is amended for the purpose of clarification to read as follows:

§ 94.13 Establishing service.

* * * * *

(c) *Requirements for bidders.* * * *

(3) *Reliability.* Postmasters and director, transportation division, shall disapprove bidders who:

(i) Are known to have been convicted of a crime as those listed in § 94.3(c) (2) (i) (*e*) unless he has since been rehabilitated and has become a responsible citizen.

NOTE: The corresponding Postal Manual section is 522.233.

* * * * *

VIII. In § 94.14, paragraph (d) (3) is amended to show that fines will now be $5.00 or more. As so amended, paragraph (d) (3) reads as follows:

§ 94.14 Operation.

* * * * *

(d) *Irregularities.* * * *

(3) *Assessing fines.* * * *

(iii) Director, Transportation Division, or Regional Directors may assess fines against messengers of $5 or more depending on the gravity of the irregularity.

NOTE: The corresponding Postal Manual section is 522.342.

* * * * *

IX. In § 94.16, add a paragraph (c) to read as follows:

§ 94.16 Termination of service.

* * * * *

(c) *For cause.* See § 94.3(g) (2).

NOTE: The corresponding Postal Manual section is 522.51.

X. Add a § 94.18 to read as follows:

§ 94.18 Screening messengers and their assistants.

See § 94.9.

NOTE: The corresponding Postal Manual section is 522.7.

In Subpart C—Contracting for Highway Post Offices:

XI. In § 94.21 *Contracting,* make the following changes:

A. Amend paragraph (a) for the purpose of clarification.

B. In paragraph (d), amend subparagraph (2) (i) for the purpose of clarification.

C. Add a paragraph (i).

The amended and added portions of § 94.21 read as follows:

§ 94.21 Contracting.

(a) *Ineligible bidders* (1) Postal employees and members of their immediate families may not submit bids, hold contracts, or be concerned with bonds for highway post office service.

(2) See § 94.3(c) (2) (i) (*e*).

NOTE: The corresponding Postal Manual section is 523.21.

* * * * *

(d) *Service required of contractor.* * * *

(2) *Providing drivers.* The contractor shall furnish drivers who must comply with the following laws and regulations.

(i) *Qualifications.* Drivers must be licensed chauffeurs not less than 21 years of age. They must be intelligent, of good character and physically qualified to perform service. They must not have criminal records involving crimes such as those listed in § 94.3(c) (2) (i) (*e*).

NOTE: The corresponding Postal Manual section is 523.242a.

* * * * *

(i) *Forfeitures or contract annulment.* See § 94.3(g) (2).

NOTE: The corresponding Postal Manual section is 523.26.

XII. In § 94.22 *Reports and certifications,* make the following changes:

A. Paragraph (a) is amended to provide for the same procedure in recurring reports for highway post office as for star route service.

B. Amend that part of paragraph (b) which precedes subdivision (i); and paragraph (c) (1) for the purpose of clarification.

The amended portions of § 94.22 read as follows:

§ 94.22 Reports and certifications.

(a) *Recurring reports.* See § 94.7(b).

NOTE: The corresponding Postal Manual section is 523.31.

(b) *Special reports of irregularities.* Postmasters and other designated installation heads shall analyze trip reports promptly upon receipt, and shall submit a narrative report to the director, transportation division, when the following irregularities occur.

* * * * *

(c) *Accident reports*—(1) *Contractor's report.* The postmaster to whom the highway post office is assigned shall require the contractor to submit reports of all accidents occurring when the highway post office is in scheduled operation. Copies of State, municipal, ICC, insurance carrier's accident report forms, or

a narrative written report, are acceptable.

NOTE: The corresponding Postal Manual sections are 523.32 and 523.331.

* * * * *

XIII. Add a § 94.23 to read as follows:

§ 94.23 Screening contractors, subcontractors, and drivers.

See § 94.9.

NOTE: The corresponding Postal Manual section is 521.9.

In Subpart D—Water Route Service:

XIV. In § 94.27 *Contracts,* amend subparagraph (6) (ii) of paragraph (d) to read as follows:

§ 94.27 Contracts.

* * * * *

(d) *Contractor's responsibilities.* * * *

(6) *Providing carriers.* * * *

(ii) *Persons ineligible.* See § 94.3(c) (2) (i) (e) and (e) (7) (ii).

NOTE: The corresponding Postal Manual section is 524.346.

* * * * *

XV. Add a § 94.31 to read as follows:

§ 94.31 Screening contractors, subcontractors, and operators.

See § 94.9.

NOTE: The corresponding Postal Manual section is 521.9.

In Subpart E—Contract Motor Vehicle Service:

XVI. In § 94.35 paragraphs (b) and (d) are amended to include new forms. As so amended, paragraphs (b) and (d) read as follows:

§ 94.35 Establishment.

* * * * *

(b) *Advertisements.* Contract motor vehicle service is advertised the same as star routes on Form 5435. See § 94.3(c) (1).

* * * * *

(d) *Bid procedure.* See § 94.3(c). Form 5449–A, Contract Motor Vehicle Service Bid and Bond—Work Sheet is used in submitting bids for contract motor vehicle service.

NOTE: The corresponding Postal Manual sections are 525.22 and 525.24.

* * * * *

XVII. In § 94.38 amend paragraph (a) for the purpose of clarification to read as follows:

§ 94.38 Termination.

(a) The director, transportation division, after approval of the Highway Transportation Branch, Bureau of Transportation and International Services, may annul any contract motor vehicle contract for failure by the contractor or any of his employees to perform service or to furnish equipment in accordance with provisions of the advertisement, or for reasons stated in § 94.3(g) (2).

NOTE: The corresponding Postal Manual section is 525.51.

* * * * *

XVIII. Add a § 94.40 to read as follows:

§ 94.40 Screening contractors, subcontractors, and drivers.

See § 94.9.

NOTE: The corresponding Postal Manual section is 525.7.

In Subpart F—Contract Pay Adjustments:

XIX. In § 94.45 paragraph (a) is amended to show the proper use of Form 5478. As so amended, paragraph (a) reads as follows:

§ 94.45 Comparative cost statement and operating data.

(a) *Furnishing forms.* When the director, transportation division, receives a readjustment request, either through a postmaster or directly from a contractor or subcontractor, he shall distribute Form 5478, "Comparatice Cost Statement and Operating Data, Contract Services," under cover of Form 5478–A, "Transmittal Letter and Instructions for Completing Form 5478," as follows:

(1) *For routes under postmaster's supervision.* The supervising postmaster shall be furnished five copies of Form 5478, and one copy of Form 5478–A addressed to the contractor or subcontractor. Transmit forms to postmaster by Form 13, Routing Slip, calling his attention to procedural instructions in Paragraph (b) of this section.

(2) *For routes not under postmaster's supervision.* When the verification or comments of a postmaster are desired, the postmaster shall be furnished five copies of Form 5478, and one copy of Form 5478–A addressed to the contractor or subcontractor. Transmit forms to postmaster by Form 13, calling his attention to procedural instructions in paragraph (b) of this section; otherwise, the contractor or subcontractor will be furnished directly with three copies of Form 5478 under cover of Form 5478–A.

NOTE: The corresponding Postal Manual section is 526.31.

* * * * *

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

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64–5005; Filed, May 19, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

FLUE-CURED TOBACCO

Proposed Adjustment of Standards

Notice is hereby given that the United States Department of Agriculture is considering an amendment, as hereinafter proposed, to the Official Standard Grades for Flue-cured Tobacco, U.S. Types 11, 12, 13, and 14, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

The current flue-cured standards embrace a modification which was effectuated in May 1963 and utilized the last marketing season. This modification was designed to update the grades and their specifications to conform with the introduction of new varieties and the changes in cultural practices and market preparation. To accomplish this purpose, maturity and its closely related elements, leaf structure and body, were stressed as quality indicators.

As a result of experience gained from grade application last season and substantiated by discussions at a recent Advisory Committee meeting, slight adjustments to the present standards are proffered. This proposal would change "tight leaf structure" to "close leaf structure" in specifications for grades B3LS, B4LS, B3FS, and B4FS. This measure would place these third and fourth qualities of slick grades of lemon and orange color on a leaf structure basis comparable to the present specifications for the third and fourth qualities of BKL (variegated lemon), BKF (variegated orange), and BKM (variegated mixed).

The word "Orange" would be added to the grade name for B5FS. This color designation was omitted in the 1963 modification.

This proposal would establish three grades of fifth-quality, variegated Lugs: X5KL, X5KF, and X5KV. The addition of these grades would meet the need for a quality step differential between the fourth quality variegated Lugs and the Nondescript grades.

In addition grade symbol N1LX would be changed to N1XL. Grade N1LX was added to the Nondescript group in the 1963 modification. Since then it has been noted that another Nondescript grade, N1L, could be upgraded to N1LX by the addition of the letter "X." The reversing of the last two letters of the present N1LX symbol would reduce the possibility of such a grade change.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposed amendment should file the same with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 15 days after publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. In § 29.1162 change leaf structure specifications for grades B3LS, B4LS, B3FS, and B4FS from "tight" to "close" and insert the word "Orange" between the words "Quality" and "Slick" in the grade name for B5FS.

2. In § 29.1165 immediately after grade X4KL and its specifications, insert the following:

X5KL Low Quality Variegated Lemon Lugs
Unripe, close leaf structure, thin. Uniformity, 70 percent; tolerance, 40 percent waste.

3. In § 29.1165 immediately after grade X4KF and its specifications, insert the following:

X5KF Low Quality Variegated Orange Lugs
Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 40 percent waste.

4. In § 29.1165 immediately after grade X4KV and its specifications, insert the following:

X5KV Low Quality Variegated Greenish Lugs
Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 40 percent waste.

5. In § 29.1181 change the subheading "16 Grades of Variegated" to read "19 Grades of Variegated" and under grade symbols "X4KL," "X4KF," and "X4KV" insert grade symbols "X5KL," "X5KF," and "X5KV," respectively.

6. In §§ 29.1167 and 29.1181 change grade symbol "N1LX" to "N1XL" and in §§ 29.1009 and 29.1225 change combination symbol "LX" to "XL."

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 15th day of May 1964.

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

[F.R. Doc. 64-5040; Filed, May 19, 1964; 8:53 a.m.]

[7 CFR Parts 1103, 1105, 1107]

[Docket Nos. AO-252-A8, AO-297-A3, AO-304-A2, AO-304-A4]

MILK IN CENTRAL MISSISSIPPI AND MISSISSIPPI GULF COAST MARKETING AREAS (TO BE NEWLY DESIGNATED AS "SOUTHERN MISSISSIPPI MARKETING AREA") AND MISSISSIPPI DELTA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Gulfport, Mississippi, on October 26, 1961, pursuant to notice thereof issued on October 17, 1961 (26 F.R. 9912); and at Jackson, Mississippi, on July 23–27, 1962, pursuant to notices thereof which were issued June 19, 1962 (27 F.R. 5960) and July 5, 1962 (27 F.R. 6433). A decision was issued March 23, 1962 (27 F.R. 2932) containing findings and conclusions and an order made effective as of August 1, 1962, on the material issues considered at the October 26, 1961, hearing, excepting those relating to the pooling provisions (issue Nos. 3 and 4 in that decision) which are included in this decision.

A reopening of the July 1962 hearing was held in St. Louis, Missouri, on January 8–11, 1963, pursuant to notice thereof which was issued December 20, 1962 (27 F.R. 72773). This session of the hearing dealt with the matter of the appropriate treatment of other source milk and was held simultaneously with a hearing involving the identical matter under 25 other Federal orders. With respect to the proposed Southern Mississippi order (Central Mississippi and Mississippi Gulf Coast orders) and on the basis of the evidence introduced at the hearings and the records thereof two recommended decisions were issued. The Assistant Secretary on January 20, 1964 (29 F.R. 1403; F.R. Doc. 64-779) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision on all issues except those considered at the St. Louis session of the hearing. On January 23, 1964 (29 F.R. 2102) the Assistant Secretary's recommended decision on issues considered at the St. Louis session of the hearing was filed with the Hearing Clerk. For the convenience of interested parties, the order provisions necessary to effectuate the conclusions of both decisions were combined and issued in conjunction with the January 23 decision. Interested parties were given notice of opportunity to file written exceptions to both decisions. The time for filing such exceptions expired April 16, 1964, after several extensions.

Because of an unanticipated delay incurred in the issuance of a final decision on the issues considered at the St. Louis session of the hearing, it is appropriate at this time to issue this partial decision on the issues considered at the Gulfport and Jackson, Mississippi, hearings.

Effective January 1, 1963, paragraph (b) of § 1103.54 and paragraph (e) of § 1103.70 of the Central Mississippi order and paragraph (b) of § 1107.53 and paragraphs (e) and (f) of § 1107.70 of the Mississippi Gulf Coast order were suspended. These provisions were suspended to eliminate certain compensatory payments, the legality of which might be questioned in light of the defects found in provisions of the New

York-New Jersey order invalidated by the Supreme Court in Lehigh Valley Cooperative Farms, Inc., et al. v. United States et al. Therefore, such provisions are not included in the order language contained in this decision. Since the remaining provisions of the two orders with respect to the treatment of other source milk are identical in substance, it is feasible and appropriate that the Central Mississippi provisions be retained as the provisions of the combined (Southern Mississippi) order pending a final decision on the matters considered at the St. Louis session of the hearing.

The material issues on the records of the hearing here under consideration relate to:

1. Extension of the marketing area, merging of Orders No. 103 and No. 107, and method of pooling to be provided.

2. Other appropriate terms and provisions of the merged order:

(a) Milk to be priced and pooled;

(b) Classification and allocation of milk;

(c) The method and level of pricing and the application of location differentials; and

(d) Administrative and miscellaneous provisions.

3. Revision of the Mississippi Delta order:

(a) Level of Class I price;

(b) Classification and accounting for fortified fluid milk products; and

(c) Individual-handler pooling in lieu of marketwide pooling.

The notice of hearing issued June 19, 1962 (27 F.R. 5960) contained a proposal (No. 5) to classify eggnog as a Class II product under the Mississippi Delta order. No testimony was offered either in support or in opposition to the proposal and accordingly, no consideration is being given to this matter in this decision.

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

1. *Extension of the marketing area, merging of Orders No. 103 and No. 107, and method of pooling to be provided.* The marketing area of Order No. 103 should be extended to include Beat 2 of Lamar County, Mississippi. Under the existing regulation this area is a small island surrounded by a wide area of regulation. Since Beat 2 of this county is served exclusively by regulated handlers, its inclusion will have no adverse effect on any handler. Furthermore, the extension of the marketing area to include all of Lamar County will simplify the reporting and record keeping required of regulated handlers.

Order No. 107, regulating the handling of milk in the Mississippi Gulf Coast marketing area and Order No. 103, regulating the handling of milk in the Central Mississippi marketing area should be merged into a single regulation with a marketwide pooling arrangement. The combined area of regulation should be designated the "Southern Mississippi marketing area".

The Mississippi Gulf Coast marketing area lies between and immediately adjacent to the Central Mississippi marketing area and the New Orleans marketing area. In terms of Class I sales and producer receipts the market is approximately one-third the size of the Central Mississippi market and one-fifth the size of the New Orleans market. Both Central Mississippi and New Orleans handlers have substantial and regular route disposition in the Gulf Coast market.

Approximately 20 percent of the overall Class I sales in the Gulf Coast market are contract sales to the Keesler Air Force Base. Because of the importance of the Keesler Field contracts in the Gulf Coast market, separate regulation has been only partially effective in maintaining market stability throughout much of the period of regulation. The contracts are actively sought by eligible handlers in the three regulated markets and on numerous occasions have been held by Central Mississippi and New Orleans regulated handlers. When Gulf Coast handlers are not the successful bidders, a significant part of the local milk supply must be disposed of for other than fluid uses.

The production areas of the three regulated markets are largely coextensive. Most of the producers on the Gulf Coast market have been members of the Mississippi Milk Producers Association, the predominant cooperative association in the Central Mississippi market, or the Gulf Milk Association, Inc., the predominant cooperative in the New Orleans market. Because of the general intermingling of producers of the three markets any significant difference in blended returns as between these markets sets up uneconomic incentives for shifting deliveries from one market to another. One of the principal cooperatives has, from time to time, for the purposes of equalizing returns between markets, shifted producers either in or out of the Gulf Coast market in response to the changing demand for Class I milk, depending on whether the Keesler Field contract was held by local handlers or by outside handlers. This has resulted in very substantial and erratic changes in the number of producers and in producer receipts in the Gulf Coast market. For example, in April 1959 there were 595 producers, in July 1959, 427 producers and in October 1959, 568 producers. This erratic change in producer numbers is typical of the intervening period through August 1962.

The marketing situation which has followed from these supply-sales changes has required a number of amendment and suspension actions, each of which, while ameliorating the immediate situation, has been ineffective in furthering long range market stability. During the spring and summer months of 1962, large reserve supplies in the market precipitated a chaotic marketing situation which prompted the request for consolidation of the two orders.

With the transition to farm bulk tanks and increased reserve milk supplies, the Mississippi Milk Producers Association, in an effort to implement greater marketing efficiency, assumed responsibility of hauling its member milk with a view to tailoring deliveries directly to handlers in accordance with their fluid requirements, and moving the reserve supplies of milk directly to manufacturing plants. Satisfactory negotiations were not completed with handlers, however, and as a result the bulk of the association's member milk was refused by handlers. The market for the milk of both member and nonmember producers was jeopardized when handlers sought outside supplies in preference to buying association milk. This action reduced significantly the blended returns to all producers. The Gulf Milk Association, in an effort to bring about a blend price more competitive with the Central Mississippi and New Orleans blend prices, removed more than 150 of its member producers from the market. However, the blend price in the Mississippi Gulf Coast market which historically had been approximately twenty cents above the Central Mississippi blend, was at the time of the hearing about 20 cents below the Central Mississippi blend.

Nonmember producers, who at the time of the hearing had virtually an exclusive market with local proprietary handlers, proposed and supported an individual-handler pool for the Gulf Coast Market. It was their position that arbitrary and capricious action on the part of the cooperatives was the primary cause of the existing market instability. They further contended that the associations' milk was not needed in the market and that individual-handler pooling would assure essentially a Class I market to the producers then delivering to handlers' regulated plants.

It is apparent that individual-handler pooling cannot promote long-run stability in this market. While the market crisis existing at the time of the hearing may have been precipitated as a result of one cooperative's efforts to enhance the efficiency of marketing its members' milk by assuming responsibility for hauling, the situation was merely a manifestation of the basic problem confronting the market. Milk supplies in the area have been fully adequate to meet the needs of the market. This in part is the result of the loss of the Keesler Field contract, but more fundamentally is a manifestation of the regional supply-demand balance.

As previously stated, the Gulf Coast supply area is largely coextensive with that of the two adjacent Federal orders. Hence, producers have a broad choice of markets. Under such a situation, it is neither possible nor appropriate that one group of producers be permitted to maintain under Federal regulation a preferential Class I market to the exclusion of a much larger equally qualified group of producers. In the interest of assuring an adequate supply of milk at all times, a procedure must be provided whereby each respective market carries its proportionate share of the regional reserve supply. This cannot be accomplished by individual-handler pooling and accordingly, the request for separate regulation under individual-handler pooling is denied.

Because of the small size of the Mississippi Gulf Coast market in relation to the two adjacent Federal order markets and the erratic changes in Class I sales as

local handlers lose or gain the Keesler Field contract, the sharing of the regional reserve supply in the past has been only partially accomplished and then only by somewhat arbitrary and often belated action on the part of the cooperative associations.

The intermingling of route sales of handlers regulated by the two orders clearly establishes the need for order consolidation. Such a consolidation will provide a broader base of Class I sales to minimize the influence of the Keesler Field contract. This may be accomplished without material disadvantage to any producer or group of producers by consolidation of the Mississippi Gulf Coast and Central Mississippi markets under one order and with a marketwide pooling arrangement.

The terms and provisions of the two orders presently are very similar and, in fact, in many respects identical. The two areas lie entirely within the State of Mississippi and are subject to the same health inspection requirements. The merger of the two orders will not bring under regulation any new handlers and will continue in principle the same type of regulation which has previously prevailed.

To accomplish the merger effectively and most equitably, the assets in the custody of the market administrator in the marketing service, administrative, and producer-settlement funds, respectively, under the two orders should be merged when the merger of the two orders is effected. To distribute such funds under the Mississippi Gulf Coast order to Gulf Coast handlers and producers would unduly burden handlers and producers now regulated under the Central Mississippi order. To distribute the funds under both orders and again accumulate the necessary reserve would entail unnecessary administrative detail at considerable cost with no advantage to either handlers or producers. Any liabilities of such funds under the individual orders should be paid from the new funds so created. Similarly, obligations which are due and owing to the funds under the separate orders should remain and be paid to the combined funds under the merged order. This procedure would assure and maintain the continuity of the regulatory program in these markets.

2. *Other appropriate terms and provisions of the merged order.* Many provisions of the Mississippi Gulf Coast and Central Mississippi orders are either identical or are essentially similar. For convenience of preparing this decision, therefore, the present terms and provisions of the Central Mississippi order are adopted for the merged order, subject to the modifications hereinafter set forth.

(a) *Milk to be priced and pooled.* For greater specificity and convenience in drafting the consolidated order it is desirable that the definitions prescribing the scope of regulation be revised and implemented by additional definitions.

In order for marketwide pooling to achieve its stabilizing influence to the fullest extent, the returns from the sale of milk should be shared by those dairy farmers who constitute the regular supply of milk for the market. It is essential, therefore, to provide specific standards of performance which may be used to determine which plants and what milk constitutes the regular sources of supply and therefore become fully subject to regulation. Such plant standards are set forth in the consolidated order and apply uniformly to all plants wherever located. Any plant, regardless of location, may be brought under regulation by performing in the manner prescribed. Any plant may be relieved from regulation by no longer operating in a way that brings it within the scope of the order. Thus, whether a plant will be fully or partially regulated, or unregulated, is determined by the decision of the plant operator.

Under the plant definition herein provided all of the operations conducted on the premises of an establishment operated as a single unit for the purpose of receiving milk for assembly and transfer, or for processing and packaging milk and milk products are operations of a plant. A facility or establishment functioning only as a transfer point for transferring milk from one tank truck to another tank truck, or as a distribution depot for storage of packaged fluid milk products in transit for route dispositions would not constitute a plant.

To assist in the identification of those plants which are to be subject to full regulation a "route disposition" definition is provided. Route disposition is defined as any delivery of a fluid milk product from a plant to wholesale or retail outlets other than a delivery to another plant. Disposition by a vendor, from a plant store or through a vending machine, is treated as a route disposition of the plant from which such disposition occurs.

Under the two respective orders the pooling requirements are set forth in the distributing and supply plant definitions. To implement the drafting of subsequent order provisions these definitions should be revised and the pooling requirement should be set forth under the "pool plant" definition.

Under the consolidated order any plant from which Grade A fluid milk products are disposed of as route disposition in the marketing area is a distributing plant and a plant supplying Grade A milk to a distributing plant is a supply plant.

A distributing plant should be fully regulated in any month in which: (1) A volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers is disposed of during the month as route disposition; and (2) 20 percent of such plant's Class I route disposition during the month or 4300 pounds on a daily average is disposed of as route disposition in the marketing area.

Order 107 presently provides that a distributing plant shall be pooled in any month in which such plant's market area route disposition is 20 percent or more of its Grade A milk receipts if such plant's total route disposition equals or exceeds 50 percent of such receipts. Order 103 provides full regulation for a plant with Class I route dispositions equal to at least 50 percent of its producer receipts and receipts from pool plants if 20 percent of the Class I milk is disposed of as Class I route dispositions in the marketing area.

A proposal considered at the hearing held in Gulfport, Mississippi, October 26, 1961 (26 F.R. 9912) on which no decision has been rendered concerned modification of the pooling requirements for distributing plants in the Gulf Coast market. Proponents proposed that the pooling standards be modified to provide full regulation for any plant with route dispositions equal to or exceeding 50 percent of its producer receipts whenever the lesser of 15 percent of Class I milk or 4300 pounds on a daily average was disposed of during the month as route dispositions in the marketing area. An identical proposal was made at the July 1962 hearing (27 F.R. 5960) as an appropriate provision for the proposed consolidated order.

A specific situation prompting these proposals exists in the Gulf Coast market where a nonpool handler operates a plant in the State of Alabama with receipts from dairy farmers approximating 85 percent of the total producer receipts under the Mississippi Gulf Coast order and Class I sales approximating 90 percent of the total Class I sales by all regulated handlers under that order. In excess of 10 percent of such plant's total Class I distribution is disposed of in the Gulf Coast marketing area. Contract sales by this plant are few, if any, in this market in which contract sales to Keesler Air Force Base constitutes 20 percent of the total market Class I sales. Hence, it is apparent that this handler actually has in excess of 14 percent of the total market area Class I sales, excluding military contract sales.

This is a substantially different situation than that which prevailed at the time that the existing pool plant standards were adopted. The plant in question has historically been associated with the Gulf Coast market as a distributing plant. From the inception of the order through July of 1961, its monthly marketing area route dispositions averaged about 278,000 pounds, less than six percent of the total Class I route sales in the market. In July of 1961, the plant operator purchased a fully regulated plant receiving milk from 16 producers. The plant was closed and the producers were forced to seek other markets. For the most part, they retained producer status because their milk has been handled by their cooperative association. However, most of their milk has necessarily been disposed of for manufacturing uses. The outlets previously served from this plant are now served by the purchasing handler from his Alabama plant. These sales in conjunction with such plant's previous market area sales at the time of the hearing approximated 510,000 pounds monthly and constituted in excess of 14 percent of the regular retail and wholesale route sales in the market. It must be concluded that as a direct result of the purchase and closing of the fully regulated pool plant an average of 232,000 pounds of Class I sales per month were withdrawn from the pool. This means that for the first

10 months of 1962, for example, the total value of the pool was reduced approximately $59,856 ($2.32, the average difference between the Class I and Class II price, times 2,320,000 pounds of milk) and that producer returns under the order were reduced in excess of $150 per producer over the 10-month period.

The marketing situation in any fluid milk market is seldom static. Consequently, provisions which were appropriate under one given situation may not be appropriate under different circumstances. While the plant in question had a historical association with the market at the time the Mississippi Gulf Coast order was promulgated, its distribution of fluid milk products within the market was stable and it seemed likely that full regulation of the plant was unnecessary to fully achieve the purposes of the Act. With the purchase of the fully regulated plant and withdrawing of such plant's Class I sales from the pool in excess of 14 percent of the regular route sales of the Gulf Coast market emanates from this Alabama nonpool plant.

One purpose of the marketwide pooling arrangement is to assure producers who regularly supply the market equitable sharing of the total proceeds from the sale of Class I milk and of the cost of carrying the market's necessary reserve supply. If the purpose of the marketwide pooling arrangement is to be achieved, all distributing plants which have a significant association with the local market must be included. Any plant having in excess of 14 percent of the total regular route sales in a market in which there are only six pool distributing plants must be considered to have a substantial association and to be of such significance that full regulation is essential. In reaching this conclusion there is no presumption of possible pricing advantage which the handler in question might have as compared to fully regulated handlers. Theoretically, the possibility is avoided by the assurance, in the case in question, that the handler returns to his producers the classified use value of his milk computed as though he were a pool handler, or pays any of such amount not paid to his producers to the pool. In fact, however, the intent of the provision may not be realized by the restricted Alabama State Class I classification, the high Class I pricing under the State order and the lower price for Class I milk products disposed of to Federal Government institutions on a contract basis. However, no judgment on this point is necessary. The basic need for a marketwide pooling arrangement is the assurance of equitable sharing of the Class I sales and the burden of carrying the necessary market reserve supply by all dairy farmers having substantial association with the market. Although the consolidation of the two marketing areas will result in the plant having Class I sales in the combined market in excess of three percent of the Class I sales made by all plants, this does not reduce its significance as a factor in the Gulf Coast portion of the proposed combined area, where it still has 14 percent of the overall Class I sales. Clearly, its association is of a nature which requires full regulation.

It cannot be ascertained from the record whether there are any other partially regulated plants distributing fluid milk products in the market. Certainly the possibility exists that there are such plants or that future decisions on the part of out-of-area handlers may place one or more other plants in this situation. It is essential, therefore, that appropriate definitive standards be provided for pooling distributing plants.

Under usual circumstances a plant with one large sized wholesale route in the marketing area represents a substantial competitive factor. Since one wholesale route would not exceed the equivalent of an average of 4300 pounds per day, 4300 pounds is concluded to be an appropriate standard for the market. With the use of a minimum volume figure a percentage standard based on volume of milk handled, Class I sales, or other appropriate measure of association becomes important only in that a volume minimum alone could result in denial of pool participation to a small plant doing a very substantial part of its business in the regulated market. Therefore, it is concluded that Class I sales are the most appropriate measure of association and accordingly, it is provided that any distributing plant primarily engaged in the fluid milk business (50 percent or more) with at least 20 percent of its Class I sales in the regulated market should be accorded pooling status even though its in-area distribution is less than 4300 pounds per day.

Dairy Fresh Corporation of Prichard, Alabama, and a group of dairy farmers delivering all of their milk to that handler filed exceptions to the recommended pooling standards. This handler has been subject to partial regulation under the Mississippi Gulf Coast order since its inception. The thrust of exceptions was that the adoption of the recommended standards would result in full regulation of the handler if his present sales pattern is continued or increased. This, it was contended would constitute an economic barrier to continuing distribution in the marketing area by such handler and such a barrier is prohibited by section 8c(5)(G) of the Act. More specifically it was argued that the pooling of all of the handler's receipts would result in payment of substantial sums into the producer-settlement fund with the effect of imposing obligations with respect to his out-of-area sales for the benefit of Mississippi producers when at the same time the handler is required, under the rules and regulations of the Alabama State regulation, to pay the full use value determined pursuant to the State order to his own producers.

As has been previously indicated exceptor's purchase of a fully regulated plant in July 1961, the subsequent closing of such plant and the association of its former route sales with exceptor's Prichard, Alabama, plant doubled the sales from such plant in the marketing area, with the result that the plant now has in excess of 14 percent of the regular route distribution in the Gulf Coast market. The change in pooling requirements was intended to insure full regulation of exceptor's distributing plant and was necessary, for reasons previously set forth to achieve the purposes of the marketwide pooling arrangements; i.e., to assure all producers who regularly supply the market equitable sharing of the total proceeds from the sale of Class I milk and the cost of carrying the market's necessary reserve supply.

The order in no way restricts a handler in his choice of a milk supply nor does it restrict any dairy farmer in his choice of a market. The physical or geographical situs of the handler's plant or of his producer's farms is not material since, under the law, the program is concerned with the marketing of milk, not the area of production.

The "pool", as it is commonly referred to under a Federal milk order, consists of all milk qualifying as producer milk as defined under the regulation and may expand or contract as regulated handlers add or drop milk or as producers discontinue delivery. Therefore, in referring to a "Mississippi pool", exceptor misconceives the nature of the pool, for if his plant should become a pool plant and the milk there received becomes priced and pooled, the production area for the defined marketing area would automatically embrace the farms of his producers delivering to such plant. This is equally true with respect to the scope of the "pool"; i.e., it embraces all producer milk. There is no contribution by Mississippi producers to Alabama producers nor any contribution by Alabama producers to Mississippi producers. All producers are equal participants and share equally the Class I and Class II utilization of all handlers, irrespective of location.

As previously stated exceptor's importance as a distributor of milk in the regulated market is such that it is not possible to distinguish the operations of his plant from the operations of the regulated plants of other handlers. Hence, he must be regulated in the same way and to the same degree as other handlers. Since exceptor would be regulated only in the same way and to the same degree as other handlers, any costs over and above those incurred by other regulated handlers would arise or exist only because of facts, circumstances or arrangements outside of the order itself. The obligation imposed by the order on any handler for milk received from producers is dependent solely on the utilization of milk by such handler and the price for each class of use is the same for all handlers. For the aforesaid reason and for other reasons as set forth in this decision the exception is overruled.

The pooling provisions of the order should also be modified to permit a distributing plant meeting the requirements for full regulation under this order and another Federal order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month to retain pooling status under this order until the third consecutive

month in which a greater volume of Class I sales is made in such other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such other order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification. Provision should also be made to exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area, but which, nevertheless, retains pooling status for the month under another order. Federal orders generally provide that a distributing plant meeting the pooling requirements for more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made. Nevertheless, it should be recognized that other orders may contain similar provisions to those herein proposed to deter plants from changing back and forth between two orders on a month-to-month basis.

Under the present order provisions, any distributing plant which disposes of Class I milk in the marketing area is subject to full regulation under this order, unless, a greater volume of Class I disposition is made in another Federal order marketing area.

Proponent proposed a six-month period of regulation under the Southern Mississippi order for a distributing plant that becomes a fully regulated pool plant before such plant may again be regulated by some other order. This proposal was made to alleviate an existing situation with respect to a handler operating a plant in the Mississippi Delta marketing area at Stoneville, Mississippi. This handler's distribution is almost evenly divided between Order No. 103 and Order No. 105. Since the distribution requirements for a pool distributing plant are similar in both orders, the Stoneville plant is in a position of becoming subject to regulation under one order one month and the other order the next month. Furthermore, a handler who had almost equal sales in the two areas and wished to remain continuously regulated under one order may become regulated under the other order by an inadvertent sale due to a management error or errors on the part of a plant employee or a route salesman. It is also possible that a change in classification during audit might produce the same result. Such changing back and forth would have greater adverse effects on producers than on handlers since the effective Class I price for a plant regulated under either one or the other of the two orders is substantially the same.

A plant doing business in several Federal orders generally should be regulated under that order under which it does the greatest proportion of its Class I business. This is the principle under which the existing provisions were effected and this record provides no basis for changing this conclusion. Nevertheless, it is not desirable nor necessary that regulation of a plant shift back and forth between orders on the basis of inadvertent or short run shifts in the proportion of sales made in one market as compared to another.

The situation cannot be fully alleviated at this time with respect to the Mississippi Delta order since the Mississippi Delta order provisions which require corresponding changes were not open at this hearing. However, in recognition of the fact that the Central Arkansas and Memphis, Tennessee, orders have provisions which would allow a pool distributing plant to remain pooled under the Southern Mississippi order until distribution is greater for three consecutive months in either of the other two Federal orders than under this order and that similar provisions may be required in the Mississippi Delta order as a result of a later hearing, the changes herein recommended should be adopted. Under this procedure a handler would have two months warning that his plant was changing from one regulation to another, thus providing a reasonable time to permit adjustment of his business in cases where such change was not contemplated. At the same time, this change retains the principle of regulating a plant under that order where the greatest proportion of its Class I business is done. Since government contracts normally are made for longer periods than two months there is no reason to expect that the changes recommended will have any significant effect on the length of time in which a plant is pooled in a particular order where the change in the proportion of business is the result of gaining or losing a government contract.

Under the present Central Mississippi order a supply plant is pooled in any month in which a volume of fluid milk products equal to not less than 50 percent of its Grade A receipts from dairy farmers is transferred to a distributing plant disposing of not less than 50 percent of its total Grade A receipts as route dispositions provided a specified percentage of milk is disposed of as route dispositions in the marketing area. This principle is retained in the consolidated order. Likewise, provision for automatic pooling during the flush months of production is retained for supply plants meeting the pooling requirements in each of the short months of production.

In recognition of the changes in seasonality of production and Class I sales which have occurred in the Central Mississippi market, the months of automatic pooling should be the months of February through August rather than February through July. Conversely, the months in which shipping standards must be met should be the months of September through January, rather than August through January, as presently provided. This change conforms with the existing provisions of the Mississippi Gulf Coast market and, hence, insofar as Gulf Coast handlers and producers are concerned, represents no change from the existing regulation.

The major cooperative association representing producers in the consolidated market operates two balancing plants for distributing milk to handlers in accordance with their day-to-day requirements and for the assembly of the market's reserve supply for movement to manufacturing outlets. Since virtually the entire market has converted to farm bulk tank it is generally unnecessary that milk regularly needed by distributing plants move through one of the associations' plants. Therefore, it is unlikely that the cooperative's plants would normally meet the prescribed shipping requirements for supply plants except through uneconomic movement of milk through such plants solely for the purpose of maintaining pool plant status. While the association has disposed of the market's reserve supply to outside Class I milk outlets to the extent that such outlets were available, the milk so disposed of, as well as the milk for which no Class I milk outlet is available and which is moved to manufacturing plants, is supplied by dairy farmers who are regular producers for the local market. Accordingly, it should be accounted for in the same manner as all other producer milk received at pool plants under the order. This may be accomplished by providing specific pooling standards for any nondistributing plant operated by a cooperative association. However, the performance standards should be such that only a plant operated by a cooperative association whose major function is supplying milk to the market would qualify and participate in the market-wide pool. This can best be accomplished by designating as a pool plant any nondistributing plant operated by a cooperative association, 60 percent or more of whose member producers' milk is received during the month at pool distributing plants.

Under usual circumstances the association would desire to pool its balancing plants; nevertheless, provision should be made whereby such plants may acquire nonpool status under the consolidated order if the association should so elect and the plant(s) does not meet the shipping requirements for pooling. It is apparent that such a decision would be made only under circumstances where the plant had substantial Class I sales in another market. The order should not permit the association to pool its reserve milk supply unless all of the Class I sales associated with such reserve are also pooled. Accordingly, it is provided that should the association elect nonpool status under the consolidated order for its plant in any month, such plant would be designated a nonpool plant for each of the succeeding 11 months in which it did not qualify for pooling under the regular supply plant shipping requirements.

The handler definition should be extended to include the operator of a nonpool supply plant. This broadening of the handler definition will enable the market administrator by virtue of another provision in the order to require written reports concerning milk utilized by such plants. The need for such reports will be discussed in a later section dealing with handler reports.

The producer and producer milk definitions herein recommended are essentially those presently contained in the Mississippi Gulf Coast order and except for provision for diversion during the short production season on a percentage basis as an alternative to the prescribed

10-day diversion, the two definitions in combination, have substantially the same application as the present provisions of the existing Central Mississippi order.

Since the months of "unlimited diversion" prescribed in the existing Mississippi Gulf Coast and the Central Mississippi orders are different, some modification is necessary to provide uniform treatment under the combined order. In view of the volumes of milk pooled under the respective orders, it is appropriate that the months of "unlimited diversion" prescribed in the Central Mississippi order of December through August be adopted for the combined order. This was proposed by producer proponents who have generally assumed responsibility for handling the reserve supply of the two markets and under the circumstances, is concluded appropriate under the combined order.

One condition, not presently applicable in the existing Central Mississippi order, would preclude diversion, in any months of December through August, of the milk of any producer, who did not hold producer status during the entire two immediately preceding months. This requirement, presently included in the Mississippi Gulf Coast order (for the months of March through August), is desirable in the combined order to deter the addition of producers during the months of highest production solely for the purposes of securing a milk supply for Class II use. Since diversion privileges would not be available for each of the months of December through August for milk not associated with the market in the entire two immediately preceding months, the application of this provision tends to deter the shifting of producers between markets during these months with consequent dislocation of price relationships as between markets. The adoption of these standards for the combined order with respect to the diversion of producer milk, will assist in stabilizing marketing conditions in the merged area.

Upon review of the evidence in the July 1962 hearing record in the light of exceptions, it is concluded that the existing producer-handler definition contained in the Central Mississippi order should be retained as a provision of the consolidated order and that there should be added the proviso contained in the recommended order.

The recommended decision proposed that the producer-handler definition permit a producer-handler to retain producer-handler status despite acquisitions of milk for Class I uses from pool plants and of other source milk for Class II use. In their exceptions filed February 24, 1964, exceptors pointed out that the initial Central Mississippi order, which contemplated acquisition of milk from other plants without loss of the exemption afforded producer-handlers, ultimately resulted in such market instability that an emergency hearing was called in January 1956. The exceptors further pointed out that on the basis of the record of that hearing the existing provision in the Central Mississippi order was adopted. They also asserted that no evidence was offered at the July 1962 hearing which would justify the changes to which they excepted.

The imposition of regulation upon market handlers and the provisions for market pooling obviously demands that any freedom from regulatory provisions afforded competitors must be closely safeguarded. In view of the lack of substantial evidence establishing the need for the changes excepted to and in the light of exceptions and the past market history, it is concluded that the existing producer-handler definition contained in the Central Mississippi order should be employed as a provision of the consolidated order.

In order to benefit from producer-handler exemptions, handlers with own production often attempt to masquerade as producer-handlers through contractual arrangements with other dairy farmers which are intended to infer ownership of and responsibility for production facilities on the part of the handler. To make sure that handlers seeking producer-handler status are appropriately qualified, it should also be provided that a producer-handler must furnish proof satisfactory to the market administrator that the maintenance, care and management of all resources necessary for the production of milk and all facilities necessary for operations as a handler are each the personal enterprise and the personal risk of such person.

(b) *Classification and allocation of milk.* The classification and allocation provisions of the Central Mississippi order are appropriate for the merged order with the following exceptions:

(i) Skim milk contained in fortified fluid milk products should be classified as Class I in an amount equal to an unmodified product of the same nature and butterfat content;

(ii) Ending inventory should be classified as Class II;

(iii) Authorization from the market administrator should not be required for Class II classification of fluid milk products disposed of as livestock feed; and

(iv) The allowable Class II shrinkage on milk received directly from producers or as transfers from other pool plants should be reduced by one and one-half percent of the amount of milk transferred from a pool plant to nonpool plants, and all shrinkage on other source milk should be classified as Class II milk.

(v) The transfer section should be revised to provide a Class I classification on milk diverted to distant nonpool plants.

The classification provisions should be revised to provide, in the case of fortified fluid milk products, that the skim milk to be classified as Class I milk shall be only that contained in an unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I milk should be classified as Class II milk.

The separate orders presently are administered on a fluid skim milk equivalent accounting basis. When fluid milk products are fortified with additional nonfat solids, all of the water originally associated with such solids are classified as Class I. Handlers proposed revision of the classification provisions as they relate to fortification, to specifically provide a Class II milk classification for the skim milk equivalent of the nonfat dry milk solids used in fortification.

Fortification of fluid milk products customarily is accomplished by the addition of concentrated nonfat milk solids to fluid milk or skim milk to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole milk. Reconstitution, on the other hand, involves the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated product was first made by the removal of water.

Nonfat dry milk and condensed skim milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from unregulated milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I milk, the application of skim milk equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. If nonfat milk solids are to be derived from producer milk, the skim milk must first be processed into useable form: i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased in the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product, and under no circumstances can it be concluded that the added solids displace producer milk in Class I milk beyond the minor increase in volume which results.

When the skim milk equivalent provision is applied to fortified milk product, it inflates significantly the utilization and disposition of Class I milk. It is neither necessary nor appropriate that handlers be required to account and pay for this inflated volume in Class I milk. Notwithstanding, it is consistent with present practices and administratively necessary to retain full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be Class I milk only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I milk should be classified as Class II milk.

Closing inventories of fluid milk products are presently classified and priced as Class II milk under the Mississippi Gulf Coast order and as Class I milk under the Central Mississippi order. Proponents of the consolidated order proposed classification of closing inventory as Class I milk. It was their position that fluid milk products on hand at the end of the month normally are intended for fluid uses and usually are disposed of in the first day or two of the succeeding month. They contended that a Class I milk classification would minimize reclassification adjustments and hence implement the accounting procedure.

While there is no evidence that the treatment of inventories under the Central Mississippi order has resulted in a pricing advantage to any particular handler or handlers, nevertheless, variation in Class I prices from month-to-month, or between Federal orders, provide an incentive for inventory manipulation for that purpose. Since greater seasonality in Class I pricing is herein recommended than has existed in the past, it is desirable that closing inventories be classified as Class II milk and that a reclassification charge of the difference between the Class II price for the preceding month and the applicable Class I price for the current month be applicable on any opening inventory assigned to Class I milk in the current month. For the first month of operation under the consolidated order, the Class II price for the preceding month to be used in computing any inventory reclassification charge should be the Class II price under the Central Mississippi order for such preceding month. These procedures will tend to insure equality of pricing for all handlers for milk disposed of for fluid uses within each monthly accounting period.

Because Central Mississippi handlers will necessarily have accounted for their opening inventory as Class I milk in the first month of operation under the consolidated order, provision must be made to preclude any pricing advantage to present Gulf Coast handlers whose opening inventory will have been priced as Class II milk. This may be accomplished by providing a credit to Central Mississippi handlers of the difference between the Class II price and the applicable Class I price of the previous month for the Central Mississippi order on opening inventory in the first month of operation under the consolidated order. This is provided in the recommended order.

Proponents proposed inclusion of the existing provision of the Central Mississippi order requiring authorization from the market administrator for a Class II classification on disposition for livestock feed. However, there was no indication that such a requirement was necessary nor any suggestions as to the standards which might be employed by the market administrator in ascertaining whether authorization should be given. Obviously, the provision was intended as an aid in verification. However, unlike dumping, livestock disposition is a physical disposition which may be substantiated by appropriate records and reports in essentially the same manner as other physical uses. To assure that the market administrator will have the pertinent information to substantiate disposition for livestock feed, the recommended order provides that handlers, shall with respect to such disposition, report in such manner and at such times as the market administrator shall require. Under such circumstances prior authorization is unnecessary and the request for inclusion of such a requirement is denied.

In determining the amount of shrinkage for which a Class II classification is to be allowed on direct receipts from producers and receipts in bulk from other order plants, such computations should take into account not only the amount of bulk transfers to other pool plants but also the amount of bulk transfers to nonpool plants. If bulk transfers to nonpool plants are not excluded from the gross volume on which shrinkage is allowed, a pool plant making such transfers may receive a Class II classification on shrinkage in excess of that which is reasonable for receiving and/or processing milk in his plant.

All shrinkage on other source milk should be classified as Class II. The present Central Mississippi order limits shrinkage on other source milk to 1½ percent, while the Mississippi Gulf Coast order allows a Class II milk classification on all shrinkage of other source milk. Since the classification procedure of the merged order gives adequate protection in the classification of producer milk, it is unnecessary to limit the shrinkage to be allowed as Class II on other source milk.

The transfer section of the order should be revised to provide that diversions of fluid milk products to a nonpool plant, which is neither an other order plant nor a producer-handler plant, and which is located more than 200 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the nearer of the New State Capitol in Jackson or the County Courthouse in Gulfport, Mississippi, shall be classified as Class I milk.

Diversion privileges are a means of implementing the orderly and economic movement of pool milk, surplus to the immediate needs of handlers, to manufacturing outlets. However, unless appropriate safeguards are provided, there may be an incentive to associate with local plants a milk supply which in reality is the regular milk supply of a distant manufacturing plant. Such milk may be initially moved to the local market for the purpose of establishing association, and thereafter regularly diverted to the plant of normal receipt.

Since there are adequate manufacturing facilities available within the specified 200-mile limitation to assume the orderly disposition of the market's reserve supply, it is unnecessary to provide for diversion to more distant plants for other than Class I use. Accordingly, it is provided that diversions to a nonpool plant which is neither an other order plant nor a producer-handler plant and which is located more than 200 miles from the above specified basing points shall be classified as Class I milk.

(c) *The method and level of pricing and the application of location differentials*—(1) *Class I price.* The Class I price under the consolidated order insofar as possible should be aligned seasonally with Class I prices in the adjacent Memphis and New Orleans markets and a supply-demand adjustment mechanism should be included in the pricing formula to assure appropriate price adjustment as supplies change in relation to the fluid requirements of the market. Insofar as it is possible, the scheme of pricing under the consolidated order should preserve the same price relationships between plant locations which have existed under the two separate orders. This may be achieved by providing Gulfport and Pascagoula (presently the points of pricing under the Mississippi Gulf Coast order) as the basic pricing points under the consolidated order and applying appropriate location differentials at other points in the market.

The matter of an appropriate basic formula price for determining Class I prices under the Central Mississippi order (as well as other selected orders) was considered at an area hearing held at Wichita, Kansas, on June 7, 1962; at Nashville, Tennessee, on June 12, 1962; and at New Orleans, Louisiana, on June 14, 1962. On the basis of that hearing record, the Central Mississippi order was amended effective August 1, 1962 (27 F.R. 7552; F.R. Doc. 62–7573) to provide that the basic formula price would be the monthly average price (adjusted to 3.5 percent butterfat) received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department. The Class I price differential was also adjusted from $2.13 to $2.16 for all months. Inasmuch as the Class I prices under the Mississippi Delta and Mississippi Gulf Coast orders are determined by adjustments of the Central Mississippi Class I price (minus 16 cents in the case of the Mississippi Delta and plus 10 cents in the case of Mississippi Gulf Coast), these amendments had the identical effect on the Class I price in each of the respective orders.

Proponents supported the continued use of the Minnesota-Wisconsin price series for determination of the Class I price under the consolidated order and there was no opposition to this procedure. Inasmuch as this series is the basis for Class I price determination under most of the 82 Federal orders now in effect, it is appropriate that it be used under the consolidated order for the identical reasons stated by the Secretary in his decision of July 23, 1962, recommending its adoption in 23 Federal orders, including the Central Mississippi order.

(a) *Class I price differential for the consolidated order.* Prior to March 1, 1960, the three Mississippi Federal orders provided seasonal Class I price changes of 45 cents through variations in the stated differentials added to the basic formula price to arrive at the actual Class I price. These seasonal changes were eliminated March 1, 1960, by

amendment action adopting a uniform Class I price differential of $2.13 throughout the year under the Central Mississippi order. This action was taken at the request of producers and on the conclusion of the Secretary that such differential would provide an appropriate price alignment with the Memphis, Tennessee, Federal order price and would not change significantly the competitive price relationship with New Orleans.

Effective March 1, 1962, the Class I pricing provisions of the Memphis order were amended to provide seasonal price changes of 24 cents. Official notice is taken that the Memphis order was further revised by the Secretary's decision of October 25, 1963, to provide seasonal price changes of 41 cents. The New Orleans order provides seasonal price changes of 20 cents.

Producer proponents of a combined Central Mississippi and Mississippi Gulf Coast order contended that the inclusion of a 20-cent seasonal swing in the Class I price for the consolidated orders was needed to assure closer month-to-month price alignment with New Orleans. In support of their position they pointed out the importance of the military contract sales to Keesler Field and the competition among Gulf Coast, Central Mississippi, and New Orleans handlers for such sales.

It is concluded that better price alignment among the markets will be provided by the inclusion of a 20-cent seasonal swing in the Class I price differentials to be added to the basic formula price. Differentials of $2.15 during the months of March through July and $2.35 during the months of August through February, in conjunction with the existing basic pricing formula, and the application of the location differentials hereinafter recommended will maintain the annual level of pricing which has historically prevailed at each of the plants previously regulated under the separate orders. Also the application of such location differentials will insure that any plant presently regulated under the Mississippi Delta order will retain an identical level of pricing should it extend distribution into the marketing area of the consolidated order in sufficient quantity to become fully regulated under the consolidated order.

The effect of the seasonality of pricing herein provided, if made effective prior to August 1, 1964, would be an immediate reduction in the Class I price level of 11 cents per hundred-weight. This reduction would be effective only for the brief period through July and would come at a time when producers are accustomed to some strengthening of returns as the production cycle moves out of the flush. Such a price adjustment would not be understood by producers and could have a detrimental effect on production in the forthcoming fall and winter months. Accordingly, it is concluded that the effective date of the seasonal pricing provision should be deferred until August 1.

(b) *Supply-demand adjustor.* The Class I pricing provisions of the consolidated order should include a supply-demand adjustment mechanism which would provide assurance that as supplies increase or decrease relative to Class I sales, the Class I price will automatically adjust to reflect the then current supply-demand situation. To provide as broad a base as possible and in recognition of the fact that the Mississippi Delta Class I price is presently tied to the Central Mississippi Class I price (it is hereinafter recommended that the existing relationship be continued) supply-sales experience for both the consolidated order and the Mississippi Delta order should be used to develop an appropriate adjustment mechanism.

Without a supply-demand adjustment mechanism there is no procedure other than an amendment hearing whereby the Class I price can be adjusted in response to changing supply-sales conditions. This procedure generally delays desirable price adjustments. Supply-demand adjustors have become increasingly important in Federal order markets as a mechanism for automatically adjusting the Class I price in response to changes in the relationship of supplies to sales, and are a necessary component of a Class I pricing mechanism under the Federal order program. Supply-demand adjustors are currently included in the orders regulating the adjacent New Orleans and Memphis markets.

A supply-demand adjustment mechanism containing most of the essential features of the New Orleans supply-demand adjustor is concluded to be appropriate for the Southern Mississippi market. One of the main features included (which was proposed by producers) is a current utilization percentage expressing the supply-sales relationship for the immediately preceding two months (commonly referred to as a two-month mover). This current utilization percentage is obtained by dividing the pounds of producer milk received by all fully regulated plants under the two Mississippi orders in the second and third preceding months by the net pounds of Class I sales from such plants for such months. The deviation of the current utilization percentage from a computed standard utilization percentage, which reflects an average utilization percentage of 132.2 (the average supply-sales relationship during the twenty-four-month period 1960–61) would indicate the direction and extent of price adjustments. Each percentage point of deviation would provide a one-cent adjustment in the Class I price. Also included are (1) a provision which would change the amount of the supply-demand adjustment from that of the previous month only when the change would equal or exceed five cents, and (2) a 25-cent limit on the amount of adjustment for 12 months and a 45-cent limit after such period.

Producers' proposed supply-demand adjustor provisions would contain various other mechanisms in addition to the two-month mover which has been adopted. They proposed standard utilization percentages approximating the range in the supply-sales relationship for each two-month period which occurred during the three-year period April 1959 through March 1962. Such standards would permit the current supply-sales relationship to vary within a range of 18 percentage points in any month without a price adjustment. In addition, their proposal included a maximum 20-cent limitation on the amount of any supply-demand adjustment and a contraseasonal pricing provision.

Under producers' proposal no price adjustment would have resulted for any month of 1961 or 1962 notwithstanding the fact that Class I sales as a percentage of producer receipts dropped from 81 in 1960 to 71 in 1961 and 75 in 1962. Seasonal changes in the relationship of supplies to sales in past years have been substantial and vary from year to year. If the supply-demand adjustment mechanism is to be effective in providing appropriate price changes this constantly changing seasonality must be recognized. The proposed wide range of standard utilization percentages (18 percentage points in which no adjustment is made) together with the contraseasonal limits proposed by producers would seriously hamper the effectiveness of any supply-demand adjustor.

Changes in seasonality of supplies and sales may be determined by computing a utilization percentage (ratio of supplies to sales) for the immediately preceding two-month period and for the same period, one and two years earlier, and comparing these utilization percentages to the utilization percentage of the two-year period beginning with the 25th preceding month and ending with the 2nd preceding month. This comparison of the average two-month utilization at approximately the beginning, center and end of a two-year period with that of the two-year base period provides a seasonal ratio for adjusting the annual norm (132.2) for seasonal variation in the utilization ratio. The result is a standard utilization percentage for each pricing month. This will assure producers, as they change their production patterns in response to the seasonal incentives provided in the pricing provisions, that adjustments will be made in the standard utilization percentages.

The deviation between the current two-month mover and the standard utilization percentage for each pricing month would indicate the direction and extent of desirable price adjustments. The price adjustments would be upward or downward depending on whether the deviation percentages reflect utilization below or above, respectively, the standard utilization percentages. Each percentage point variation from the standard supply-sales percentage would provide a one-cent price change. This rate of adjustment should provide appropriate price changes in response to changes in the relationship of supplies and sales in the two Mississippi markets. However, to eliminate minor month-to-month fluctuating price changes due to the action of the supply-demand adjustor, no different adjustment from that effective in the preceding month should be made unless the indicated current month adjustment exceeds that of the immediately preceding month by at least five cents.

Contraseasonal pricing provisions should not be included in the Class I pricing provisions of this order. Proponents proposed seasonal limits to the

change in the Class I price differential, in conjunction with their proposed 20-cent limit on the supply-demand adjustor. But this would have rendered the supply-demand adjustor inoperative or seriously limited its effect. The supply-demand adjustment mechanism herein recommended will not result in unreasonable contraseasonal price movements. While contraseasonal price movements are especially unsatisfactory to producers, nevertheless, when such movements are primarily the results of bona fide supply-demand changes it is important that some adjustment be made promptly in the Class I price.

Since this represents the inception of a supply-demand adjustor provision for this market, it is recommended that the supply-demand adjustor be limited to plus or minus 25 cents for the first year after the issuance of this amending order. This action will provide an interim period of operation in which producers will have assurance as to the limits of price changes which may result from the supply-demand adjustor.

After the initial one-year period, the limits of the supply-demand adjustor would be plus or minus 45 cents. The recommended limit, after the first year of operation, is identical to that provided in the New Orleans order and will contribute to Class I price alignment between the Mississippi markets and the New Orleans market. A supply-demand adjustment limited to 20 cents, as proposed by proponents, or to 25 cents over the long run, could not be expected to provide appropriate supply adjustments under circumstances of substantial shortages or reserves. The Class I price should be at that level which is necessary to bring forth an adequate but not excessive supply of milk for the fluid market, with the action of the supply-demand mechanism encouraging needed supply-sales adjustments. The 45-cent limit in the supply-demand adjustor will permit price adjustment which will be sufficient to reflect substantial changes in the supply-sales relationship. However, should the indicated adjustments exceed this limit over any extended period of time, consideration then should be given to adjustment of the basic price level. It is provided, therefore, that for the first year of operation under the new order the maximum amount of the adjustment shall not be greater than plus or minus 25 cents and following this interim period, plus or minus 45 cents.

Official notice is taken of the monthly statistical summaries, class prices, and uniform price announcements published by the market administrator for the three Mississippi markets for July 1962 through October 1963.

The effect of the supply-demand adjustment provision, if effective, would have been to reduce the Class I price in 1961 and 1962, by an average of seven cents and eight cents, respectively. However, the recent shortening of supplies, in contrast to the comfortable supply situation which existed in most months of 1961 and 1962, would have been reflected in price increases resulting from the recommended supply-demand adjustor. During 1963, the supply-demand adjustor would have added approximately four cents to the Class I price. It has previously been concluded that any seasonal adjustment of Class I price as a result of this decision should be deferred until August 1, 1964. In conformity with this conclusion the effective date of the supply-demand adjustment provision should also be deferred until this date.

(ii) *Class II milk price.* The Class II pricing provisions should provide for the pricing of Class II milk on the basis of the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture, except that for the months of March through July ten cents should be subtracted from such reported price. Provision should be made, however, to assure that the Class II milk price in any month does not exceed the Class II milk price for such month under the New Orleans Order No. 94.

The Class II milk price under the Central Mississippi order currently is based on the average of the prices reported to have been paid farmers for manufacturing grade milk at four local manufacturing plants. Ten cents is added to such reported price during the months of March through June and 20 cents during all other months. The Class II milk price under the Mississippi Gulf Coast order is determined on exactly the same basis except that during the month of July, 10 cents is added rather than 20 cents.

Proponents for the consolidated order supported use of the Wisconsin-Minnesota price series. It was their position that the local plant pay prices do not represent a satisfactory long run mechanism for pricing surplus milk since regulated milk is an important part of the over-all supply of such plants and accordingly, there can be no assurance that the announced pay prices by local manufacturing plants are not purposely established at a predetermined and relatively low level. Notwithstanding this position, proponents maintained that the change to the Wisconsin-Minnesota series should be made without affecting the level of Class II milk prices. This they suggested could be accomplished by subtracting 35 cents from such reported price.

Manufacturing outlets available for handling the market's reserve supply are limited. Under usual circumstances the Mississippi Milk Producers Association must rely on the four manufacturing plants, whose pay prices presently are the basis for computing the Class II milk price, to handle the milk not needed by regulated handlers for fluid and related uses. These plants are located in the northern portion of the milkshed or north of the milkshed and some expense is necessarily incurred in assembling and transporting milk to such plants. The burden of such costs is borne almost exclusively by the cooperative association handling such milk.

Because the market's reserve supply is an important part of the milk supply of local manufacturing plants it is readily apparent that such plants would have a substantial incentive in retaining a low Class II milk price under the order. The limited number of manufacturing outlets is certainly conducive to the establishment of a nominal and relatively low Class II milk price, if locally announced pay prices are the basis for computing such price. For this reason it is essential that a broader basis be provided under the order for computing the Class II milk price.

Prices received by cooperative associations or by other handlers for milk disposed of to local manufacturing plants were not placed in the record. Thus, there is little basis for precise determination of the returns which the cooperatives actually received for their reserve milk. Nevertheless, it is commonly understood that the announced pay prices of local manufacturing plants do not reflect the actual returns received by dairy farmers for ungraded milk. Such plants ordinarily pay quality and quantity premiums over their announced prices. In addition, it is usual practice to pay additional premiums for Grade A milk.

Under the New Orleans order the Class II price is also determined on the basis of local manufacturing plant reported pay prices. The final Class II price, however, averages approximately 16 cents above the Class II price under the Central Mississippi order. In large measure, the production areas of the Southern Mississippi and New Orleans markets are coextensive and the same manufacturing plants are used as outlets for the markets' reserve supplies. The principal cooperative association representing producers in the New Orleans market, however, operates two manufacturing plants which are that market's principal outlet for reserve milk.

The price for manufacturing grade milk in the two-State area of Wisconsin and Minnesota is issued by the State-Federal Crop Reporting Service on about the fifth day of each month for milk received at manufacturing plants in these States in the previous month. In each State plant operators regularly report the total pounds of manufacturing grade milk received from farmers, the butterfat content, and total money paid to farmers for the milk. Average State prices based on these reports are available near the end of the following month. For the two-State area a special reporting system has been arranged which provides a reliable estimated price by the fifth day after the end of the month. The two-State area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for such supply. In Minnesota about 80 percent of the milk sold off farms is manufacturing grade and in Wisconsin, about 65 percent. About 50 percent of the manufacturing grade milk sold off farms in the United States is produced in these two States. Hence, the price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. It is therefore an appropriate basis of pricing reserve milk in the Southern Mississippi market.

Because manufactured dairy products compete on a national market and since milk prices are supported through Government purchases of specified manufactured milk products at announced prices applicable throughout the country there is no economic reason why milk for manufacturing use should have any materially different value when delivered to manufacturing plants in Mississippi as compared to plants in Wisconsin or Minnesota. Notwithstanding it must be recognized that manufacturing outlets are more limited in Mississippi. During the flush months of production it is likely that local manufacturing plants, with a wider choice of supplies than in other times of the year, have a tendency to pay a relatively lower price. This fact is reflected in the seasonality of pricing provided under the existing Mississippi Gulf Coast and Central Mississippi orders.

To assure the orderly disposition of the market's reserve supply during the flush season it is desirable to provide for some downward adjustment of the Minnesota-Wisconsin price. It concluded that a 10-cent adjustment of such price during the months of March through July will facilitate this end. This is the amount of seasonality of Class II pricing provided in the existing Central Mississippi order as well as in the New Orleans order.

Notwithstanding the foregoing conclusions, it is necessary to provide assurance that the Southern Mississippi Class II price shall not in any month exceed the Class II price under the New Orleans order. While the New Orleans Class II price closely approximates the Minnesota-Wisconsin price on an annual average, it varies from such price on a month-to-month basis. Because the two markets do compete for Class II outlets, by virtue of the fact that the same manufacturing plants are used for surplus disposal, a higher Southern Mississippi price would place local milk at a competitive disadvantage with New Orleans milk. Such a situation could seriously impede the orderly disposition of milk in the local market.

The effect of the above conclusions is to raise the Class II price level approximately 16 cents per hundredweight. Notwithstanding the position of the proponent that the existing price level should be retained, it is clear that the existing pricing has not appropriately reflected the value of producer milk for manufacturing uses. While it is recognized that the local cooperative does, in fact, incur considerable expense in assembling and moving milk to manufacturing plants it is apparent that essentially similar costs are incurred when New Orleans milk is similarly disposed. There is, therefore, no basis for establishing a price below that herein recommended.

(iii) *Handler and producer location differential.* As previously indicated, the interplant and intermarket Class I pricing relationships which have existed under the two separate orders should be preserved under the consolidated order.

Under the existing Mississippi Gulf Coast order the basic Class I price, established at a level 10 cents over the Central Mississippi Class I price, is applicable to plants located within 60 miles of either Gulfport or Pascagoula and location differentials are applicable to more distant plants. Under the Central Mississippi order, the basic Class I price is applicable to plants located 50 miles or less from either Hattiesburg, Jackson, Meadville or Meridian and location differentials are applicable to more distant plants.

The Mississippi Delta Class I price is established at a level 16 cents under the Central Mississippi price and location differentials are applicable only at plants located 30 miles or more north of U.S. Highway No. 82 or outside of the State and 30 miles or more from either Greenville or Columbus.

Ideally the intermarket price alignment under the three existing Mississippi orders should be such that the identical Class I price would apply, irrespective of the order under which a plant was pooled. This is substantially the result in the application of the existing order provisions. However, there are some exceptions. For example, one Mississippi Delta handler has route sales in the Central Mississippi market approaching the volume of his route sales in the Delta market. A small increase in sales in the Central Mississippi market would result in regulation under that order rather than under the Mississippi Delta order. Should this occur the application of the location differential provision of the Central Mississippi order would result in a 1.5-cent lower Class I price for this handler than that applicable while regulated under the Mississippi Delta order.

This situation can be ameliorated while at the same time retaining the identical level of pricing which has existed at each plant location under the order under which such plant is presently regulated.

It is concluded that a Class I location differential should apply to all plants located in the present Central Mississippi marketing area and Beat 2 of Lamar County (hereinbefore recommended for inclusion in the marketing areas). This may be accomplished by the designation of the counties in which a ten-cent location differential would be applicable. For plants in Mississippi but outside of the designated area, north of the northern boundary of the market area, but less than 30 miles north of U.S. Highway No. 82 (the point at which location differentials become applicable under the Delta order) a location differential of 26 cents should be provided. For all other plants located more than 60 miles but not in excess of 160 miles from the Courthouse in Gulfport or Pascagoula, Mississippi, whichever is nearer, a 10-cent differential should apply with provision for an addition of 1.5 cents for each 10 miles distance or fraction thereof in excess of 160 miles.

The effect of the application of the above location differentials would be to preserve the identical level of pricing at all plants presently regulated under either the Gulf Coast or Central Mississippi orders. In addition, any plant presently regulated under the Delta order, which might in the future become regulated under the Southern Mississippi order, would retain the identical level of pricing which existed under the Delta order. Two New Orleans order plants (one at Franklinton, Louisiana, and the other at Kentwood, Louisiana), which under the present Central Mississippi order would have differentials of 16 cents and 11.5 cents, respectively, would have no location adjustment under the combined order. However, since these two plants have historically been regulated under the New Orleans order, it is improbable that they will be affected.

(d) *Administrative and miscellaneous provisions.* The consolidated order should be drafted to incorporate the conforming and clarifying changes necessary to effectuate the findings and conclusions made herein, including the following:

The definitions of "nonpool plant", "other source milk", and "fluid milk product" are revised to attain more specificity. In addition, a provision concerning "fortification" which has been added to the fluid milk product definition conforms to a change made in the classification section of the recommended order.

The section dealing with duties of the market administrator provides for the notification of each handler with respect to the amount and value of his producer milk in each class and the totals thereof; the amounts of base milk and excess milk for the months of March through July; the amounts to be paid by such handler pursuant to §§ 1103.62(a), 1103.93(a), 1103.94(a), 1103.95, 1103.97 and 1103.99; and the amount due such handler pursuant to §§ 1103.93, 1103.98 and 1103.99. While the present Order 103 does not specifically make provision for the notification of handlers, such notification is necessary to the efficient administration of the order.

The Assistant Secretary concluded in his recommended decision that the date for filing reports of receipts and utilization by handlers should be changed from the 6th day after the end of the month to the 8th day. Exception was taken to this conclusion and exceptors pointed out that such a change in reporting date would necessitate adjustment of dates for subsequent actions required of the market administrator and of handlers in order to provide reasonable time for the performance of such actions. This they contended might delay payment to producers and accordingly they asked that the 6th day be retained as the date for filing handler reports. Since the record does not indicate any difficulty on the part of handlers in filing reports on the 6th and in view of the possible conflict which might result from a later reporting date, the 6th of the month is retained as the reporting date.

The handler reporting section is revised to provide that the operator of a nonpool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe. Reports concerning the operation of a nonpool supply plant provide the means of determining whether such nonpool plant's operation meets pooling standards established under the order.

The handler reporting section is further revised to provide that pool handlers shall make reports with respect to fluid milk products disposed of for animal feed at such time and in such manner as the market administrator may require. As previously stated in the classification discussion, animal feed reports are necessary as an aid in the verification of utilization claimed.

The payroll reporting section differs from the Central Mississippi order in that handlers operating a pool plant(s) and each cooperative association which is a handler pursuant to § 1103.13(c) are required to report the number of days on which milk was received from each producer during each month rather than requiring such reports only in those months in which milk was not received for the full calendar month. In addition to reporting the total pounds of milk received during the month from each producer, the daily pounds of milk received are to be reported by such handlers. These additional requirements of the payroll reporting section enable a more precise determination of one of the major factors in the operation of the base plan provided, that is, the number of days' production delivered by each producer during the month.

An individual plant-type of accounting is recommended for the merged order. While handlers are required to report receipts and utilization for each of their pool plants under the reporting section of the Central Mississippi order, other sections of the order require using a system-type of accounting. The only substantive change resulting from an individual plant-type of accounting as opposed to the existing system of accounting is that a handler with two or more pool plants may not use shrinkage in one of his pool plants to offset overage in another of his pool plants. In order to assure that each plant of a multiple plant operation is fully accountable for shrinkages and overages, individual plant-type accounting should be provided.

During the course of the hearing spokesmen for the proponent cooperative association for merger of the two orders proposed that the base plan be revised to relate each producer's base to the volume of Class I sales. The proposal was intended to provide a means for deterring yearly increases in individual producer bases except under circumstances of corresponding increases in Class I sales.

While base-rating plans are specifically authorized under the Act, the sole purpose of such a plan is to encourage a uniform volume of production throughout the year. Clearly, the Act contemplates that price shall be the means whereby desirable annual production adjustments shall be implemented.

Notwithstanding proponents position to the contrary, it is apparent that the purposes of the proposal was to curtail over-all production of milk through the operation of a base plan. Such a scheme is not authorized by the Act and the proposal is therefore denied.

3. *Revision of the Mississippi Delta order*—(a) *Level of Class I price.* The Class I price under the Mississippi Delta order should continue to be tied directly to the Class I price established under the Central Mississippi order (recommended Southern Mississippi order) and the past relationship of Class I prices between the two markets should be retained. To accomplish this in recognition of the fact that the basic pricing points under the consolidated order will be Gulfport and Pascagoula, the Class I price should be the Southern Mississippi Class I price less 26 cents.

Spokesmen for the principal cooperative associations representing the majority of producers in the Delta market supported continuing price alignment with the adjacent Mississippi Federal order price. This position was supported by one of the major handlers in the market. Several other handlers supported alignment with the Memphis Federal order price. The principal spokesman for this position proposed several alternative methods of establishing the Class I price to achieve the requested alignment with Memphis. These alternatives were:

(1) Adopt the Memphis Class I price as the Delta Class I price;

(2) Establish the Delta Class I price on the basis of a separate basic formula price and Class I price differential but limiting the price so that it would not exceed the Memphis price plus 15 cents; and

(3) Revise the schedule of location differential to maintain a Class I price at Grenada, Mississippi, equivalent to the Memphis price plus 15 cents.

Since the Delta order was initially promulgated the Memphis marketing area has been extended to form substantially a common boundary with the Delta marketing area. At the same time the southern boundary of the Delta marketing area is practically coextensive with the northern boundary of the Central Mississippi (Southern Mississippi) marketing area. Because of the geographical locations of these markets there is considerable competition between Memphis handlers and certain Delta handlers in the Mississippi portion of the Memphis market and in portions of the Delta market. At the same time there is extensive competition between Delta handlers and handlers to be regulated under the consolidated order in both markets.

Official notice is taken of the fact that subsequent to the hearing on the record of which this decision is rendered the Memphis order has been amended to change the seasonality of pricing. The current order provides for a forty-one cent seasonal price swing through the addition to the basic formula price of a differential of $1.91 in the months of August through February and a differential of $1.50 in the months of March through July. The order previously provided for a seasonal price swing of 24 cents.

It is not possible to provide precise price alignment between the Memphis and Delta markets and at the same time maintain price alignment between the Delta market and the Southern Mississippi market. For reasons previously stated it has been concluded that a twenty-cent seasonal price swing should be provided under the Southern Mississippi order. The immediate question therefore is whether the pricing under the Delta order should be related to the Memphis order or to the Southern Mississippi order.

The principal proponent of a Delta Class I price tie to the Memphis Class I price contended that the competitive situation in procurement and sales between Delta and Central Mississippi handler which existed at the time that the Delta order was promulgated no longer exists. In support of his position he pointed out that his Grenada, Mississippi, regulated plant competes with Memphis handlers for 90 percent of its Class I sales and his Greenville plant so competes for 55 percent of its Class I sales. Another Delta handler, with a plant located at Cleveland, Mississippi, indicated that the majority of its Class I sales (all in the Delta marketing area) are made in competition with Memphis handlers.

The Delta production area is largely coextensive with the defined marketing area. A major portion of the market's milk supply originates from farms in the eastern part of the area and there is extensive intermingling of producers for the Delta market and the Central Mississippi area of the proposed consolidated order in the south central and southeastern portion of the Delta area. The majority of Delta handlers compete directly with handlers presently regulated under the Central Mississippi order both for a milk supply and Class I sales. One Delta handler, whose total Class I sales during the months of January through May 1962 represented 24 percent of the total Class I sales of all Delta handlers made 44 percent of his Class I sales in the Central Mississippi market.

Official notice is taken of the official releases of the market administrator for September and October 1963 which indicate that this particular plant on September 1, 1963, became fully regulated under the Central Mississippi order and on October 1, 1963, returned to full regulation under the Delta order. These shifts were in response to shifts in the proportion of total business done in one market as compared to another.

It is apparent that a close intermarket price relationship must be maintained between the Southern Mississippi and the Delta markets. In this connection it is concluded that the past relationship has been appropriate and should be continued. The twenty-cent seasonal price swing herein provided will, in conjunction with the recent changes in the seasonality of pricing under the Memphis order previously referred to, retain essentially the same price relationship between the Memphis and the Delta orders which existed at the time of the hearing. While certain handlers complained that this relationship placed them at a competitive disadvantage it is not apparent from the record that the competitive situation has in any way changed significantly from that existing when the Delta order was initially promulgated. Further, there is no indication that Delta handlers have lost sales to Memphis

handlers as a result of the existing pricing.

(b) *Classification and accounting for fortified fluid milk products.* The classification provisions should be revised to provide, in the case of fortified fluid milk products, that the skim milk to be classified as Class I milk shall be only that contained in an unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc.

The Mississippi Delta order presently is administered on a fluid skim milk equivalent accounting basis. When fluid milk products are fortified with additional nonfat solids, all of the water originally associated with such solids are classified as Class I. Handlers proposed revision of the classification provisions as they relate to fortification, to specifically provide a Class II milk classification for the skim milk equivalent of the nonfat dry milk solids used in fortification.

It is appropriate that the skim milk equivalent of nonfat dry milk solids used in fortification be classified as Class II milk in the Mississippi Delta order for the same reasons hereinbefore given in the discussion of like classification under the Southern Mississippi order. Therefore, the definition of a fluid milk product and provisions relating to the classes of utilization and computation of the skim milk and butterfat in each class should be revised accordingly.

(c) *Individual-handler pooling in lieu of marketwide pooling.* The marketwide pooling arrangement presently provided under the terms of the Mississippi Delta order should be continued.

The Delta order has provided for marketwide pooling since its inception in November 1, 1958. Under this arrangement all handlers including cooperative associations are required to account to the pool for all of their milk receipts on a classified use basis at specified minimum class prices. Each month the total value of the pool is distributed among all producers on the basis of a blended or uniform price except that during the months of March through July, one uniform price is applicable to deliveries of milk not in excess of each producer's established base and another blended price is applicable to deliveries in excess of established bases.

Several handlers and certain producers supplying such handlers proposed that the method of pooling be changed from the present marketwide pooling to individual-handler pooling. Proponent handlers distribute "breed" milk and it was their position that the marketwide pooling arrangement did not accommodate their type of operation. They pointed out that they could not depend on the local market for a reserve supply because milk to meet their particular needs was not usually available. One of these handlers contended that he has found it necessary to purchase supplemental milk from outside the market in all but three months since November 1958. Some of such milk originated from plants supplying the Chicago market.

The two major cooperative associations in the market opposed any change in the pooling procedure. They were supported in this position by a major handler who contended that a change in the current organization of the market would promote market instability and disorder.

A marketwide pooling arrangement has been provided in the Delta order since its inception. In the findings set forth in his decision of September 3, 1958 which included the terms and provisions of an order for the Delta market the Secretary found that:

"Marketing conditions require payment of a uniform price to all producers representing the value of all market utilization to compensate all producers fairly for their contribution to the market supply. Some milk distributors buy as closely as possible to their Class I needs and carry little or no surplus in the high production months. The cooperatives supply their cooperating handlers with as much milk as needed and generally handle the surplus production of their members by diversion to manufacturing outlets—a majority of plants do not have manufacturing facilities, other than for ice cream, and generally purchase supplies from dairy farmers close to their needs. Under an individual-handler pool, it could not be expected that reserve supplies for the market would be uniformly distributed among handlers. The burden of carrying the necessary reserve supplies of milk would continue to be shouldered by only a part of the producers."

In this regard, the record of this hearing shows no substantial change in the market structure from that which existed at the time of the original promulgation hearing.

Most Delta handlers continue to depend on cooperative associations for their balancing supplies and the cooperatives continue to assume responsibility in disposition of milk in excess of handlers' needs.

The prices established by the order are those prices which are deemed necessary to maintain an adequate but not excessive supply of milk of standard quality for the market. To the extent that handlers demand milk of higher quality or milk produced under more rigid requirements than those prescribed by the responsible health authority such handlers must expect to remunerate producers for the additional costs involved. While a change to individual-handler pooling might tend to alleviate the procurement problems of particular handlers of "breed" milk such a pooling arrangement would not be in the best interest of the majority of producers.

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 agreements and orders. Annexed hereto and made a part hereof are four documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Southern Mississippi Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Southern Mississippi Marketing Area"; and "Marketing Agreement Regulating the Handling of Milk in the Mississippi Delta Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Misisssippi Delta 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 agreements, 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 February 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 Misssisippi Delta 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.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Southern Mississippi marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of February 1964 is hereby determined to be the representative period for the conduct of such referendum.

Mr. Andrew T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on May 15, 1964.

CHARLES S. MURPHY,
Under Secretary.

§ 1103.0 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 Southern Mississippi 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;

(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;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(i) Receipts of producer milk (including such handler's own production);

(ii) Other source milk allocated to Class I pursuant to § 1103.46 (b) and (c) and the corresponding steps of § 1103.47; and

(iii) Applicable amounts specified in § 1103.62.

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

Order[1] Amending the Order Regulating the Handling of Milk in the Southern Mississippi Marketing Area

DEFINITIONS

MARKET ADMINISTRATOR

REPORTS, RECORDS, AND FACILITIES

CLASSIFICATION

MINIMUM PRICES

APPLICATION OF PROVISIONS

DETERMINATION OF PRICES TO PRODUCERS

BASE RATING

[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.

PAYMENTS

MISCELLANEOUS PROVISIONS

AUTHORITY: The provisions of this Part 1103 issued under sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c.

DEFINITIONS

§ 1103.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1103.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1103.3 Department.

"Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1103.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1103.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1103.6 Southern Mississippi marketing area.

"Southern Mississippi marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Pearl River, Perry, Rankin, Scott, Simpson, Smith,

Stone, Walthall, Warren, and Wayne, al in the State of Mississippi, including all territory within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

§ 1103.7 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to wholesale or retail outlets (including any delivery by a vendor, from a plant store or through a vending machine) other than a delivery to a plant.

§ 1103.8 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products are received and/or processed or packaged: *Provided,* That a separate establishment or facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1103.9 Distributing plant.

"Distributing plant" means a plant from which fluid milk products, eligible for distribution under a Grade A label are disposed of during the month as route disposition in the marketing area.

§ 1103.10 Supply plant.

"Supply plant" means a plant from which fluid milk products, eligible for distribution under a Grade A label, are moved during the month to a distributing plant.

§ 1103.11 Pool plant.

"Pool plant" means:

(a) A distributing plant other than the plant of a producer-handler, from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers is disposed of during the month as route disposition and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition or a daily average of 4,300 pounds, whichever is less;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of the Grade A milk received at such plant from dairy farmers is transferred during the month to a distributing plant(s) from which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk from dairy farmers and from other plants is disposed of as route disposition during the month and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition or a daily average of 4,300 pounds, whichever is less: *Provided,* That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

(c) A nondistributing plant, which is operated by a cooperative association and which does not meet the shipping requirements of paragraph (b) of this section, in any month in which the volume of milk received at pool distributing plants directly from member producers of such cooperative association is not less than 60 percent of the total pounds of such association's member milk (including that received at such nondistributing plant), received by all pool handlers during the month, except that on written request for nonpool status for any month, made to the market administrator prior to the beginning of such month, the plant shall be a nonpool plant for the month and for each of the succeeding 11 months in which it does not qualify as a pool plant pursuant to paragraph (b) of this section.

§ 1103.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant.

§ 1103.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool distributing plant;

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 1103.15; and

(d) Any person in his capacity as the operator of a nonpool supply plant.

§ 1103.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant which, during the month, received no other source milk (except own production), producer milk, or milk from a pool plant: *Provided,* that such person establishes that the maintenance, care and management of all resources necessary to produce the entire volume of fluid milk products handled and all facilities necessary for operations as a handler are each the personal enterprise and risk of such person.

§ 1103.15 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted pursuant to paragraphs (a) through (e) of this section: *Provided,* That milk diverted in accordance with the provisions of said paragraphs shall be deemed to have been received by the diverting handler at the location of the pool plant from which it was diverted and: *Provided further,* That if a handler diverting milk pursuant to paragraph (d) or (e) of this section, diverts in excess of the limits prescribed all diversions by such handler during the month shall be pursuant to paragraph (c) of this section and: *Provided also,* That if a handler diverting milk pursuant to paragraph (b) or (c) of this section, diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant:

(a) Diverted by the operator of a pool plant to another pool plant;

(b) Diverted to a nonpool plant(s) (except a plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) by the operator of a pool plant or by a cooperative association as a handler pursuant to § 1103.13(c) during any of the months of December through August: *Provided,* That this diversion privilege shall be applicable only to the milk of those dairy farmers who held producer status throughout the entire two immediately preceding months, except that only for the purpose of determining eligibility for diversion during any month of December through August a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during any part of the two immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance;

(c) Diverted to a nonpool plant(s) (except a plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) for not more than 10 days' production during any month of September through November except that this paragraph shall not be applicable if (1) in the case of a cooperative association, all of the diversions of milk of member producers by such cooperative association during the month fall within the limits prescribed in paragraph (d) of this section, or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (e) of this section;

(d) Diverted during any month of September through November to a nonpool plant(s) (except a nonpool plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) as milk of a member of a cooperative association for the account of such association if the amount of milk so diverted does not exceed 15 percent of the volume of Grade A milk from all producer members of such cooperative association received at pool plants during such month; or

(e) Diverted during any month of September through November to a nonpool plant(s) (except a nonpool plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) as milk of a producer who is not a member of a cooperative association by a handler in his capacity as the operator of a pool plant from which the quantity of milk of nonmember producers so diverted does not exceed 15 percent of the total Grade A receipts of milk at such plant from nonmember producers.

§ 1103.16 Producer milk.

"Producer milk" means only the skim milk or butterfat contained in milk (a) received at a pool plant(s) directly from producers, or (b) diverted in accordance with the provisions of § 1103.15 from a pool plant to another pool plant or to a nonpool plant.

§ 1103.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products, except (1) such products which are received from other pool plants, (2) producer milk, and (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month or for which other utilization or disposition is not established.

§ 1103.18 Fluid milk product.

"Fluid milk product" means all the skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, eggnog, yogurt, cream (sweet or sour) and any mixture in fluid form of cream and skim milk or milk (except aerated cream, frozen storage cream, ice cream, ice cream mixes, frozen ice milk, ice milk mixes, frozen dessert and mixes, and sterilized products contained in hermetically sealed containers): *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

§ 1103.19 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1103.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1103.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary, complaints of violations;

(c) To make rules and regulations necessary to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1103.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, executue and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1103.95 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1103.94) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such hanler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports of payments required by this part;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 1103.51(a) and the Class I butterfat differential computed pursuant to § 1103.52(a), both for the current month and the minimum price for Class II milk computed pursuant to § 1103.51(b) and the Class II butterfat differential computed pursuant to § 1103.52(b), both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 1103.71, and the butterfat differential computed pursuant to § 1103.91; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to § 1103.72, and the butterfat differential computed pursuant to § 1103.91;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association, which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler;

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information; and

(l) On or before the 12th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1103.30, at his last known address, a statement showing any of the applicable following values:

(1) The amount and value of his producer milk in each class and the totals thereof;

(2) For the months of March through July, the amounts of his base milk and excess milk, respectively; and

(3) The amounts to be paid by such handler pursuant to §§ 1103.62(a), 1103.93(a), 1103.94(a), 1103.95, 1103.97 and 1103.99 and the amount due such handler pursuant to §§ 1103.93, 1103.98 and 1103.99.

REPORTS, RECORDS, AND FACILITIES

§ 1103.30 Reports of receipts and utilization.

(a) On or before the 6th day after the end of each month each handler, for each of his pool plants, and each cooperative association which is a handler pursuant to § 1103.13(c) shall deliver to the market administrator a report in the detail and on the form prescribed by the market administrator showing the following:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of producer milk, including such handler's own production, and for the months of March through July, the aggregate of base and excess milk, respectively;

(ii) Receipts of fluid milk products from other pool plants;

(iii) Receipts of other source milk; and

(iv) Inventories of fluid milk products on hand at the beginning and at the end of such month;

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route dispositions of fluid milk products outside the marketing area;

(3) Such other information with respect to sources and utilization of skim milk and butterfat as the market administrator may prescribe;

(b) Each handler (other than a producer-handler or one described in

§ 1103.61) operating a nonpool distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk;

(c) Each handler operating a nonpool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(d) Each pool handler, with respect to fluid milk products disposed of for animal feed shall report to the market administrator such information and at such time as the market administrator may require.

§ 1103.31 Payroll reports.

(a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 1103.13(c) shall report its producer payroll for the preceding month which shall show for each producer:

(1) His name;

(2) The daily and total pounds of milk received from such producer and for the base-operating months of March through July the total pounds of base and excess milk, respectively;

(3) The number of days on which milk was received from such producer;

(4) The average butterfat content of such milk; and

(5) The net amount of such handler's payment, the price paid and the amount and nature of any deductions;

(b) Each handler who received producer milk for which payment is to be made to a cooperative association pursuant to § 1103.90(c) shall report to such cooperative association with respect to each such producer as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day after the end of each month;

(i) The daily and total pounds of milk received during the month with separate totals for base milk and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions; and

(c) On or before the 20th day after the end of the month each handler (other than a producer-handler or one described in § 1103.61) operating a nonpool distributing plant, except one who elects at the time of reporting pursuant to § 1103.30 to make payments pursuant to § 1103.62(a), shall report his payments to dairy farmers qualified to be producers, as if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk received;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions, and charges used in computing such payment and the nature of each.

§ 1103.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 1103.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1103.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month, to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specific books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1103.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1103.30 shall be classified pursuant to the provisions of §§ 1103.41 through 1103.47.

§ 1103.41 Classes of utilization.

Subject to the conditions set forth in §§ 1103.42 through 1103.47 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), and (3) of this section; and

(2) Not accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in skim milk dumped, provided that the market administrator is notified in advance and given opportunity to verify such dumping;

(3) Disposed of for livestock feed if the conditions of § 1103.30(d) are met;

(4) Contained in inventory of fluid milk products on hand at the end of the month;

(5) Contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant as follows:

(i) Two percent of receipts of skim milk and butterfat directly from producers (excluding milk diverted to a nonpool plant pursuant to § 1103.15(b) through (e)); plus

(ii) 1.5 percent of milk received in bulk from other pool plants; less

(iii) 1.5 percent of bulk transfers and diversions to other pool plants; less

(iv) 1.5 percent of bulk transfers to nonpool plants; plus

(v) Shrinkage on other source milk determined pursuant to § 1103.42(b)(2); and

(6) Skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I pursuant to paragraph (a) of this section by virtue of the proviso of § 1103.18.

§ 1103.42 Assignment of shrinkage.

The market administrator shall assign shrinkage at each pool plant of a handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for such plant; and

(b) Prorate the resulting amounts between the skim milk and butterfat contained in:

(1) Receipts directly from producers and from other pool plants; and

(2) Other source milk.

§ 1103.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat can prove to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1103.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) As Class I milk, if transferred or diverted from a pool plant to another pool plant, unless:

(1) Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 1103.30;

(2) The receiving plant has utilization in Class II of equivalent amounts of skim milk and butterfat, respectively; and

(3) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants;

(b) As Class I milk if diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant located more than 200 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the nearer of the New State

Capitol in Jackson or the Courthouse in Gulfport, Mississippi;

(c) Except as specified in paragraph (b) of this section, as Class I milk if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received in the form of fluid milk products at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 1103.41(b)(1)) at such nonpool plant during the month;

(ii) Subtract the overage or add the actual shrinkage not to exceed 2 percent of total receipts of skim milk and butterfat, respectively, in the total fluid receipts physically received at such nonpool plant during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant, but excluding any such transfers that may be classified under this or such other order pursuant to provisions similar to subparagraph (4) of this paragraph: *Provided,* That if skim milk and butterfat are received from unregulated sources at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purpose of this subsection;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 1103.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: *Provided,* That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the event that the remaining skim milk and butterfat, respectively, is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk; and

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: *Provided,* That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification; and

(d) Pursuant to the classification and allocation procedure of the other Federal order, if transferred in bulk to a nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act: *Provided,* That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

§ 1103.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization of each handler submitted pursuant to this part and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each pool plant of such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1103.46 Allocation of skim milk classified.

After making the computations pursuant to § 1103.45, the market administrator shall determine the classification of skim milk in producer milk received at each pool plant by allocating skim milk in the following manner:

(a) Subtract from the total pounds of skim milk in Class II, the pounds of skim milk classified as Class II pursuant to § 1103.41(b)(5) (i) through (iv);

(b) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except that to be subtracted pursuant to paragraph (d) of this section;

(d) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the pricing and payment provisions of another order issued pursuant to the Act;

(e) Subtract from the remaining pounds of skim milk in Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other pool plants in such class pursuant to §§ 1103.41 and 1103.44(a);

(g) Add to the remaining pounds of skim milk in Class II, the pounds subtracted pursuant to paragraph (a) of this section; and

(h) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

§ 1103.47 Allocation of butterfat classified.

Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 1103.46.

§ 1103.48 Computation of total producer milk in each class.

Combine into one total the amounts computed pursuant to §§ 1103.46 and 1103.47 for each class and determine the weighted average butterfat content of producer milk.

Minimum Prices

§ 1103.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) computed at 0.12 times the Chicago butter price. The basic formula price shall be rounded to the nearest full cent.

§ 1103.51 Class prices.

Subject to the provisions of §§ 1103.52 and 1103.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.26 through July 1964 and effective August 1, 1964, and thereafter, plus $2.15 during the months of March through July and $2.35 in all other months, subject to a supply-demand adjustment of not more than 45 cents calculated for each month pursuant to subparagraphs (1) through (5) of this paragraph: *Provided,* That through July 1964 the supply-demand adjustment shall be inoperative and during the period August 1, 1964, through June 30, 1965, such adjustment shall not exceed 25 cents:

(1) Divide the total receipts of producer milk by the total volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) under this part and Part 1105 (regulating the handling of milk in the Mississippi Delta marketing area) in each of the following periods and round to one-tenth of one percent:

(i) The two-year period ending with the second preceding month;

(ii) The two-month period ending with the second preceding month; and

(iii) The two-month period ending with the second preceding month and the same period of each of the two preceding years;

(2) Divide the utilization percentage for the three two-month periods computed pursuant to subparagraph (1) (iii) of this paragraph by the utilization percentage for the two-year period computed pursuant to subparagraph (1) (i) of this paragraph. Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained; and

(iii) Multiply the seasonal ratio by the quotient obtained in subdivision (ii) of this subparagraph;

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of subparagraph (2) (iii) of this paragraph by 132.2;

(4) Subtract from the current utilization percentage computed pursuant to subparagraph (1) (ii) the standard utilization percentage for the month computed pursuant to subparagraph (3) of this paragraph and round to the nearest full percentage point. This result is the "deviation percentage"; and

(5) Compute the number of cents which is one times the plus or minus deviation, as the case may be, computed pursuant to subparagraph (4) of this paragraph, and decrease or increase, respectively, the Class I price by such amount: *Provided,* That if such adjustment varies from that for the preceding month by less than 5 cents, the supply-demand adjustment for the preceding month shall be the supply-demand adjustment for the current month.

(b) *Class II milk price.* The Class II milk price shall be the lesser of the following prices:

(1) The basic formula price for the months of August through February and the basic formula price less 10 cents in all other months; or

(2) The Class II milk price established pursuant to § 1094.51(b) of this chapter regulating the handling of milk in the New Orleans, Louisiana, marketing area.

§ 1103.52 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1103.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 1103.53 Location differential to handlers.

(a) For that milk which is received from producers at a pool plant and classified as Class I milk, the price specified in § 1103.51(a) shall be reduced at the following rates subject to paragraph (b) of this section (where mileage determinations are applicable these distances shall be determined by the market administrator by applying the shortest hard-surfaced highway distance open to commercial truck traffic):

Location	Rate per hundredweight (cents)
(1) For milk received at a pool plant located in the following Mississippi counties: Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, Hinds, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren, and Wayne	10.0
(2) For milk received at a pool plant located outside the marketing area and in the State of Mississippi beyond the northern boundary of the marketing area but less than 30 miles north of the U.S. Highway No. 82	26.0
(3) Except as provided in subparagraph (2) of this paragraph, for milk received at a pool plant located outside the marketing area and,	
(i) More than 60 but not more than 160 miles from the Courthouse in Gulfport or Pascagoula, Mississippi, whichever is nearer	10.0
(ii) For each additional 10 miles or fraction thereof, an additional	1.5

(b) For the purposes of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculation prescribed in § 1103.46(d) and the corresponding steps of § 1103.47 for such plant, such assignment to transferor-plants to be made first to plants at which the greatest location differential is applicable.

§ 1103.54 Rates of payment on other source milk.

The following rates of payment on other source milk to be applied pursuant to § 1103.70(c) shall be effective only in the months when the total receipts of producer milk are more than 110 percent of the total amount from all sources classified as Class I (excluding duplications) at all pool plants:

(a) On other source milk received other than in the form of fluid milk products subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential.

§ 1103.55 Use of equivalent prices.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

Application of Provisions

§ 1103.60 Producer-handler.

Sections 1103.42 through 1103.48, 1103.50 through 1103.55, 1103.61, 1103.62, 1103.70 through 1103.72, 1103.80 through 1103.83, and 1103.90 through 1103.99 shall not apply to a producer-handler.

§ 1103.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a), (b), or (c) of this section except that the operator thereof, with respect to receipts and utilization of skim milk and butterfat, shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order and from which the Secretary determines, a greater quantity of Class I milk is disposed of during the month as route dispositions in such other Federal order marketing area than was disposed of as route dispositions in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless, fully regulated under such other Federal order; and

(c) A plant meeting the requirements of § 1103.11(b) which also meets the pooling requirements of another Federal order and from which greater qualifying

shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part except during the months of February through August if such plant retains automatic pooling status under this part.

§ 1103.62 Obligations of a handler operating a nonpool distributing plant.

Each handler who operates during the month a nonpool distributing plant shall pay to the market administrator for deposit in the producer-settlement fund and the administrative assessment fund as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 1103.30, the amounts computed as follows:

(1) On or before the 15th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 15th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 1103.95 with respect to Class I milk disposed of on routes in the marketing area; and

(b) Except as the handler's obligation may be computed pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the amount specified in paragraph (a) (1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Determine the value for milk received from dairy farmers at such plant for such month pursuant to § 1103.70 as if such plant has been a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Such gross payments shall be limited to cash payments made to the dairy farmer or his assignee on or before the date for filing reports required pursuant to § 1103.31(c), plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 15th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1103.95 had such plant been a pool plant.

DETERMINATION OF PRICES TO PRODUCERS

§ 1103.70 Computation of the net pool obligation of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler by making the computations provided in paragraphs (a) through (d) of this section for each of his pool plants, and adding together the resulting totals (except that for the first month after the effective date of this order a credit shall be allowed at each pool plant previously regulated by the Central Mississippi order in an amount computed by multiplying the difference between the Class I and Class II price of the Central Mississippi order for the preceding month by the hundredweight of skim milk and butterfat contained in opening inventory):

(a) Multiply the pounds of milk in each class computed pursuant to § 1103.48 by the applicable class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1103.46(h) and the corresponding step of § 1103.47 by the applicable class price;

(c) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1103.46 (b) and the corresponding step of § 1103.47 by the applicable rate as determined pursuant to § 1103.54(a); and

(d) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1103.46(e) and the corresponding step of § 1103.47; or

(2) The hundredweight of producer milk classified as Class II (except shrinkage) during the preceding month.

§ 1103.71 Computation of the uniform price.

For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1103.70 for all handlers specified in § 1103.13(a) and (c) who filed reports prescribed by § 1103.30, and who made payments pursuant to § 1103.90 and § 1103.97 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk from 3.5 percent by the butterfat differential computed pursuant to § 1103.91, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made for location differentials pursuant to § 1103.92.

(d) Add not less than one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents. The result shall be the "uniform price" for milk received from producers.

§ 1103.72 Computation of uniform prices for base milk and for excess milk.

For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(a) *Excess milk price.* (1) Assign the total hundredweight of excess milk, received by all pool handlers whose receipts are included in the computation pursuant to § 1103.71 to producer milk in each class in series beginning with Class II;

(2) Multiply the pounds of excess milk assigned to each class pursuant to subparagraph (1) of this paragraph by the applicable class price and add the resulting totals;

(3) Add the amount of any adjustment applicable pursuant to the proviso of paragraph (b)(2) of this section; and

(4) Divide the resulting total by the hundredweight of excess milk and round to the nearest cent. The result shall be the "uniform price for excess milk"; and

(b) *Base milk price.* (1) From the aggregate value obtained in § 1103.71(a) through (d) subtract an amount computed by multiplying the hundredweight of excess milk determined pursuant to paragraph (a) of this section by the uniform price for excess milk;

(2) Divide the result by the total hundredweight of base milk received by all pool handlers whose receipts are included in the computation pursuant to § 1103.71: *Provided,* That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to subparagraph (3) of this paragraph the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(3) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the "uniform price for base milk".

BASE RATING

§ 1103.80 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all pool plants from such producer during the months of September through January by the larger of:

(a) 120 days; or

(b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipts on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

§ 1103.81 Computation of base.

The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the num-

ber of days production delivered by such producer to handlers during the month.

§ 1103.82 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base-forming period, but which qualifies as a pool plant during any of the months of March through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base-forming period; and

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the base-holder(s), or his heirs, and by the person to whom such base is transferred subject to the following conditions:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and the transferor during the base-forming period and dividing the total by the larger of:

(i) 120 days; or

(ii) The number of days beginning with the first day on which milk is received from either the transferee or transferor during the base-forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

§ 1103.83 Announcement of established bases.

On or before March 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 1103.90 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 1103.71 or 1103.72 adjusted by the producer butterfat differential computed pursuant to § 1103.91, subject to the location adjustment to producers pursuant to § 1103.92, and less the following amounts:

(1) The payments made pursuant to paragraph (b) of this section;

(2) Marketing service deductions pursuant to § 1103.94; and

(3) Any proper deductions authorized in writing by the producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1103.98 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(b) On or before the last day of each month to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, and (2) who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received from such producer during the first 15 days of the month at not less than the Class II price for 3.5 percent milk for the preceding month;

(c) To a cooperative association which has filed request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 26th day of the month, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The pounds per shipment, the date, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 1103.94, together with a description of the respective deduction; and

(6) The net amount of payment to the producer; or

(e) To a cooperative association for milk received from such association in its capacity as a handler as follows:

(1) On or before the 26th day of each month an amount equal to not less than the Class II price for 3.5 percent milk for the preceding month multiplied by the hundredweight of milk received from such association during the first 15 days of the current month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the utilization value of such milk computed at the applicable class prices less amounts paid pursuant to subparagraph (1) of this paragraph.

§ 1103.91 Producer butterfat differential.

In making payments pursuant to § 1103.90, the uniform price(s) shall be increased or decreased for each one-tenth of one percent that the butterfat content in milk received from each producer is above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 1103.52 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest one-tenth cent.

§ 1103.92 Location differential to producers.

(a) In making payment to producers pursuant to § 1103.90, the uniform price pursuant to § 1103.71 and the uniform price for base milk pursuant to § 1103.72 to be paid for milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1103.53.

§ 1103.93 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth under which such error occurred.

§ 1103.94 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 1103.90(a), shall deduct 7 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of the milk for producers who are not receiving such services from a cooperative association. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the pay-

ments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to such cooperative association.

§ 1103.95 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, for the immediately preceding month, five cents per hundredweight, or such amount not exceeding five cents per hundredweight, as the Secretary may prescribe, with respect to all:

(a) Receipts of producer milk, including such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1103.46 (b) and (c) and the corresponding steps of § 1103.47; and

(c) Applicable amounts specified in § 1103.62.

§ 1103.96 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1103.62, 1103.93 and 1103.97, and out of which he shall make all payments pursuant to §§ 1103.93 and 1103.98: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 1103.97 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the net pool obligation computed pursuant to § 1103.70 for such handler exceeds the value of such handler's producer milk at the applicable uniform prices specified in § 1103.90.

§ 1103.98 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the value of such handler's producer milk at the applicable uniform prices specified in § 1103.90 exceeds the net pool obligation computed pursuant to § 1103.70 for such handler. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1103.99 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1103.62, 1103.93 (a) and (b), 1103.94 (a), 1103.95, 1103.97 or 1103.98 shall be increased one-half of one percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the date such obligation is due shall be considered to have been received when due.

§ 1103.100 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of such producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an under payment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1103.105 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1103.106.

§ 1103.106 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1103.107 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accural or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1103.108 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 1103.109 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1103.110 Separability of provisions.

If any provision of this part, or its application to any persons or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Order[1] *amending the order regulating the handling of milk in the Mississippi delta marketing area*

§ 1105.0 **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 Mississippi Delta 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 Mississippi Delta 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:

1. Section 1105.17 is revised to read as follows:

§ 1105.17 **Fluid milk product.**

"Fluid milk product" means all skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk drinks, eggnog, yogurt, cream (other than frozen storage cream) cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, other frozen desserts and mixes, and sterilized products contained in hermetically sealed containers): *Provided,* That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

2. Section 1105.41(b)(6) is revised and a new subparagraph (b)(7) is added to read as follows:

§ 1105.41 **Classes of utilization.**

* * * * *

(b) * * *

(6) The inventories of fluid milk products on hand at the end of the month; and

(7) Skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I milk pursuant to paragraph (a) of this section by virtue of the proviso of § 1105.17.

3. Section 1105.45 is revised to read as follows:

§ 1105.45 **Computation of skim milk and butterfat in each class.**

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization of each handler submitted pursuant to this part and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each pool plant of such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk solids contained in such product plus all of the water originally associated with such solids.

4. In § 1105.50, paragraph (a) is revised to read as follows:

§ 1105.50 **Class prices.**

* * * * *

(a) *Class I price.* The price per hundredweight for Class I milk shall be the price for Class I milk established pursuant to § 1103.51(a) of this chapter regulating the handling of milk in the Southern Mississippi marketing area, less 26 cents.

[F.R. Doc. 64-5041; Filed, May 19, 1964; 8:53 a.m.]

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

Agricultural Research Service

[7 CFR Part 362]

INSECTICIDES, FUNGICIDES, AND RODENTICIDES

Labeling

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that, pursuant to the provisions of Public Law No. 88-305, which became effective on May 12, 1964, the Department of Agriculture is considering certain amendments to the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k).

Public Law No. 88-305, amended the Federal Insecticide, Fungicide, and Rodenticide Act to provide, among other things, that the label of an economic poison may bear the registration number assigned to the article and shall bear such number when so required by regulation. Pursuant to such authority, it is proposed to amend said regulations as follows:

1. Section 362.6(a) would be amended by inserting in the first sentence, after the phrase ending "Section 362.7" the following: "; the registration number assigned to the economic poison as prescribed in paragraph (f),".

2. Section 362.6 would be further amended by redesignating paragraph (f) as paragraph (g) and inserting a new paragraph (f) to read as follows:

§ 362.6 **Labeling.**

* * * * *

(f) *Registration number.* The registration number assigned to an economic poison at the time of registration shall appear on the label of such economic poison. The number must be the same as that appearing on the notice of registration and shall be preceded by the phrase "USDA Registration No.," all of which shall be in type of a size and style similar to other print on that part of the label on which it appears and shall run parallel to it. The registration number shall not appear in a manner which would make it misleading to the public.

* * * * *

3. Section 362.10 would be amended by redesignating paragraphs (d) through (j) as paragraphs (e) through (k), respectively, and inserting a new paragraph (d) to read as follows:

§ 362.10 **Registration.**

* * * * *

(d) *Registration number.* When an economic poison is registered under the Act, the Director shall assign a registration number to the economic poison. The registration number shall consist of a number assigned to the registrant, immediately followed by a hyphen and a number assigned to the product.

* * * * *

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments to the regulations may do so by filing them with the Director, Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of May 1964.

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

[F.R. Doc. 64-5002; Filed, May 19, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

LICENSING OF BYPRODUCT MATERIAL

Exemption of Promethium 147 Contained in Luminous Timepieces and Automobile Lock Illuminators and General Licensing of Promethium 147 Contained in Aircraft Safety Devices

By letters dated December 12, 1961, August 28, 1963, and September 23, 1963, the Minnesota Mining and Manufacturing Company filed a petition with the Commission requesting exemption from licensing requirements for luminous dial timepieces, automobile lock illuminators, and luminous safety devices for use in aircraft, all utilizing promethium 147. The petition specifies the following as the maximum promethium 147 content for each unit:

Item	*Maximum Pm–147 content (millicuries)*
Watches	0.1
Clocks	0.5
Automobile lock illuminators	2.0
Aircraft safety devices	100.0

The Commission has given careful consideration to this petition and is considering a finding that 10 CFR 30 should be amended to exempt from licensing requirements the possession and use of promethium 147 activated luminous timepieces, hands and dials and automobile lock illuminators and to generally license the use and possession of promethium 147 in aircraft safety devices.

The proposed amendments which follow would extend the current exemptions for tritium activated timepieces or hands or dials and automobile lock illuminators set forth in §§ 30.10 and 30.12, 10 CFR Part 30, to include units activated by promethium 147.

The exemptions would not apply to the manufacture of these units. Specific licenses for such manufacture may be issued by the Commission under § 30.24 (i) and (m), 10 CFR Part 30. The proposed amendments would revise these sections, which now relate only to tritium, to include promethium 147, would impose specific limitations on the quantities of promethium 147 to be applied to timepieces, or hands or dials, and automobile lock illuminators and would limit the maximum levels of radiation from luminous timepiece hands and dials, and automobile lock illuminators containing promethium 147. The Commission has determined that these units are intended for use by the general public. Accordingly, pursuant to § 150.-15(a)(6), 10 CFR Part 150—Exemptions and Continued Regulatory Authority in Agreement States under Section 274, the transfer of their possession or control by the manufacturer, processor or producer is subject to the Commission's licensing and regulatory requirements.

The proposed amendments would also extend the general license of § 30.21(d), 10 CFR Part 30, which presently covers only tritium activated luminous aircraft safety devices, to include promethium 147 activated devices under specified conditions. Among the units in which the use of promethium 147 would be generally licensed are selfluminous devices used in emergency exit signs, aircraft switch knobs or plungers, and control locators. Regulatory control over the manufacture of these devices would be exercised in accordance with the specific licensing procedures in § 30.24(j), 10 CFR Part 30, which would be amended to impose specific limitations on the quantity of promethium 147 which may be used in each device and limitations on radiation levels from each device. The Commission has determined that luminous safety devices for use in aircraft are not products intended for use by the general public. Accordingly, § 30.21(d) would be further amended to provide that the general license granted therein would also apply if these devices, whether activated by tritium or promethium 147, are manufactured in accordance with a specific license from an agreement State [1] which authorizes distribution to persons generally licensed by the agreement State.

The petitioner has asserted that the use of promethium 147 as a luminescent paint has the following principal advantages over tritium or radium:

(a) The brightness level attainable with promethium 147 activated paint exceeds that attainable with tritium paint.

(b) The number of microcuries of activity to produce an equivalent brightness in luminous paint is 30 times less for promethium 147 than for tritium. The radioactive half-life of promethium 147 (2.5 years) is long enough to satisfy the light-life criteria for luminous items. The light-life of tritium does not conform to its radioactive half-life (12.3 years) but is in the same order of time as that of promethium 147. The shorter radioactive half-life of promethium 147 is, therefore, an advantage in disposal of devices after their useful life has ended.

(c) Promethium 147 offers a substantial economic advantage over both tritium and radium. For example, the net cost of raw isotope per watch of equivalent luminosity is about 0.16 cents for promethium 147, 1.6 cents for radium and 5 cents for tritium.

The Commission is considering a finding that under the conditions of the proposed amendments, the exemptions will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public. The maximum range of the low energy promethium 147 beta radiation is 50 milligrams per square centimeter. A value of 40 milligrams per square centimeter is used for the cornified layer of skin on the finger pads and palms of the hand,[2] and a value of 10 milligrams per square centimeter may be assigned to the rubber finger cots usually worn by workers handling painted items. The promethium 147 beta radiation will not penetrate to the germinal skin layer of the hands of workers handling painted items. Beta exposure to the users of promethium 147 painted items will be prevented by the covering (watch-glass, case, etc.) which normally exceeds 50 milligrams per square centimeter of surface. While a small amount of low energy x-radiation, produced by the stopping of the promethium 147 beta particles, would penetrate the finger cot and epidermis, and the covering of promethium 147 painted items, evaluation of the potential exposure of individuals handling these items indicates that individuals would not receive more than a fraction of the radiation dose limits recommended by the Federal Radiation Council and the International Commission on Radiological Protection.[3]

Based on the quantity limits and limits on external radiation levels per device in the proposed amendments, it is estimated that the radiation dose to a small area of the wrist of a person continuously wearing a watch containing promethium 147 may approach 800 millirem per year and that the gonads may receive as much as 2 millirem per year. For lock illuminators containing promethium 147 to be used on the exterior of automobiles, such as door locks and trunk locks, the dose to occupants would be negligible. However, the petitioner has indicated particular interest in using promethium 147 in automobile ignition locks, indicating that the required brightness cannot be obtained with tritium. In order to reduce the radiation from the amount of promethium 147 proposed to be used in ignition locks and glove compartment locks inside automobiles to acceptable levels, shielding such as 1 or 2 millimeters of plastic would be required. The limits on radiation levels from automobile lock illuminators are, therefore, based on locks for use inside an automobile. The Commission proposes to limit the dose at 1 centimeter from the locks to 1 millirem per hour, and estimates that this might result in a gonadal dose of about 1 millirem per year to taxi drivers and other persons who spend long periods of time in automobiles. The annual gonadal dose to the average occupant of the front seat, including children, is not likely to exceed about 0.1 millirem per year.[4] This problem of fixing external radiation levels did not arise when the Commission authorized the use of tritium in lock

[1] A State to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to Section 274 of the Atomic Energy Act of 1954, as amended.

[2] National Bureau of Standards Handbook No. 66 "Safe Design and Use of Industrial Beta-Ray Sources," page 4.

[3] Copies of a more detailed study on this subject have been placed on file for reference in the AEC Public Document Room, 1717 H Street NW., Washington, D.C. Copies may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Safety Standards.

[4] The radiation exposure limit for hands and forearms of individuals in the population is 7500 millirem per year as recommended by the International Commission on Radiological Protection and the National Committee on Radiation Protection. The Federal Radiation Council has recommended that the radiation exposure to individuals in the population be limited to 500 millirem per year whole body exposure.

illuminators since there is no external radiation dose from tritium.

Although persons using items activated by promethium 147 may receive a larger radiation dose than they would receive from equivalent tritium activated items, the dose received, under the limitations of the proposed amendments, would be only a small fraction of the recommended permissible exposures. The proposed amendments are compatible with the limits for "ordinary watches" established in Switzerland and the United Kingdom. The United Kingdom has established a limit of 2 millicuries of promethium 147 for "ordinary clocks" which is 4 times higher than the limit in the proposed amendments. The dose limits to users of luminous timepieces in the proposed amendments are also compatible with limits for timepieces published by the New York City Department of Public Health, Office of Radiation Control.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments to Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Section 30.10 is revised to read as follows:

§ 30.10 Certain luminous timepieces.

(a) Except for persons who apply tritium or promethium 147 to luminous timepieces or hands or dials and persons who import for sale or distribution luminous timepieces or hands or dials containing tritium or promethium 147, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns or acquires luminous timepieces or hands or dials containing tritium or promethium 147.

(b) Any person who desires to apply tritium or promethium 147 to luminous timepieces or hands or dials for sale or distribution, or desires to import for sale or distribution luminous timepieces or hands or dials containing tritium or promethium 147 should apply for a specific license, pursuant to § 30.24(i), which license states that the luminous timepieces or hands or dials may be distributed by the licensee to persons exempt from the regulations pursuant to paragraph (a) of this section.

2. Section 30.12 is revised to read as follows:

§ 30.12 Lock illuminators installed in automobile locks.

Any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Part 20 of this chapter and this part to the extent that he receives, possesses, uses, transfers, exports, owns or acquires lock illuminators each containing not more than 15 millicuries of tritium or 2 millicuries of promethium 147 installed in an automobile lock. The manufacture, installation into automobile locks, or importation for sale or distribution of lock illuminators whether or not installed in automobile locks, is not included in this exemption, but may be authorized by a specific license under the provisions of this part.

3. In § 30.21(d), subparagraphs (1), (3), and (4) are revised and subparagraph (5) added, to read as follows:

§ 30.21 General licenses.

* * * * *

(d) (1) A general license is hereby issued to own, receive, acquire, possess and use tritium or promethium 147 contained in luminous safety devices for use in aircraft, provided each device contains not more than four curies of tritium or 100 millicuries of promethium 147 and that each device has been manufactured, assembled or imported in accordance with a license issued under the provisions of § 30.24(j) or manufactured or assembled in accordance with a specific license issued by an agreement State which authorizes manufacture or assembly of the device for distribution to persons generally licensed by the agreement State.

* * * * *

(3) This general license does not authorize the manufacture, assembly, repair or import of luminous safety devices containing tritium or promethium 147.

(4) This general license does not authorize the export of luminous safety devices containing tritium or promethium 147 except in accordance with the provisions of § 30.33.

(5) This general license does not authorize the ownership, receipt, acquisition, possession or use of promethium 147 contained in instrument dials.

4. Section 30.24(i) is revised to read as follows;

5. In § 30.24(j)(1), subdivisions (ii) (*a*), (*c*), and (*d*), (iii), (iv) (*a*) and (*b*), (v) (*a*) (introductory text only), (v) (*f*) and (vi) are revised to read as follows;

6. In § 30.24(j)(2), subdivisions (i), (ii) (*b*) and (ii) are revised, and subdivision (ii) (*c*) added, to read as follows;

7. Subparagraph (3) of § 30.24(j) is revised to read as follows;

8. In § 30.24(m)(1), subdivisions (ii) (*a*), (*c*) and (*e*), (iii), (iv) (*a*), (*b*) and (v) (*e*) are revised to read as follows;

9. Subparagraphs (2) and (3) of § 30.24(m) are revised to read as follows:

§ 30.24 Special requirements for issuance of specific licenses.

* * * * *

(i) *Certain luminous timepieces.* An application for a specific license to apply tritium or promethium 147 contained in luminous compounds to timepieces or hands or dials, or to import timepieces or hands or dials containing tritium or promethium 147 for use pursuant to § 30.10 will be approved if:

(1) The applicant satisfies the general requirements specified in § 30.23 and

(2) The applicant submits sufficient information relating to the chemical and physical composition and characteristics of the luminous compound(s), the method of application of each compound, quality control procedures and prototype testing of luminous dials, and

(i) The tritium or promethium 147 is bound in the luminous compound in a nonwater soluble and nonlabile form and the compound is bound to the dials or hands. The tritium or promethium 147 will be considered to be properly bound to the dials and hands if there is no visible flaking or chipping and the total loss of tritium or promethium 147 does not exceed 5 percent of the total tritium or promethium 147 when prototype dials and hands are subjected to the following tests in the order specified below:

(*a*) Attachment of dials to a vibrating fixture and vibration at a rate of not less than 26 cycles per second and a vibration acceleration of not less than 2G for a period of not less than 1 hour; and

(*b*) Attachment of the hub ends of the hands to a clamp and bending of hands over a one-inch diameter cylinder; and

(*c*) Total immersion of the dials and hands used in the tests described in (*a*) and (*b*) of this subdivision in 100 milliliters of water at room temperature for a period of 24 consecutive hours and analysis of the test water for its radioactive material content by liquid scintillation counting or other equally sensitive method.

(ii) Not more than a total of 25 millicuries of tritium will be applied per timepiece; and

(iii) Not more than a total of 5 millicuries of tritium will be applied per hand and not more than 15 millicuries of tritium will be applied per dial (bezels when used shall be considered as part of the dial).

(iv) Not more than a total of 0.1 millicurie of promethium 147 will be applied per watch and not more than 0.5 millicurie of promethium 147 will be applied per any other timepiece.

(v) Not more than a total of 0.02 millicurie of promethium 147 will be applied per watch hand and not more than 0.06 millicurie of promethium 147 will be applied per watch dial. Not more than a total of 0.1 millicurie of promethium 147 will be applied per other timepiece hand and not more than 0.3 millicurie of promethium 147 will be applied per other timepiece dial (bezels when used shall be considered as part of the dial); and

(vi) The levels of radiation from hands and dials containing promethium 147, when measured through 50 milligrams per square centimeter of absorber, will not exceed:

(*a*) For wrist watches, 0.1 millirad per hour at 10 centimeters from any surface;

(*b*) For pocket watches, 0.1 millirad per hour at 1 centimeter from any surface;

(*c*) For other timepieces, 0.5 millirad per hour at 10 centimeters from any surface.

(j) *Luminous safety devices for use in aircraft.* (1) * * *

(ii) * * *

(*a*) Chemical and physical form and maximum quantity of tritium or promethium 147 in each device;

* * * * *

(*c*) Details of the method of binding or containing the tritium or promethium 147;

(*d*) Procedures for and results of prototype testing to demonstrate that the tritium or promethium 147 will not be released to the environment under the most severe conditions likely to be encountered in normal use;

* * * * *

(iii) Each device will contain no more than four curies of tritium or 100 millicuries of promethium 147. The levels of radiation from each device containing promethium 147 will not exceed 0.5 millirad per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber.

(iv) * * *

(*a*) The method of incorporation and binding of the tritium or promethium 147 in the device is such that the tritium or promethium 147 will not be released under the most severe conditions which are likely to be encountered in normal use and handling of the device;

(*b*) The tritium or promethium 147 is incorporated or enclosed so as to preclude direct physical contact by any person with it;

* * * * *

(v) The applicant has conducted prototype tests on each of five prototype devices as follows:

(*a*) *Temperature-altitude test.* The device shall be placed in a test chamber as it would be used in service. A temperature-altitude condition schedule shall be followed as outlined in the following steps:

* * * * *

(*f*) *Observations.* After each of the tests prescribed by this subdivision (v), each device shall be examined for evidence of physical damage and for loss of tritium or promethium 147. Any evidence of damage to or failure of any device which could affect containment of the tritium or promethium 147 shall be cause for rejection of the design if the damage or failure is attributable to a design defect. Loss of tritium or promethium 147 from each tested device shall be measured by wiping with filter paper an area of at least 100 square centimeters on the outside surface of the device, or by wiping the entire surface area if it is less than 100 square centimeters. The amount of tritium or promethium 147 in the water used in the hermetic seal and waterproof test prescribed by test (*e*) of this subdivision shall also be measured. Measurements shall be made in an apparatus calibrated to measure tritium or promethium 147, as appropriate. The detection on the filter paper of more than 2,200 disintegrations per minute of tritium or promethium 147 per 100 square centimeters of surface wiped or in the water of more than 0.1 percent of the original amount of tritium or promethium 147 in any device shall be cause for rejection of the tested device.

(vi) A person licensed under this section to manufacture, assemble or import devices containing tritium or promethium 147 for distribution to persons generally licensed under § 30.21(d) shall affix to each device a label which shall include the manufacturer's or importer's license number, the radiation symbol prescribed by § 20.203(a) of this chapter, a statement that the device contains tritium or promethium 147, as appropriate, and is generally licensed by the USAEC pursuant to § 30.21(d), and such other information as may be required by the Commission, including disposal instructions when appropriate. If the Commission determines that labeling on the device is not feasible and that an unreasonable risk to the health and safety of the public will not be created, it may dispense with the labeling of the device on condition that a leaflet bearing the prescribed information is enclosed in the container in which the device is shipped.

(2) (i) Each person licensed under this paragraph shall visually inspect each device and shall reject any which has an observable physical defect that could affect containment of the tritium or promethium 147.

(ii) * * *

(*b*) The immersion test water from the preceding test (*a*) of this subdivision shall be measured for tritium or promethium 147 content by an apparatus that has been calibrated to measure tritium or promethium 147, as appropriate. If more than 0.1 percent of the original amount of tritium or promethium 147 in any device is found to have leaked into the immersion test water, the leaking device shall be rejected.

(*c*) The levels of radiation from each device containing promethium 147 shall be measured. Any device which has a radiation level in excess of 0.5 millirad per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber, shall be rejected.

(iii) An application for a license or for amendment of a license may include a description of quality control procedures proposed as alternatives to those prescribed by subdivision (ii) of this subparagraph, and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that they will assure the rejection of any device which has a leakage rate exceeding 0.1 percent of the original quantity of tritium of promethium 147 in any 24-hour period.

* * * * *

(3) Each person licensed under this paragraph shall file an annual report with the Director, Division of Materials Licensing which shall state the total quantity of tritium or promethium 147 transferred to persons generally licensed under § 30.21(d). The report shall identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium 147 in each kind of device. Each report shall cover the year ending June 30 and shall be filed within thirty (30) days thereafter.

* * * * *

(m) *Certain automobile lock illuminators.* (1) * * *

(ii) * * *

(*a*) Chemical and physical form and maximum quantity of tritium or promethium 147 in each lock illuminator;

* * * * *

(*c*) Details of the method of binding or containing the tritium or promethium 147;

* * * * *

(*e*) Procedures for and results of prototype testing to demonstrate that the lock illuminator will not become detached from the lock and the tritium or promethium 147 will not be released to the environment under the most severe conditions likely to be encountered in normal use of the lock illuminator;

* * * * *

(iii) Each lock illuminator will contain no more than 15 millicuries of tritium or 2 millicuries of promethium 147. The levels of radiation from each lock illuminator containing promethium 147 will not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.

(iv) The Commission determines that:

(*a*) The tritium or promethium 147 is bound in the luminous compound in a nonwater soluble and nonlabile form, and the compound is incorporated and bound in the lock illuminator in such a manner that the tritium or promethium 147 will not be released under the most severe conditions which are likely to be encountered in normal use and handling;

(*b*) The tritium or promethium 147 is incorporated in the lock illuminator so as to preclude direct physical contact by any person with the tritium or promethium 147.

* * * * *

(v) * * *

(*e*) After each of the tests prescribed by this § 30.24(m)(1)(v), each device shall be examined for evidence of physical damage and for loss of tritium or promethium 147. Any evidence of damage to or failure of any device which could affect the containment of the tritium or promethium 147 in such devices shall be cause for rejection of the design on which such prototype devices were constructed or manufactured if the damage or failure is attributable to design defect. Loss of tritium or promethium 147 from each tested device shall be measured both by sampling the immersion test water used in (*d*) of this subdivision and by wiping with filter paper the entire accessible area of the lock illuminator. Measurements of tritium or promethium 147 shall be made in an apparatus calibrated to measure tritium or promethium 147, as appropriate. If more than 0.1 percent of the original amount of tritium or promethium 147 in the device is found in the immersion test water of test (*d*) of this subdivision, or if more than 2,200

disintegrations per minute of tritium or promethium 147 on the filter paper is measured after any of the tests in (a) to (d) of this subdivision the device shall be rejected.

(2) Each person licensed under this paragraph shall:

(i) Maintain quality control in the manufacture of lock illuminators, or the installation of lock illuminators into automobile locks;

(ii) Subject production lots to such quality control tests as may be required as a condition of the license issued under this paragraph, sampled in accordance with § 30.25; and

(iii) Visually inspect each device in production lots and reject any device which has an observable physical defect that could affect containment of the tritium or promethium 147.

(3) Each person licensed under this paragraph shall file an annual report with the Director, Division of Materials Licensing, which shall state the total quantity of tritium or promethium 147 transferred to other persons under § 30.12 during the reporting period, in the form of lock illuminators contained in automobile locks. Such report shall identify by name and address all persons to whom a total of more than 5 curies of tritium or promethium 147 were distributed under Section 30.12 during the reporting period. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 4th day of May 1964.

For the Atomic Energy Commission.

W. B. McCool,
Secretary to the Commission.

[F.R. Doc. 64-4975; Filed, May 19, 1964; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Ch. I]

[Reg. Docket No. 1866; Ref. Notices 63-28, 63-28A; Special Civil Air Regs. SR-422, SR-422A, SR-422B]

TURBOJET TRANSPORT CATEGORY AIRPLANES

Proposed Special Operating Limitations; Notice of Postponement of Public Hearing

On April 28, 1964, the Agency published a notice of public hearing in the FEDERAL REGISTER (29 F.R. 5640) notifying the public of a hearing to be held at 10:00 a.m. e.d.t., on May 28, 1964, at 800 Independence Avenue SW., Washington, D.C., to receive views of interested persons concerning proposed amendments to Special Civil Air Regulations SR-422, SR-422A, and SR-422B. The notice also invited persons unable to attend to submit written comments by May 27, 1964, so they could be made a part of the record of the Hearing, and indicated that the hearing would concern special operating limitations for turbojet transport category airplanes with respect to accelerate-stop and landing distances. These amendments were proposed in notices of proposed rule making, Notices 63-28 dated July 15, 1963, and 63-28A dated August 4, 1963, and published in the FEDERAL REGISTER (28 F.R. 7565 and 9211).

The notice of hearing solicited specific recommendations as to the criteria or procedures which can be used in establishing adequate accelerate-stop and landing distances for each type and model turbojet airplane.

By letter dated May 8, 1964, the Air Transport Association of America, on behalf of its member airlines, requested additional time to prepare recommendations. They indicated in their letter that new proposals in this area would require considerable study and coordination between airlines for proper development.

Since the petitioner has a substantive interest in the proposed rule and has shown good cause for a postponement, I find it is in the public interest to postpone the date of the Hearing and extend the time for submission of written comments.

In view of the foregoing, the Agency will hold the public Hearing at 10:00 a.m. e.d.t. on June 23, 1964, at 800 Independence Avenue SW., Washington, D.C., and the time for submission of written comments by persons unable to attend the hearing is extended to June 22, 1964.

Issued in Washington, D.C., on May 14, 1964.

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

[F.R. Doc. 64-5014; Filed, May 19, 1964; 8:49 a.m.]

[14 CFR Parts 4b, 40, 41, 42]

[Reg. Docket No. 2033; Ref. Notices 63-42, 63-42A]

EMERGENCY EVACUATION OF AIRCRAFT; PASSENGERS, FLIGHT ATTENDANTS, AND CREWMEMBERS

Notice of Postponement of Public Hearing

On April 28, 1964, the Agency published a notice of public hearing in the FEDERAL REGISTER (29 F.R. 5640) notifying the public of a hearing to be held at 10:00 a.m., e.d.t., on May 26, 1964, at 800 Independence Avenue SW., Washington, D.C., to receive views of interested persons concerning proposed amendments to Parts 4b, 40, 41, and 42 of the Civil Air Regulations. The notice also invited persons unable to attend to submit written comments by May 24, 1964, so they could be made a part of the record of the hearing, and indicated that the hearing would be devoted primarily to § 40.40, "Air Carrier Demonstration of Emergency Evacuation Procedures", and § 40.265, "Flight Attendants". The proposed provisions of both of these sections were changed from their original presentation as a result of the many comments received in response to notices of proposed rule making.

By letter dated May 8, 1964, the Air Transport Association of America, on behalf of its member airlines, requested additional time for the exploration and formulation of its comments to the proposed changes.

Since the petitioner has a substantive interest in the proposed rule and has shown good cause for a postponement, I find it is in the public interest to postpone the date of the Hearing and extend the time for submission of written comments.

In view of the foregoing, the Agency will hold the public Hearing at 10:00 a.m., e.d.t. on June 25, 1964, at 800 Independence Avenue SW., Washington, D.C., and the time for submission of written comments by persons unable to attend the Hearing is extended to June 24, 1964.

Issued in Washington, D.C., on May 14, 1964.

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

[F.R. Doc. 64-5015; Filed, May 19, 1964; 8:49 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-SW-14]

FEDERAL AIRWAY SEGMENT

Proposed Alteration

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

VOR Federal airway No. 180 is designated in part from Austin, Tex., to Eagle Lake, Tex., via the intersection of the Austin 134° and the Eagle Lake 291° True radials. The FAA is considering the redesignation of this segment of V-180 from San Antonio, Tex., direct to Eagle Lake via the alignment of VOR Federal airway No. 198. Air traffic presently routed from or over Austin to the Houston and Galveston terminals via V-180 would be routed via a proposed airway which would be aligned from Austin direct to Daisetta, Tex. (Airspace Docket No. 64-SW-10) and via VOR Federal airway No. 15. This revised routing would reduce the overall route mileage. Air traffic from or over Houston to or over Austin would be routed via VOR Federal airway No. 76 which is designated direct between these points. Air traffic proceeding from San Antonio to Houston could utilize one airway number (V-180) to Arcola Intersection which is a clearance fix for aircraft destined for Houston.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by

contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

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

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

[F.R. Doc. 64-4974; Filed, May 19, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 11, 21]

[Docket Nos. 14895, 15233]

AUTHORIZATIONS FOR MICROWAVE STATIONS USED TO RELAY TELEVISION BROADCAST SIGNALS TO COMMUNITY ANTENNA TELEVISION SYSTEMS

Order Extending Time for Filing Reply Comments

In the matters of amendment of Subpart L, Part 11, to adopt rules and regulations to govern the grant of authorizations in the Business Radio Service for microwave stations to relay television signals to community antenna systems, docket No. 14895; amendment of Subpart I, Part 21, to adopt rules and regulations to govern the grant of authorizations in the Domestic Public Point-to-Point Microwave Radio Service for microwave stations used to relay television broadcast signals to community antenna television systems, Docket No. 15233.

The Commission having before it a request submitted on behalf of Frontier Broadcasting Company that the time for filing reply comments in the above-captioned rulemaking proceeding be extended to June 11, 1964; and

It appearing, that additional time is required for adequate study and appraisal of the extensive comments filed, and for the preparation of meaningful reply comments; and

It further appearing, that the matters involved are both complex and important, that the extension of time is warranted under these circumstances, and hence that a grant of the request will serve the public interest, convenience and necessity:

It is ordered, This 7th day of May 1964, pursuant to § 0.251(b) of the rules and regulations, that the time for filing reply comments in the above-captioned proceeding is extended to June 11, 1964.

Released: May 8, 1964.

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

[F.R. Doc. 64-5023; Filed, May 19, 1964; 8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 523]

[No. 18,101]

MEMBERS OF BANKS

Proposed Reports

MAY 11, 1964.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508), it is hereby proposed that § 523.15 of the regulations for the Federal Home Loan Bank System (12 CFR 523.15) be amended by an amendment the substance of which is as follows:

Section 523.15 is hereby amended to read as follows:

§ 523.15 Reports.

Each member shall make a semiannual report of its affairs as of the end of each half of its fiscal year, on forms prescribed by the Board. The original of each such report shall be forwarded to the Federal Home Loan Bank Board, Washington, D.C., and one copy shall be forwarded to the member's bank, within 30 days following the date as of which the report is made. A savings bank may comply with the requirements of this section with respect to forms of reports by furnishing copies of the reports which such savings bank regularly makes to the Federal Deposit Insurance Corporation or to the State supervisory authority and by furnishing to the Bank as of December 31 of each year such additional information as the Bank requires pursuant to the provisions of § 523.5 with respect to minimum stock subscription.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than June 20, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 64-5042; Filed, May 19, 1964; 8:45 a.m.]

[12 CFR Part 545]

[No. 18,102]

FEDERAL SAVINGS AND LOAN SYSTEM; OPERATIONS

Proposed Semiannual Reports

MAY 11, 1964.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1) it is hereby proposed that § 545.21 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.21) be amended by an amendment, the substance of which is as follows:

Amend § 545.21 to read as follows:

§ 545.21 Semiannual reports.

Each Federal association shall make a semiannual report of its affairs as of June 30 and December 31 of each year, on forms prescribed by the Board. The original of each such report shall be forwarded to the Federal Home Loan Bank Board, Washington, D.C., and one copy shall be forwarded to the Federal home loan bank of which the association is a member, within 30 days following the date as of which the report is made.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than June 20, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 64-5043; Filed, May 19, 1964; 8:45 a.m.]

[12 CFR Part 563]

[No. FSLIC–1,815]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION; OPERATIONS

Proposed Reports to the Corporation

MAY 11, 1964.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that § 563.18 of the rules and regulations for Insurance of Accounts (12 CFR 563.18) be amended by an amendment the substance of which is as follows:

Section 563.18 is hereby amended to read as follows:

§ 563.18 Reports to the Corporation.

Each insured institution shall make a semiannual report of its affairs as of the end of each half of its fiscal year, on forms prescribed by the Corporation. The original of each such report shall be forwarded to the Corporation, Washington, D.C., and one copy shall be forwarded to the Federal home loan bank of which the institution is a member, within 30 days following the date as of which the report is made.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than June 20, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 64–5044; Filed, May 19, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 239, 240, 249]

RESTRICTED STOCK OPTIONS

Extension of Time for Comments on Proposed Exemptions

The Securities and Exchange Commission has extended to June 1, 1964, the period upon which comments may be filed upon its proposal to amend 17 CFR 239.11, 239.16(b), 239.18, 240.10b–6, 240.16b–3, and 249.210 (Forms S–1, S–8 and S–11 under the Securities Act of 1933; Rules 10b–6 and 16b–3, and Form 10 under the Securities Exchange Act of 1934).

The proposal was announced on April 21, 1964, in Securities Act Release No. 4686, and published in the FEDERAL REGISTER of May 9, 1964 (29 F.R. 6163).

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 12, 1964.

[F.R. Doc. 64–4993; Filed, May 19, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Amdt. 14]

SUPERINTENDENTS AND PROJECT ENGINEER

Redelegation of Authority With Respect to Range Management

MAY 13, 1964.

Order 1, as amended, is further amended by addition of two new sections under Part 2, Authority of Superintendents, and Project Engineer, to read as follows:

SEC. 2.243. *Waiver of technical defects in advertisements and proposals for grazing privileges.* Exercise of the right reserved in form 5–510, Sale of Grazing Privileges, to waive technical defects in the advertisements and proposals received in response thereto.

SEC. 2.244. *Approval, modification and cancellation of grazing permits.* The award, approval, modification, assignment and cancellation of grazing permits, pursuant to 25 CFR Part 151; provided that permits approved at the beginning of a contract period accord to a schedule of allocated and advertised range units approved by the Area Director, and provided further that permits shall not be issued at a rental rate less than the minimum approved by the Area Director.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 64-4988; Filed, May 19, 1964; 8:48 a.m.]

Bureau of Land Management

[Classification Order No. C–1–7]

CALIFORNIA

Small Tract Classification; Opening Unclassified Land to Application

1. Pursuant to the authority delegated to me by the California State Director, Bureau of Land Management, under Part 1, Redelegation of Authority, dated March 27, 1962 (27 F.R. 3297), I hereby classify the following described land in Kern County, California, as suitable for lease under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a) as amended:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 37 E.,
Sec. 7.
Tract No. 1.

A tract of land described by metes and bounds as follows: Beginning at a point which is set as the East 1/16th corner common to Sections 7 and 18, T. 26 S., R. 37 E., which point is as established by that certain Record of Survey recorded in Book 8 of Record of Survey at page 113, County of Kern, California, which point is marked by a 4' x 4" redwood post marked LS 2904; Thence:

N. 0°22'50" E., 330 feet to a point;
S. 89°50'40" E., 165 feet to a point;
S. 0°22'50" W., 330 feet to a point;
N. 89°50'40" W., 165 feet to the point of beginning.

Containing 1.25 acres, more or less.

Tract No. 2.

A Tract of Land described by metes and bounds as follows: Beginning at a point from which the East 1/16th corner common to Sections 7 and 18, T. 26 S., R. 37 E., M.D.M., described under Tract 1, above, bears S. 0°22'50" W. 330 feet; thence:

S. 89°50'40", E., 165 feet to a point;
S. 0°22'50", W. 330 feet to a point;
S. 89°50'40", E., 380 feet to a point on the west edge of the right-of-way of California Highway No. 178;
Northwesterly along the west edge of the right-of-way of California Highway No. 178 1070 feet to a point;
W. 120 feet to a point;
S. 0°22'50", W., 660 feet to a point of beginning.

Containing 6 acres, more or less.

2. Classification of the above described lands by this order segregates them from all appropriations, including location under the mining laws, except as to application under the mineral leasing laws.

3. The lands are located near Walker Pass, in east central Kern County, California, at an elevation of approximately 4600 feet.

4. Tract No. 1 is covered by an application properly filed by a person entitled to preference under 43 CFR Part 2233.

5. Tract No. 2 contains a barn, shed, water system, and other improvements which are claimed by Mr. Robert H. Thompson, Post Office Box 8, Inyokern, California. In the event Mr. Robert H. Thompson is not the successful applicant for this tract, he will be allowed a reasonable period of time within which to negotiate with the successful applicant as to the disposition of the improvements thereon. Mr. Thompson has the right to remove any improvements that can be removed without substantial damage to the land or to sell them to the successful applicant.

The successful applicant will be required to pay Mr. Robert H. Thompson a price mutually agreed upon with him for any improvements he decides to leave upon the land and which are of value to the successful applicant. Proof of such agreement and payment must be filed within reasonable time with the Manager, Land Office, 1414 8th Street, Riverside, California.

Upon a showing of inability to agree, the Bureau of Land Management will determine the fair and reasonable value of the improvements left upon the land for which compensation must be paid. Failure of the successful applicant within a reasonable time to file proof of full compensation to Mr. Robert H. Thompson, as herein provided, will lead to vacation of the lease and the return of any unused lease payment.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure an additional tract unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. Applicants must file, in duplicate, with the Manager, Land Office, 1414 8th Street, Riverside, California, Application Form 4–776 filled out in compliance with instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be obtained from the above named official. The application must be accompanied by a filing fee of $10.00 plus advance annual rental of $34.00 for Tract 1 and $162.00 for Tract 2. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to the unsuccessful applicants. All filing fees will be retained by the United States.

8. Leases will be issued for a term of three (3) years.

9. Tract No. 2 will be subject to application under the Small Tract Act on June 1, 1964, to June 5, 1964. The first valid application filed will be granted the preference right provided by 43 CFR 2233–0.6(b). All valid applications filed prior to 10:00 a.m. June 1, 1964, will be considered as simultaneously filed at that time. All valid applications filed after that time, but prior to the close of business on June 5, 1964, will be considered in the order of filing.

10. Applications received after June 5, 1964, will not be accepted.

11. Inquiries concerning these lands should be addressed to the Manager, Land Office, 1414 8th Street, Riverside, California.

Dated: April 23, 1964.

DERREL S. FULWIDER,
Acting District Manager.

[F.R. Doc. 64-4989; Filed, May 19, 1964; 8:48 a.m.]

[Serial No. Idaho 010482]

IDAHO

Revocation of Small Tract Classification; Order Opening Lands

MAY 12, 1964.

Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), Idaho Small Tract Classification Order No. 11 dated June 11, 1959 (24 F.R. 4971) is hereby revoked in entirety.

The public lands affected by this order are hereby restored as of 10:00 a.m., on June 16, 1964 to the operation of the public land laws, subject to any valid existing rights, the provisions of existing

withdrawals, and the requirements of applicable law, rules and regulations.

JOE T. FALLINI,
State Director.

[F.R. Doc. 64-4990; Filed, May 19, 1964; 8:48 a.m.]

Office of the Secretary

[Administrative Management Reg. 7]

DIRECTOR OF MANAGEMENT OPERATIONS

Delegation of Authority

MAY 13, 1964.

SECTION 1. *Delegation.* (a) The Director of Management Operations under the supervision of the Administrative Assistant Secretary is authorized to exercise such portions of the authority of the Administrative Assistant Secretary as relate to functions assigned to the Office of Management Operations in Chapter 110.2 of the Departmental Manual.

(b) The authority delegated to the Director in paragraph (a) of this section includes authority to (1) execute, modify, or terminate any contract for supplies or services; (2) lease space; (3) dispose of excess or surplus personal property; (4) administer the oath of office or any other oath required by law in connection with employment, and designate persons to administer such oaths; (5) designate certifying officers, and (6) make the certification required by 44 U.S.C., sec. 118 in connection with a requisition for printing and binding.

SEC. 2. *Redelegation.* The Director of Management Operations may, in writing, redelegate to any employee of the Office of Management Operations with or without power of redelegation, such portions of the authority delegated to him by section 1 of this regulation as are commensurate with economical efficient operations.

SEC. 3. *Revocation.* Those portions of Administrative Management Regulation No. 2 dated February 17, 1959 (24 F.R. 1349) relating to the authorities of the Directors of the Divisions of Administrative Services, Property Management, and Security; and Administrative Management Regulation No. 5 dated August 15, 1964 (28 F.R. 9268); are superseded.

SEC. 4. *Saving clause.* Existing redelegation of the authorities issued by the former Director of Administrative Services (Chief Clerk) shall continue in effect until changed by specific order of the Director of Management Operations.

SEC. 5. *Effective date.* This regulation is effective May 1, 1964.

(Subpar. 210 DM 1.4 B Delegation of Authority by the Secretary of the Interior)

D. OTIS BEASLEY,
Administrative Assistant Secretary.

[F.R. Doc. 64-4991; Filed, May 19, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Georgia a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Atkinson.	Echols.
Baker.	Grady.
Ben Hill.	Irwin.
Berrien.	Lanier.
Brooks.	Lowndes.
Calhoun.	Miller.
Clinch.	Mitchell.
Coffee.	Seminole.
Colquitt.	Thomas.
Cook.	Tift.
Decatur.	Turner.
Dougherty.	Worth.
Early.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of May 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-5003; Filed, May 19, 1964; 8:48 a.m.]

IOWA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Plymouth County, Iowa, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of May 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-5004; Filed, May 19, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described application, and application amendment, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Central California Educational Television, P.O. Box 6, Sacramento, California, File No. 65, to improve the operation of noncommercial educational broadcasting station KUIE, operating on channel 6, Sacramento, California.

Alabama Educational Television Commission, 2151 Highland Avenue, Birmingham, Alabama, File No. 44, to amend the application for Huntsville, Alabama to change channel assignment from channel 44 to channel 25, Huntsville, Alabama.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above application (within 10 calendar days from such publication regarding the above application amendment) with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 64-5016; Filed, May 19, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[List 57; FCC 64-434]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

MAY 14, 1964.

The applications listed in the Appendix are mutually exclusive with certain applications already on file with the Commission. The United States Court of Appeals for the District of Columbia Circuit in the case of Kessler v. F.C.C. 1 R.R. 2d 2061 ordered that these applications be accepted for filing and designated for hearing in consolidated proceedings with the proper mutually exclusive applications on file. Accordingly, notice is hereby given that on May 13, 1964, the following listed applications will be considered as ready and available for processing.

The attention of any party in interest desiring to file pleadings concerning any of the applications pursuant to section 309(d) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: May 13, 1964.

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

APPENDIX

New, Springfield, Va.
Joseph J. Kessler tr/as
WBXM Broadcasting Co.
Req: 1070 kc, 5 kw, Day, Class II.

New, Gordon, Ga.
Heart of Georgia Broadcasting Co., Inc.
Req: 1560 kc, 5 kw, DA-D (CH), Day, Class II.

New, Eau Gallie, Fla.
Cape Canaveral Broadcasters, Inc.
Req: 1560 kc, 5 kw, Day, Class II.

New, North East, Pa.
James D. Brownyard.
Req: 1530 kc, 1 kw-250 w (CH), Day, Class II.

New, Tupelo, Miss.
Frank K. Spain d/b as
WTWV Radio.
Req: 1350 kc, 5 kw, Day, Class II.

New, Greenville, S.C.
Fleet Enterprises.
Req: 1070 kc, 50 kw, DA-Day, Class II.

New, South Norfolk, Va.
Harold H. Hersch, Samuel J. Cole, L. W. Gregory & William L. Forbes d/b South Norfolk Broadcasting Co.
Req: 1600 kc, 1 kw, Day, Class III.

New, Cozad, Nebr.
Dawson County Broadcasting Corp.
Req: 1580 kc, 1 kw, Day, Class II.

[F.R. Doc. 64-5025; Filed, May 19, 1964; 8:50 a.m.]

[Docket Nos. 14318, 14319; FCC 64M-408]

COLUMBIA BASIN MICROWAVE CO.

Order Continuing Hearing

In re applications of Columbia Basin Microwave Company, for renewal of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington, Docket No. 14318, File No. 1464-C1-R-61; for consent to assignment of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc., Docket No. 14319, File No. 4082-C1-AL-61.

It is ordered, This 13th day of May 1964, on the Chief Hearing Examiner's own motion, that hearing in the above-entitled proceeding, which by previous order was scheduled to commence May 19, 1964, is continued to June 9, 1964, and will be held in the Offices of the Commission, Washington, D.C.: *And, it is further ordered,* That the applicant's motion for continuance, filed May 12, 1964, is dismissed as moot.

Released: May 14, 1964.

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

[F.R. Doc. 64-5026; Filed, May 19, 1964; 8:50 a.m.]

[1] Commissioner Loevinger absent.

[Docket Nos. 15358, 15433; FCC 64M-420]

LOMPOC VALLEY CABLE TV

Memorandum Opinion and Order Concerning Procedural Dates

In re applications of Lompoc Valley Cable TV, for operational fixed stations in the Business Radio Service, Docket No. 15358, File No. 30779-IB-53X; Lompoc Valley Cable TV, Inc., for operational fixed stations in the Business Radio Service, Docket No. 15433, File No. 29978-IB-24X.

1. On May 4, 1964, counsel for Central Coast Television (KCOY-TV) filed a petition for continuance of the hearing now scheduled for June 8, 1964, "until after final action by the Commission in Docket No. 15415" (In the Matter of Acquisition of Community Antenna Television Systems by Television Broadcast Licensees). KCOY-TV asserts that "until there is a determination by the Commission that a grant to Lompoc Valley Cable TV, Inc. would not contravene the Commission's policies relating to multiple ownership, consideration of the issues in the present proceeding in light of the de facto control (footnote omitted) by H & B American (which owns all of Lompoc Valley's stock) by Video Independent Theatres, Inc. (a subsidiary of RKO General, Inc.) would be premature and could well be rendered moot as a result of the Commission's findings in the * * * Notice of Inquiry" in Docket No. 15415.

2. On May 13, 1964, the Broadcast Bureau filed an opposition. It states:

> In our view petitioner's arguments do not support the relief it requests. The arguments would have some validity if it could be shown that the instant application of Lompoc Valley was in any way contingent on favorable action on the transfer of control application involved in 2400-CL-TC-(9)-64 (application for transfer of control of parent company of Lompoc Valley to Video Independent Theatres, Inc., subsidiary of RKO General, Inc.). But no showing has been made that such is the case, and the present posture of this proceeding would indicate that such is not the case.

The Bureau notes that in its memorandum opinion and order designating the present matter for hearing, the Commission declared:

> Petitioner's (KCOY-TV'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 * * * will provide a more convenient vehicle for Commission consideration.

3. While opposing the indefinite continuance requested by KCOY-TV, the Bureau does not object to a short continuance of the hearing and extension of other procedural dates, because "since the petition for continuance was filed Broadcast Bureau counsel previously assigned to this matter has resigned from the Commission, and an adjustment in the above-mentioned dates would be of great assistance to (currently) assigned counsel. To this end we would suggest that the Hearing Examiner schedule a further prehearing conference at his earliest convenience for the purpose of working out a hearing schedule agreeable to all of the parties."

4. Applicant Lompoc Valley, in its opposition filed May 13, calls "KCOY-TV's petition * * * palpably a delaying tactic," and also notes that in the designation memorandum opinion and order the Commission "specifically ruled that the possible acquisition of an interest in Lompoc Valley by RKO General, Inc. was not a question to be disposed of in the instant proceeding."

5. For reasons advanced by the Broadcast Bureau and applicant, the petition for continuance will be denied insofar as an indefinite continuance is sought; instead, the suggestion of the Bureau will be accepted and a further prehearing conference scheduled to consider a new hearing and other procedural dates.

6. *Accordingly, it is ordered,* This 14th day of May 1964, (a) that the petition for continuance is denied insofar as an indefinite continuance (pending final action by the Commission in Docket No. 15415) is requested; but (b) that the hearing date of June 8, 1964, and other procedural dates set in the Hearing Examiner's statement and order released April 6, 1964 (FCC 64M-284) and as informally extended by the parties with the consent of the Hearing Examiner with respect to the furnishing of exhibits, are vacated; and (c) that a further prehearing conference is scheduled for Wednesday, May 27, 1964 at 9 a.m.

Released: May 15, 1964.

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

[F.R. Doc. 64-5027; Filed, May 19, 1964; 8:50 a.m.]

[Docket No. 15050; FCC 64M-414]

MUNCIE BROADCASTING CORP.

Order Scheduling Prehearing Conference

In re application of Muncie Broadcasting Corporation, Muncie, Indiana, Docket No. 15050, File No. BP-15125; for construction permit.

It is ordered, This 13th day of May 1964, on the Hearing Examiner's own motion, that a hearing conference shall be held herein on May 21, 1964, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: May 14, 1964.

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

[F.R. Doc. 64-5028; Filed, May 19, 1964; 8:50 a.m.]

[Docket Nos. 15444–15448; FCC 64–427]

OAK KNOLL BROADCASTING CORP. ET AL.

Order Continuing Hearing

In re applications of Oak Knoll Broadcasting Corporation, Pasadena, California, Docket No. 15444, File No. BPI–1; Goodson-Todman Broadcasting, Inc., Pasadena, California, Docket No. 15445, File No. BPI–2; California Regional Broadcasting Corporation, Pasadena, California, Docket No. 15446, File No. BPI–3; Marshall S. Neal, Robert S. Morton, Arthur Hanish, Macdonald Carey, Ben F. Smith, Donald C. McBain, Robert Breckner, Louis R. Vincenti, Robert C. Maridian, James B. Boyle, Robert M. Vaillancourt, and Edwin Earl d/b as Crown City Broadcasting Co., Pasadena, California, Docket No. 15447, File No. BPI–4; Radio Eleven Ten, Inc., Pasadena, California, Docket No. 15448, File No. BPI–5; requests for interim authority to operate a standard broadcast station utilizing facilities of station KRLA, Pasadena, California, 1110 kc, 10 kw, 50 kw–LS, DA–2, U.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of May 1964;

The Commission having under consideration its Order herein (FCC 64–420, released May 12, 1964), postponing the oral hearing in the above-captioned proceeding to Monday, June 15, 1964, commencing at 10:00 a.m.;

It appearing, that the Commission finds it desirable that the oral hearing be continued to Friday, June 19, 1964;

It is ordered, That the oral hearing is continued and rescheduled, for Friday, June 19, 1964, commencing at 10:00 a.m.

Released: May 15, 1964.

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

[F.R. Doc. 64–5029; Filed, May 19, 1964; 8:50 a.m.]

[Docket No. 14974; FCC 64M–412]

SALEM BROADCASTING CO.

Order Continuing Hearing

In re application of Salem Broadcasting Company Salem, Ohio, Docket No. 14974, File No. BP–13950; for construction permit.

The Hearing Examiner having under consideration petition filed May 12, 1964, in behalf of the applicant, requesting a change of certain procedural and hearing dates heretofore scheduled;

It appearing, that good cause exists why said petition should be granted and petitioner pleads that the other parties herein have no objection to said petition;

Accordingly, it is ordered, This 13th day of May 1964, that the petition is granted and that the preliminary exchange of amended engineering materials shall be accomplished on or before May 18, 1964; that the final exchange of engineering materials shall be accomplished on or before May 20, 1964, in lieu of May 13, 1964; that the notification of witnesses desired for cross-examination shall be made on or before May 25, 1964, in lieu of May 15, 1964; and that the hearing herein shall be held on May 27, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C., in lieu of May 18, 1964.

Released: May 14, 1964.

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

[F.R. Doc. 64–5030; Filed, May 19, 1964; 8:50 a.m.]

[Docket Nos. 15212 etc.; FCC 64M–42]

TVUE ASSOCIATES, INC.

Order Concerning Procedural Dates

In re applications of TVue Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT–3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT–3166; for construction permits for new television broadcast stations.

In re applications of Integrated Communication systems, Inc. of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT–3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT–3169; WGBH Educational Foundation, Boston, Massachusetts, Docket No. 15325, File No. BPCT–3277; for construction permits for new television broadcast stations.

The applicants for Houston have jointly petitioned to reschedule the dates for hearing in that proceeding. Good cause has been sufficiently stated; it is represented that all parties in the Houston and Boston cases accede to the request.

Accordingly, it is ordered, This 14th day of May 1964, that the petition is granted, that the commencement date for the hearing in the Houston proceeding beginning with the consolidated issue going to the qualifications of United Artists is postponed from June 15 to July 15, 1964, and that the other procedural dates are rescheduled as follows: June 22 for the exchange among the parties in the Houston proceeding of the direct cases of the applicants there and for United Artists to furnish all the parties in the Boston proceeding such written material as will be relied upon by United Artists in support of its showing on the consolidated issue; July 15 for filing with the Commission any depositions expected to support the direct case of any of the parties to the Houston proceeding; July 6 for the notification to United Artists to produce its witnesses for cross-examination on the consolidated issue.

Released: May 15, 1964.

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

[F.R. Doc. 64–5031; Filed, May 19, 1964; 8:51 a.m.]

[Docket No. 15373; FCC 64M–401]

WHITNEY TELEPHONE ANSWERING SERVICE

Order Continuing Hearing

In re application of Helen J. Monaco, d/b as Whitney Telephone Answering Service, Docket No. 15373, File No. 4028–C2–P–63; for a construction permit to establish new facilities in the domestic public land mobile radio service at Hamden, Connecticut.

On the unopposed request of counsel for Connecticut Radio Foundation, Inc.:

It is ordered, This 11th day of May 1964, that (1) the formal exchange of engineering and non-engineering exhibits is extended from May 13 to May 25, 1964; and (2) the hearing is rescheduled from May 25 to June 10, 1964, at 10 a.m.

Released: May 12, 1964.

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

[F.R. Doc. 64–5032; Filed, May 19, 1964; 8:51 a.m.]

[Docket No. 15350; FCC 64M–409]

WXXX, INC. (WXXX)

Order Continuing Prehearing Conference

In re application of WXXX, INC. (WXXX), Hattiesburg, Mississippi, Docket No. 15350, File No. BP–15408; for construction permit.

It is ordered, This 13th day of May 1964, with the consent of all interested parties, that the further prehearing conference in the above-entitled proceeding is continued from May 18 to June 8, 1964, beginning at 9:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: May 14, 1964.

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

[F.R. Doc. 64–5033; Filed, May 19, 1964; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 1 (Amended), Amdt. 11]

MANAGING DIRECTOR

Organization and Functions; Delegation of Authority

The purpose of this amendment is to abolish the Special Permission Committee and to delegate the authority of the Commission to the Managing Director. Accordingly, the basic order is amended by:

(1) Deletion of section 8 in its entirety and renumbering the present sections 9, 10, 11, and 12 to 8, 9, 10, and 11, respectively.

(2) Revision of section 7.02, as follows: Authority to approve Special Permission applications submitted by domestic off-shore carriers or carriers in the foreign commerce of the United States, or conferences of such carriers

[1] Commissioner Loevinger absent.

for relief from statutory and/or Commission tariff requirements.

JOHN HARLLEE,
Rear Admiral, U.S. Navy (Retired), Chairman.

MAY 12, 1964.

Commission Order No. 201.1 is amended as follows:

SEC. 5. *Specific authorities redelegated to the Director, Bureau of Foreign Regulation.*

5.02 Authority to approve Special Permission applications submitted by common carriers by water in the foreign commerce or conferences of such carriers for relief from a statutory and/or Commission tariff requirement.

SEC. 6. *Specific authorities redelegated to the Director, Bureau of Domestic Regulation.*

6.02 Authority to approve Special Permission applications submitted by domestic off-shore carriers for relief from a statutory and/or Commission tariff requirement.

TIMOTHY J. MAY,
Managing Director.

MAY 14, 1964.

[F.R. Doc. 64-5017; Filed, May 19, 1964; 8:49 a.m.]

CARRIERS COMPRISING THE BARBER-WEST AFRICAN LINE JOINT SERVICE AGREEMENT

Agreement Filed for Approval

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 7668-3, between seven (7) Norwegian carriers under the control of Wilh. Wilhelmsen operating pursuant to approved joint service Agreement 7589, as amended, and nine (9) Norwegian carriers under the control of Fearnley & Eger and A. F. Klaveness & Co., A/S operating pursuant to approved joint service Agreement 8512, as amended, both groups of which also comprise the Barber-West African Line joint service Agreement 7668, as amended, constitutes a new Barber-West African joint service agreement in the same trade, i.e., between Atlantic and St. Lawrence ports of Canada/United States Atlantic and Gulf ports, and West African ports south of the northerly border of Rio de Oro, Spanish Sahara, and north of the northerly border of Southwest Africa, including the Atlantic Islands of the Azores, Madeira, Canary, and Cape Verdes, and the Islands of Fernando Po, Principe, and St. Thome in the Gulf of Guinea.

This new agreement provides for the elimination of four (4) carriers, i.e., Skibsaktieselskapet Sangstad, Dampsbibsaktieselskabet International, Skibsaktieselskapet Mandeville and Skibsaktieselskapet Goodwill as parties to Barber-West African Line joint service Agreement 7688, as amended, for the reason that said carriers have ceased operations and have withdrawn from participation in joint service Agreement 8512, as amended; and for continuation of the joint service between the parties first named above under the same terms and conditions.

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 5 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: May 15, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5018; Filed, May 19, 1964; 8:49 a.m.]

CANTON RAILROAD CO. AND UNITED STATES LINES

Notice of Agreement Filed for Approval

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 No. T-55, between the Canton Railroad Company (Canton), and United States Lines (U.S. Lines), provides for a five year lease of Canton's Pier No. 11, Baltimore, Maryland, for the receiving, delivering, handling and storing of cargo to and from U.S. Lines vessels. As sole compensation for the lease, U.S. Lines agrees to pay a fixed amount annually, as specified within the agreement.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the officers 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 a hearing be desired.

Dated: May 15, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5019; Filed, May 19, 1964; 8:49 a.m.].

COMMISSION OF PUBLIC DOCKS, PORTLAND, OREGON, AND MATSON NAVIGATION CO.

Notice of Agreement Filed for Approval

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 No. 8965-2, between the Commission of Public Docks, Portland, Oregon (Commission), and Matson Navigation Company (Matson), modifies the basic agreement of the parties which provides for the lease of certain terminal property and a preferential assignment of pier space on Pier No. 2 at Portland, Oregon. The purpose of the modification is to provide for the preferential assignment to Matson of a gear locker building and a gasoline pump and tank. Rental for the additional facilities will be $80.00 per month.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, 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 10 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 a hearing be desired.

Dated: May 15, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5020; Filed, May 19, 1964; 8:49 a.m.]

FEARNLEY AND EGER ET AL.

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 8512-3 between Skibsaktieselskabet Varild, Aksjeselskapet Marina, Aktieselskabet Glittre, Dampskibsinteressentaskabet Garonne, Aktieselskabet Standard, and Fearnley & Egers Befragtningsforretning A/S (six (6) Norwegian companies under the operation and control of Fearnley & Eger) Skibsaktieselskapet Solstad, Skibsaktiesalskapet Siljestad and Universal Trading & Shipping Agency Aksjeselskap (three (3) Norwegian companies under the control of A. F. Klaveness & Co., A/S, and operating as the "Klaveness Line" pursuant to approved joint service Agreement 7653, as amended), is a new joint service agreement of the Fearnley & Eger and A. F.

Klaveness & Co., A/S carriers covering various worldwide trades. This new agreement has been entered into to enable the parties to continue the joint service operations under Agreement 8512, as amended, formerly in existence between the nine (9) carriers, named above, and Skibsaktieselskapet Sangstad, Dampskibsaktieselskabet International, Skibsaktieselskapet Mandeville and Skibsaktieselskapet Goodwill, four (4) Klavaness carriers which have ceased operations and have withdrawn from participation in Agreement 8512 and 7653, as amended. This new agreement eliminates the latter four (4) Klaveness carriers as parties to the joint service, provides for a redescription of the various trades to be covered, and sets forth the present-day designations of the various countries included within the scope thereof, as set forth in the agreement.

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 5 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: May 15, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5021; Filed, May 19, 1964; 8:49 a.m.]

CARRIERS COMPRISING THE KLAVENESS LINE JOINT SERVICE

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 7653-2 between Skibsaktieselskapet Solstad, Skibsaktieselskapet Siljestad and Universal Trading and Shipping Agency Aksjeselskap (three (3) Norwegian carriers under the control of A. F. Klaveness & Co., A/S), is a new agreement of the parties providing for operations as a joint service under the trade name of "Klaveness Line", in the trades between Pacific Coast ports of the United States and Canada, and ports in Japan, Korea, Taiwan, Siberia, Manchuria, China, Hong Kong, Vietnam, Republic of the Philippines, Cambodia, Thailand, Federation of Malaysia, Brunei, Republic of Indonesia and Ceylon.

This new agreement has been entered into providing for continuation of the operations of the above named parties as the "Klaveness Line", under the same terms and conditions, and in the same trades, as previously existed under Agreement 7653, as amended, between the three (3) carriers, named above, and Skibsaktieselskapet Sangstad, Dampskibsaktieselskabet International, Skibsaktieselskapet Mandeville and Skibsaktieselskapet Goodwill as parties, the latter four (4) carriers have ceased operations and have withdrawn from said agreement.

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 5 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: May 15, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5022; Filed, May 19, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-219]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 13, 1964.

Take notice that on March 30, 1964, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP64-219 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery, on an interruptible and firm basis, of natural gas, by use of existing facilities, to California-Pacific Utilities Company (California-Pacific), for transportation to and resale and distribution by California-Pacific in the communities of Imbler and Elgin, Oregon, their respective environs, and intervening and adjacent areas, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that deliveries of natural gas to California-Pacific will be made at the outlet of Applicant's existing La Grand, Oregon, meter station and that California-Pacific will transport said gas through proposed facilities to points of resale and general distribution. The total cost of transmission and distribution facilities to be constructed by California-Pacific is estimated to be $447,334.

The application indicates the total estimated third year peak day and annual requirements for the proposed service to be 1,155 Mcf and 213,296 Mcf, respectively.

Applicant states that the proposed sale of natural gas to California-Pacific will be made in accordance with the rates contained in Applicant's FPC Gas Tariff, Original Volume No. 3.

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 June 8, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4977; Filed, May 19, 1964; 8:47 a.m.]

[Docket Nos. G-3668 etc.]

CONTINENTAL OIL CO.

Notice of Application

MAY 13, 1964.

Continental Oil Company (Successor to San Jacinto Oil and Gas Company), Docket No. G-3668, Docket No. G-3783, Docket No. G-4670, Docket No. G-8938, Docket No. G-13711, Docket No. G-15989, Docket No. CI60-532, Docket No. CI63-1319, Docket No. CI64-379, Docket No. CI64-458.

Take notice that on March 5, 1964, Continental Oil Company (Applicant), filed in the above-docketed proceedings an application pursuant to section 7(c) of the Natural Gas Act for authorization to continue the sale of natural gas or be substituted as certificate applicant as successor in interest to San Jacinto Oil and Gas Company, a division of San Jacinto Petroleum Corporation, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it merged San Jacinto Petroleum Corporation on January 31, 1964, and that it has acquired all of the producing properties and assets, together with all rights and privileges, and obligations and responsibilities in-

cident thereto, of San Jacinto Petroleum Corporation.

Concurrently with the subject application Applicant has filed a motion to be substituted as respondent in lieu of San Jacinto Oil and Gas Company in the pending rate proceedings in Docket Nos. RI60–211, RI60–467, and RI64–558.

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 June 12, 1964.

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	San Jacinto Oil and Gas Company GPC Gas Rate Schedule No.	Purchaser	Location	Price (cents/Mcf) and pressure base (p.s.i.a.)
G–3783 [1]	2	El Paso Natural Gas Co.	Pictured Cliffs and Mesa Formations, San Juan County, N. Mex.	11.0 cents [2] at 15.025 p.s.i.a. 13.0 cents [3] at 15.025 p.s.i.a.
G–3783 [1]	3	do	Allison Unit Area, San Juan County, N. Mex.	13.0 cents at 15.025 p.s.i.a.
G–4670 [1]	4	do	Ignacio Field, La Plata County, Colo.	13.0 cents at 15.025 p.s.i.a.
G–4670 [1]	5	do	do	12.0 cents at 15.025 p.s.i.a.
CI60–532	8	United Fuel Gas Co.	Go Around Bayou Field, Cameron Parish, La.	19.5 cents at 15.025 p.s.i.a.
G–13711	9	United Gas Pipe Line Co.	Elysian Fields Field, Harrison, County, Tex.	10.89 cents at 14.65 p.s.i.a.
G–15989 [4]	[5] 10	do	Theall Field, Vermilion, Parish, La.	20.25 cents at 15.025 p.s.i.a.
G–3668	[5] 11	Texas Eastern Transmission Corp.	Big Hill Field, Jefferson County, Tex.	14.6 cents at 14.65 p.s.i.a. [6]
G–3668	[5] 12	Arkansas Louisiana Gas Co.	Carthage Field, Panola County, Tex.	11.74 cents at 14.65 p.s.i.a.
G–8938	13	Tennessee Gas Transmission Co.	West Delta Farms Field, Lafourche Parish, La.	19.5 cents at 15.025 p.s.i.a. [7]
CI63–1319 [8]		United Gas Pipe Line Co.	West Hollywood Field, Terrebonne Parish, La.	22.25 cents at 15.025 p.s.i.a.
CI64–379 [9]	15	El Paso Natural Gas Co.	Spraberry Trend Area, Upton County, Tex.	17.23 cents [10] at 14.65 p.s.i.a.
CI64–458	16	do	do	10.0 cents at 14.65 p.s.i.a.

[1] This certificate was issued to San Jacinto Petroleum Corporation. The rate schedule was redesignated as that of San Jacinto Oil and Gas Company, which was created as a division of San Jacinto Petroleum Corporation; but the related certificate was not redesignated.
[2] This rate applies to gas produced from the Pictured Cliffs Formation.
[3] This rate applies to gas produced from the Mesa Verde Formation.
[4] A temporary certificate was issued on April 25, 1963, to San Jacinto Oil and Gas Company in Docket No. CI63–928 to continue the sales authorized to be made by Hudson Oil & Gas Corporation in Docket No. G–15989. By order issued September 20, 1963, San Jacinto Oil and Gas Corporation was substituted as applicant for certificate authorization in Docket No. G–15989.
[5] "(Operator), et al."
[6] A proposed increase in rate to 15.6 cents per Mcf was suspended in Docket No. RI64–558.
[7] This rate is in effect subject to refund in Docket No. RI60–211.
[8] This is a pending application filed by San Jacinto Oil and Gas Corporation to succeed to the interest of John W. Mecom.
[9] A temporary certificate was issued on November 21, 1963, to San Jacinto Oil and Gas Company in Docket No. CI64–379 to continue the sales authorized to be made by Ralph Pembrook in Docket No. G–8373.
[10] The temporary certificate made this rate subject to the suspension proceeding in Docket No. RI60–467.

[F.R. Doc. 64–4976; Filed, May 19, 1964; 8:47 a.m.]

[Docket No. CP64–143]

INTERSTATE POWER CO.

Notice of Application

MAY 13, 1964.

Take notice that on December 23, 1963, Interstate Power Company (Applicant), with its principal place of business in Dubuque, Iowa, filed in Docket No. CP64–143 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 a gas pipeline between the Rock River near Prophetstown, Illinois, and the Mississippi River near Albany, Illinois, as hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

Proposed facilities will consist of approximately 13.2 miles of 10-inch nominal size pipeline with required valves and miscellaneous connecting material and will be operated in parallel with existing facilities for increased line capacity in order to serve new customers.

The total estimated cost of the proposed facilities is $409,728.

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 June 5, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–4978; Filed, May 19, 1964; 8:47 a.m.]

[Docket No. CP64–227]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 13, 1964.

Take notice that on April 6, 1964, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama, 35202, filed in Docket No. CP64–227 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing August 7, 1964, and the operation of gas purchase facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for an connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed a maximum of $3,000,000 and no single project will exceed a cost of $500,000, which costs will be financed from cash on hand or which will be available from current operations.

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 June 5, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4981; Filed, May 19, 1964; 8:47 a.m.]

[Docket No. CP60-14]

UNITED GAS PIPE LINE CO.

Notice of Application To Amend

MAY 13, 1964.

Take notice that on January 21, 1964, as supplemented on February 19, 1964, United Gas Pipe Line Company (Applicant), filed an application to amend further the Commission's order issued August 11, 1960, in Docket No. CP60-14, as amended, by authorizing Applicant to transport and deliver a total maximum daily volume of 30,500 Mcf of natural gas to Escambia Chemical Corporation (Escambia) in lieu of the 26,500 Mcf presently authorized by said order, as amended, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The order of August 11, 1960, as amended, authorized Applicant, among other things, to construct and operate certain facilities and to increase to 26,500 Mcf the maximum daily deliveries of natural gas to Escambia.

The application indicates that natural gas is used by Escambia in its chemical processing plant near Floridatown, Florida. The total proposed volumes will be used for process purposes in the ammonia and menthanol plants, in direct fired units and for steam generation for process purposes.

The application indicates that there is sufficient capacity in the presently authorized facilities to render the proposed increased service.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 8, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4983; Filed, May 19, 1964; 8:47 a.m.]

[Docket Nos. RI64-736 etc.]

TENNECO OIL CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

MAY 13, 1964.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-736	Tenneco Oil Co. (Operator), et al. P.O. Box 18, Tennessee Building, Houston, Tex.	26	2	El Paso Natural Gas Co. (Aztec P. C. Field, San Juan County, N. Mex.) (San Juan Basin Area).	$1,225	4-16-64	[2] 5-17-64	[2] 5-18-64	11.0454	[4] [6] 12.2339	
RI64-737	Tenneco Oil Co	38	2	El Paso Natural Gas Co. (Blanco P.C. Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	662	4-16-64	[2] 5-17-64	[2] 5-18-64	11.0454	[4] [6] 12.2339	
	do	50	2	El Paso Natural Gas Co. (Blanco Field (Pictured Cliffs Formation) Rio Arriba County, N. Mex.) (San Juan Basin Area).	221	4-16-64	[2] 5-17-64	[2] 5-18-64	11.0454	[4] [6] 12.2339	
RI64-738	Pan American Petroleum Corp., P.O. Box 40, Casper, Wyo., Attn: Mr. Frank H. Houck.	4	5	Montana-Dakota Utilities Co. (Manderson Unit Area, Big Horn County, Wyo.).	202	4-20-64	[5] 5-22-64	[2] 5-21-64	[4] [7] 11.65	[7] 13.0	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to one day.
[3] Periodic rate increase.
[4] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax. (Tax computed on basis of the base rate plus tax reimbursement added progressively.)
[5] The stated effective date is the effective date requested by Respondent.
[6] Favored-nation rate increase.
[7] Includes 1.65 cents per Mcf compression charge paid by seller.
[8] Subject to deduction of 0.25 cent per Mcf for dehydration and 0.25 cent per Mcf for removal of excess hydrogen sulfide.

Tenneco Oil Company (Operator), et al., and Tenneco Oil Company (both referred to herein as Tenneco), request an effective date of January 1, 1964, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Tenneco's rate filings and such requests are denied.

Tenneco's proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Company (El Paso) has protested the rate increases filed by Tenneco. El Paso questions the right of Tenneco under the tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of .55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least .55 percent, they claim there is controversy as to whether or not the new legislation effected an increased tax rate in excess of .55 percent. Under the circumstances, we shall provide that the hearings provided for herein for Tenneco shall concern themselves with the contractual basis for the producers' rate filings which El Paso has protested. However, the suspension period for Tenneco's proposed rate increases may be shortened to one day from May 17, 1964, the date of expiration of the required statutory notice.

Tenneco's proposed increased rates are below the applicable area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended, but are suspended because of El Paso's protest with respect to the tax reimbursement.

Pan American Petroleum Corporation's (Pan American) proposed increased rate does not exceed the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1, as amended. The proposed rate, being lower than the contractually authorized rate, is considered to be a "fractured" rate. Had Pan American's instant filing been accompanied by a waiver of the right to file for a further rate increase above the ceiling level, we would not suspend the instant filing. But, in the absence of such a waiver, or a contractual amendment substituting the 13.0 cents per Mcf rate in place of the now contractually authorized rate, we conclude that Pan American's rate filing should be suspended for one day, as hereinafter ordered.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the matters herein.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for Tenneco's proposed rate filings which El Paso has protested, as well as the statutory lawfulness of the increased rates and charges contained in Pan American's proposed rate filing, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis for Tenneco's proposed rate filings which El Paso has protested, and the statutory lawfulness of the rate and charge contained in Pan American's proposed rate supplement.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 1, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4987; Filed, May 19, 1964; 8:48 a.m.]

[Docket No. CP64-223]

UNITED NATURAL GAS CO.

Notice of Application

MAY 13, 1964.

Take notice that on April 2, 1964, as supplemented on April 6 and April 20, 1964, United Natural Gas Company (Applicant), 308 Seneca Street, Oil City, Pennsylvania, filed in Docket No. CP64-223 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 approximately 31 miles of 20-inch pipeline from the northern terminus of its 20-inch Line N-Extension near Ellwood City, Pennsylvania, to a point near the junction of its three lines in the vicinity of Mercer, Pennsylvania, all as more fully set forth in the application as supplemented on file with the Commission and open to public inspection.

Applicant states that it proposes to purchase from Texas Eastern Transmission Corporation an additional 10,000 Mcf per day starting January 1, 1965, and a further additional 15,000 Mcf per day commencing January 1, 1966, in order to meet the anticipated increased requirements of its existing wholesale and retail customers. Further, Applicant alleges that its existing transmission system capacity is inadequate to handle these increased purchases of natural gas and that the proposed construction will provide the additional needed capacity.

The application shows the total estimated cost of the proposed facilities to be $2,335,184, which cost will be financed from construction funds on hand.

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, purusant 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 June 8, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4984; Filed, May 19, 1964; 8:47 a.m.]

[Docket No. RI64-739]

R. H. NORDHAUSEN ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

MAY 13, 1964.

On April 17, 1964, R. H. Nordhausen, et al. (Nordhausen),[1] tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 8, 1964.
Purchaser and Producing area: El Paso Natural Gas Co. (Spraberry Field, Reagin County, Tex.) (Railroad District No. 7-c) (Permian Basin Area).
Rate schedule designation: Supplement No. 5 to Nordhausen's FPC Gas Rate Schedule No. 1.[2]
Effective date: May 18, 1964.[3]
Amount of annual increase: $181.
Effective rate: 11.0 cents per Mcf.
Proposed rate: 12.0 cents per Mcf.
Pressure base: 14.65 psia.

Nordhausen's proposed periodic rate increase exceeds the applicable area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 5 to Nordhausen's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be

[1] Address is: 6320 Falling Star, El Paso, Tex., 79912.

[2] Formerly designated Dale M. Thompson (Operator), et al., FPC Gas Rate Schedule No. 1. Concurrently Nordhausen, an "et al" party under Thompson's rate schedule, has filed a notice of succession and related certificate application in Docket No. CI62-1255.

[3] The stated effective date is the first day after expiration of the required thirty days' notice.

held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Nordhausen's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 5 to Nordhausen's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until October 18, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 1, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-4985; Filed, May 19, 1964; 8:47 a.m.]

[Docket No. G-9802 etc.]

SUPERIOR OIL CO. AND COASTAL STATES GAS PRODUCING CO.

Certificate of Public Convenience and Necessity

MAY 13, 1964.

The Superior Oil Company, Docket No. G-9802; The Superior Oil Company and Coastal States Gas Producing Company (Operator), et al., Docket No. G-19610;[1] Coastal States Gas Producing Company (Operator), et al. (Successor to The Superior Oil Company), Docket No. CI62-1004.

Findings and order after statutory hearing issuing certificate of public convenience and necessity, amending order issuing certificate, making successor co-respondent, redesignating proceeding, and requiring filing of agreement and undertaking.

On February 27, 1962, Coastal States Gas Producing Company (Operator), et al. (Applicant), filed in Docket No. CI62-1004 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce for resale to Tennessee Gas Transmission Company from the Chess and LaSara Fields, Willacy County, Texas, all as more fully set forth in the application.

The Superior Oil Company (Superior) was authorized to sell natural gas from the subject acreage in Docket No. G-9802 pursuant to its FPC Gas Rate Schedule No. 63. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-19610. Applicant has ratified the contract comprising Superior's rate schedule, and said ratification has been designated as Applicant's FPC Gas Rate Schedule No. 46.

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 May 7, 1964, the Commission on its own motion received and made part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicant, Coastal States Gas Producing Company (Operator), et al., is engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sale of natural gas hereinbefore described, as more fully described in the application in this proceeding, 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) 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.

(4) 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.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be joined as a co-respondent in the rate proceeding pending in Docket No. G-19610, that said proceeding be redesignated accordingly, and that Applicant be required to file an agreement and undertaking in Docket No. G-19610 to refund with interest any amounts collected in excess of the amount determined to be just and reasonable in said docket.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a certificate in Docket No. G-9802 to The Superior Oil Company should be amended by deleting therefrom authorization to sell natural gas from the properties assigned to Coastal States Gas Producing Company (Operator), et al.

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 herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application and exhibits 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 or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the 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 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 future proceedings or objections relating to the operation of 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 preclude 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) Coastal States Gas Producing Company (Operator), et al., be and it is hereby joined as a co-respondent with The Superior Oil Company in the pending rate proceeding in Docket No. G-19610, and said proceeding is redesignated accordingly.

(E) Within 30 days from the issuance of this order, Applicant shall execute, in the form set out below,[1] and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. G-19610 to assure the refund of any amounts, together with interest at the rate of seven percent per annum, collected in excess of the amount determined to be just and reasonable in said docket, insofar as said proceeding concerns sales from the properties assigned to Applicant. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(F) Applicant shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and Applicant's agreement and undertaking filed in Docket No. G-19610 shall remain in full force and effect until discharged by the Commission.

(G) The order issuing a certificate in Docket No. G-9802 to The Superior Oil

[1] Consolidated with Docket No. AR64-2, et al.

[1] Form filed as part of original document.

Company be and the same is hereby amended by deleting therefrom authorization to sell natural gas from the properties assigned to Coastal States Gas Producing Company (Operator), et al., and in all other respects said order shall remain in full force and effect.

(H) The grant of the certificate issued in paragraph (A) above shall not prejudice any future determination of Applicant's classification as an independent producer or pipeline company.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-4986; Filed, May 19, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2920]

CASA ELECTRONICS CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 14, 1964.

In the matter of Casa Electronics Corporation, 2233 Barry Ave., West Los Angeles, California, File No. 24SF-2920.

I. Casa Electronics Corporation (issuer) filed a notification and offering circular on July 14, 1961, relating to a proposed offering of 80,000 shares of its $0.50 par value common stock at $2.50 per share for an aggregate amount of $200,000. Adams and Company, 5455 Wilshire Boulevard, Los Angeles, California, was named as underwriter on an all or none basis for the first 50,000 shares and on a best efforts basis for the remaining 30,000 shares.

II. The Commission has reasonable cause to believe that:

The offering was made in violation of section 17 of the Securities Act of 1933, as amended, since the offering circular contained untrue statements of material facts, and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in that:

1. The offering circular failed to disclose substantial operating losses of $35,341 suffered subsequent to the April 30, 1961, date of the financial statements in the offering circular and prior to the date of the offering circular.

2. The offering circular failed to disclose that the issuer obtained loans totaling $45,761 subsequent to the date of the financial statements in the offering circular and prior to the date of the offering circular.

3. The offering circular failed to disclose that the underwriter granted options to purchase shares of the issuer's common stock.

4. The offering circular failed to disclose, accurately and adequately, the manner in which the proceeds from the public offering were to be used.

5. The offering circular failed to disclose that Bernard Klavir, a finder, was to receive $7,500 from the proceeds of the offering.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) 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 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 consideration and presentation 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. 64-4994; Filed, May 19, 1964; 8:48 a.m.]

[File No. 70-4214]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issuance of Short-Term Notes to Banks

MAY 14, 1964.

In the matter of the Columbia Gas System, Inc., 120 East 41st Street, New York 17, New York, File No. 70-4214.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed an application with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

To provide funds for five of its subsidiary companies to purchase inventory gas for storage, Columbia proposes to issue from time to time on or before October 15, 1964, unsecured short-term notes to a group of commercial banks, for whom Morgan Guaranty Trust Company of New York will act as clearing agent, in an aggregate face amount not to exceed $80,000,000. A proposal to make open account advances to said five subsidiary companies for inventory gas is the subject of a separate filing with this Commission (see File No. 70-4203). Columbia's notes are to mature as follows: $25,000,000 on February 26, 1965, $25,000,000 on March 31, 1965, and $30,000,000 on April 30, 1965. None of the notes will mature more than nine months after the date of issuance thereof. They will be dated as of the date of issuance, are to bear interest at the current prime rate of 4½ percent per annum, and may be prepaid, on five days notice, in whole or in part in order of maturity, without penalty, except that prepayments cannot be made with funds borrowed from banks at a lower interest rate. Each borrowing is to be apportioned among all banks in accordance with the participation of each in the total credit. The names of the banks and the maximum participation of each bank are indicated below:

Bankers Trust Company	$4,000,000
Brown Brothers, Harriman & Company	1,000,000
Central National Bank of Cleveland	200,000
Chemical Bank New York Trust Company	10,240,000
City National Bank and Trust Company	1,000,000
First-City National Bank of Binghamton	120,000
First & Merchants National Bank of Richmond	300,000
First National Bank of Mansfield	200,000
First Security National Bank and Trust Company	300,000
Glen National Bank	50,000
Huntington National Bank of Columbus	1,600,000
Irving Trust Company	4,000,000
Manufacturers Hanover Trust Company	6,000,000
Mellon National Bank and Trust Company	7,500,000
Morgan Guaranty Trust Company of New York	27,680,000
Pittsburgh National Bank	2,200,000
The Charleston National Bank	900,000
The Cleveland Trust Company	1,400,000
The First Huntington National Bank	450,000
The First National City Bank of New York	6,000,000
The National City Bank of Cleveland	400,000
The Ohio National Bank of Columbus	2,100,000
The Richland Trust Company	200,000
The Toledo Trust Company	1,200,000
The Union National Bank	750,000
Western Pennsylvania National Bank	210,000
Total	80,000,000

The proposed notes will aggregate approximately 8 percent of the principal amount and par value of Columbia's other securities presently outstanding, and any amount in excess of 5 percent may be exempted only pursuant to an order under section 6(b) of the Act.

The application states that Columbia's expenses incident to the proposed issuance of notes are estimated at $400 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 8, 1964, request in writing that a hearing

be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-4995; Filed, May 19, 1964; 8:48 a.m.]

[File No. 811-484]

EXECUTIVES INVESTMENT TRUSTS

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 14, 1964.

In the matter of Executives Investment Trusts, 570 Lexington Avenue, New York, New York, File No. 811-484.

Notice is hereby given that an application has been filed pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Executives Investment Trusts ("Executives"), a registered open-end diversified management investment company, has ceased to be an investment company.

Executives and Elfun Trusts ("Elfun") are employees securities companies as defined in section 2(a)(13) of the Act. Executives was a common law trust organized under a trust agreement dated December 20, 1928 to provide an investment medium for certain employees of General Electric Company and its affiliated companies. Elfun was created under trust agreement dated May 27, 1935 to continue the program of Executives, which had ceased offering its securities. On December 2, 1943, orders of this Commission were issued under section 6(b) of the Act exempting Executives and Elfun from certain provisions of the Act subject to specific conditions, 14 S.E.C. 826. On September 30, 1963, Executives was merged into Elfun at which date there were 519 holders of 45808.8 Executives shares. The portfolio of Executives consisted entirely of Elfun shares. In effecting the merger, 3.35512 shares of Elfun were exchangeable for each Executives share based on the relative net asset value of the shares of the two companies outstanding.

Subsequent to September 30, 1963 certificates for Elfun shares have been distributed to Executives' shareholders who have surrendered their executives certificates. Bankers Trust Company, Corporate Agency Division-EIT, P.O. Box 597, Church Street Station, New York, New York, 10008, has custody of Elfun shares to be distributed upon surrender of certificates of Executives. Two letters have been sent to holders of unexchanged certificates requesting that they exchange said certificates. As of March 13, 1964, fifteen holders of Executives shares had not surrendered their certificates, which represent 774.94 Executives shares. Holders of Executives shares who have not surrendered said certificates are recognized as owners of Elfun shares registered in their name.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 1, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Executives at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission on the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-4996; Filed, May 19, 1964; 8:48 a.m.]

[File Nos. 70-4211, 70-4212]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Promissory Notes to Banks by Holding Company and Cash Capital Contributions to Subsidiary Companies

MAY 14, 1964.

In the matters of General Public Utilities Corporation, 80 Pine Street, New York 5, New York, File Nos. 70-4211 and 70-4212.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission two declarations, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declarations, on file at the office of the Commission, for statements of the transactions proposed therein which are summarized as follows:

GPU proposes (File No. 70-4211), from time to time during the period beginning July 1, 1964, and ending June 30, 1965, to issue and sell promissory notes to the banks hereinafter named in an aggregate amount not to exceed $20,000,000 outstanding at any one time. Each note will be dated as of the date of issuance; will mature ten months after the date of issuance; will bear interest at the prime rate (currently 4½ percent per annum) in effect in New York City on the date of issuance; and will be prepayable without premium. It is stated that the borrowings will be from among the following banks and that the maximum amount of note indebtedness to be outstanding at any one time with each named bank will not exceed the amounts set forth below:

First National City Bank	$4,000,000
Chemical Bank New York Trust Co	4,000,000
Bankers Trust Company	3,000,000
Manufacturers Hanover Trust Co	3,000,000
Marine Midland Trust Company	3,000,000
Morgan Guaranty Trust Company	3,000,000
Total	20,000,000

The proceeds from the proposed bank borrowings, together with cash available from current operations, will be used by GPU to make additional investments in its subsidiary companies (including, in 1964, capital contributions aggregating $31,650,000 to subsidiary companies, as described below), or to reimburse GPU's treasury for such additional investments, or to repay other borrowings made pursuant to this declaration or under GPU's exempt borrowing capacity pursuant to the first sentence of section 6(b) of the Act, the proceeds of which will have been so utilized.

GPU anticipates that, in 1965, it will issue and sell common stock in an amount sufficient to pay off said note indebted-

ness, such common stock financing to be the subject of a future filing. In the event of any permanent financing by GPU, any outstanding but unused authorization that may be granted herein to issue promissory notes shall terminate and cease to be in effect.

GPU also proposes (File No. 70-4212), from time to time during 1964, to make cash capital contributions to its subsidiary companies named below in amounts not in excess of those shown:

Home Electric Company ("Home")	$150,000
Jersey Central Power & Light Company ("JCP&L")	12,000,000
New Jersey Power & Light Company ("NJP&L")	3,000,000
Pennsylvania Electric Company ("Penelec")	16,500,000
Total	31,650,000

The cash capital contributions will be credited by each subsidiary company to its capital surplus account; and NJP&L will transfer such credit from its capital surplus account to the stated value applicable to its outstanding shares of no par value common stock. Home, NJP&L, and Penelec, will utilize such cash capital contributions to reimburse their respective treasuries for construction expenditures made therefrom prior to December 31, 1963. JCP&L will utilize the cash capital contribution to reimburse its treasury in part for construction expenditures and sinking fund deposits provided therefrom, and to provide for 1964 construction expenditures or to repay bank loans the proceeds of which were applied to that purpose.

The filings state that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses in connection with the proposed note issues and capital contributions will not exceed an aggregate of $5,000.

Notice is further given that any interested person may, not later than June 4, 1964, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declarations which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declarations as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-4997; Filed, May 19, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 305]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 15, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 28579 (Deviation No. 1), GRIFFITH MOTOR EXPRESS, INC., 16075 Rogers Street, Bloomington, Ind. Carrier's attorney: Walter F. Jones, 1019 Chamber of Commerce Building, Indianapolis 4, Ind., filed May 4, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From junction Indiana Highways 37 and 39 over Indiana Highway 39 to junction Indiana Highway 67, thence over Indiana Highway 67 to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over Indiana Highway 37 to Bloomington, Ind., and return over the same route.

No. MC 52746 (Deviation No. 4), MISSOURI CONSOLIDATED FREIGHTWAYS CORPORATION, P.O. Box 5138, Chicago 80, Ill., filed May 4, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Moline, Ill., over Interstate Highway 74 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 80S near Big Springs, Nebr., and thence over Interstate Highway 80S to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Kans., over U.S. Highway 69 to Cameron, Mo., thence over U.S. Highway 36 to Monroe City, Mo., thence over U.S. Highway 24 to junction U.S. Highway 61, thence over U.S. Highway 61 via Taylor, Mo., to Davenport, Iowa; from Kansas City, Kans., over U.S. Highway 69 via Osceola, Iowa, to Des Moines, Iowa; from Indianaola, Iowa, over Iowa Highway 92 to junction U.S. Highway 61; from Kansas City, Kans., over the Kansas Turnpike to Wichita, Kans.; from Wichita, Kans., over U.S. Highway 54 to Liberal, Kans.; from Bucklin, Kans., over unnumbered highway to junction U.S. Highway 154, thence over U.S. Highway 154 to Dodge City, Kans., and thence over U.S. Highway 50 (formerly U.S. Highway 50S) to Garden City, Kans.; from Liberal over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to Colby, Kans.; from Denver, Colo., over U.S. Highway 40 via Agate, Colo., to Limon, Colo., thence over U.S. Highway 24 to junction U.S. Highway 83 (formerly U.S. Highway 24), thence over U.S. Highway 83 via Halford, Kans., to Oakley, Kans., and return over the same routes.

No. MC 56853 (Sub-No. 2), (Deviation No. 1), B AND B LINES, INC., 1002 North Owasso, Tulsa, Okla., 74105, filed May 1, 1964. Carrier's attorney: Martin E. Wyatt, 3108 East 15th Street, Tulsa, Okla. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 66 and 75 in Tulsa, Okla., over U.S. Highway 75 to junction Alternate U.S. Highway 75, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Coffeyville, Kans., over U.S. Highway 169 to Tulsa, Okla., thence over U.S. Highway 66 to Sapulpa, Okla., thence over Alternate U.S. Highway 75 to junction U.S. Highway 75, thence over U.S. Highway 75 to Henryetta, Okla., and return over the same route.

No. MC 89723 (Deviation No. 5), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, Room 1151, St. Louis, Mo., filed May 4, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Houston, Tex., over Interstate Highway 10 to Beaumont, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Houston, Tex., over U.S. Highway 90 to Beaumont, Tex., and return over the same route.

No. 89723 (Deviation No. 6), MISSOURI PACIFIC TRUCK LINES, INC.,

210 North 13th Street, Room 1511, St. Louis, Mo., filed May 4, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Orange, Tex., over Interstate Highway 10 to Lake Charles, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Orange, Tex., over Texas Highway 87 to junction Texas Highway 12, thence over Texas Highway 12 to the Texas-Louisiana State line, thence over Louisiana Highway 12 to Ragley, La., thence over U.S. Highway 190 to Kinder, La., thence over U.S. Highway 165 to Iowa, La., thence over U.S. Highway 90 to Lake Charles, La., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 173) (Canceling Deviation Nos. 112 and 168), GREYHOUND LINES, INC., 219 East Short Street, Lexington, Ky., filed May 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over deviation routes as follows: (A) From junction U.S. Highway 51 and Interstate Highway 55 at Brooks Road in Memphis, Tenn., over Interstate Highway 55 to junction Mississippi Highway 32 thence over access route Mississippi Highway 32 to junction U.S. Highway 51 near Oakland, Miss.; (B) from Canton, Miss., over Mississippi Highway 22 as an access route to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 51 at Jackson, Miss., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to Mehlville, Mo., thence over U.S. Highway 61 to junction old U.S. Highway 61, approximately 1 mile northeast of Turrell, Ark., thence over old U.S. Highway 61 to Turrell, thence over U.S. Highway 61 via Clarksdale, Miss., to Vicksburg-Route 17; from Clarksdale over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49E to junction of old U.S. Highway 49E, approximately 1.3 miles north of Yazoo City, Miss., thence over old U.S. Highway 49E to Yazoo City, thence over old U.S. Highway 49 to Jackson, Miss., and return over the same route.

No. MC 1515 (Deviation No. 174), GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio, 44113, filed May 7, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 696 to junction Interstate Highway 96 east of Novi, Mich., thence over Interstate Highway 96 to Novi, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Muskegon, Mich., over U.S. Highway 16 via Nunica and Portland, Mich., to Detroit, Mich., and return over the same route.

No. MC 1940 (Deviation No. 13), TRAILWAYS OF NEW ENGLAND, INC., 400 Trailways Building, 1200 I Street NW., Washington, D.C., filed May 1, 1964. Carrier's attorney: Charles B. Innis, Continental Building, 1012 14th Street NW., Washington, D.C. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers, and their baggage*, over a deviation route as follows: From Alton, N.H., over New Hampshire Highway 28 to junction New Hampshire Highway 28A, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Alton Bay, N.H., over New Hampshire Highway 28A (formerly New Hampshire Highway 28) to junction New Hampshire Highway 28, thence over New Hampshire Highway 28 to Wolfeboro, N.H., and return over the same route.

No. MC 48501 (Deviation No. 2), INDIANA MOTOR BUS COMPANY, 716 South Main Street, South Bend, Ind., Carrier's attorney: Harry J. Harman, 1110–1112 Fidelity Building, Indianapolis 4, Ind., filed May 4, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction U.S. Highways 131 and 12 over U.S. Highway 131 to the Michigan-Indiana State line, thence over Indiana Highway 13 to the Middlebury, Ind., No. 8 Interchange of the Indiana East-West Toll Road, thence over the Indiana East-West Toll Road to the South Bend, Ind., No. 6 Interchange, thence over U.S. Highway 31 to South Bend, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Kalamazoo, Mich., over U.S. Highway 131 to junction Indiana Highway 15, thence over Indiana Highway 15 to Bristol, Ind., thence over Indiana Highway 120 to Elkhart, Ind., thence over U.S. Highway 20 to South Bend, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–5008; Filed, May 19, 1964; 8:48 a.m.]

[Notice 7]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

MAY 15, 1964.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceedings. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The special rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

CALIFORNIA

No. MC 38327 (Sub-No. 3) (REPUBLICATION), filed January 29, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: AZUSA TRANSFER COMPANY, a corporation, 920 West 10th Street, Post Office Box 666, Azusa, Calif., and PROGRESSIVE TRANSPORTATION COMPANY, 1911 South Santa Fe Avenue, Post Office Box 4728, Compton, Calif., joint applicants. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif.

NOTE: The purpose of this republication is to show Progressive Transportation Company, as joint applicant.

WISCONSIN

No. MC 98869 (Sub-No. 1) (REPUBLICATION), filed January 21, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: CARSON A. KOSCHKEE AND MARK H. McCLUSKEY, a partnership, doing business as KOSCHKEE TRANSFER, Route 1, Highway 18, Fennimore, Wis., and KOSCHKEE TRANSFER, INC., Route 1, Highway 18, Fennimore, Wis., joint applicants. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis.

NOTE: The purpose of this republication is to show Koschkee Transfer, Inc., as joint applicant.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–5009; Filed, May 19, 1964; 8:48 a.m.]

[Notice 640]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 15, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER,

issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

No. MC 21170 (Sub-No. 51), filed May 7, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy cream and milk solids, dessert materials, beverage preparations, confectioneries, flour and pancake mixes*, dry, *dietary products*, liquid, *milk and cream substitutes*, and *cream and milk* in hermetically sealed containers, from Menomonie, Vesper, Astico, and Oconomowoc, Wis., to points in Iowa, Illinois, Missouri, Kansas, and Nebraska.

HEARING: June 24, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William N. Culberson.

No. MC 114091 (Sub-No. 61), filed May 11, 1964. Applicant: FLEET TRANSPORT CO., OF KY., INC., Fern Valley Road, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from New Albany, Ind., to points in Kentucky (except those parts of Kentucky east of a line beginning at the Kentucky-Ohio State line located at Maysville and extending along Kentucky Highway 11 to Clay City, thence along Kentucky Highway 15 to Whitesburg, thence along U.S. Highway 119 to Pineville, and thence along U.S. Highway 25E, to the Kentucky-Tennessee State line, and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 41 to the Kentucky-Tennessee State line).

HEARING: June 17, 1964, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 115841 (Sub-No. 175), filed May 14, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen foods*, from Charlotte, Concord, and Greensboro, N.C., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, Texas, Virginia, and Kansas City, Mo.-Kans.

HEARING: May 26, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

APPLICATIONS OF WATER CARRIERS

No. W-563 (Sub-No. 1) (AMERICAN TUG BOAT CO. EXTENSION—ALASKA), filed December 30, 1960, published in FEDERAL REGISTER, issue of March 3, 1961, and republished this issue. Applicant: AMERICAN TUG BOAT CO., Pier 2, Everett, Wash. Applicant's attorney: Payton Smith, Hoge Building, Seattle 4, Wash. Authority sought to continue to operate as a *common carrier*, by water, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *Lumber, construction and logging equipment, and building materials*, from, to or between points or areas in Alaska as follows: Juneau to Whittier; Sitka to Whittier; Sitka to Sitkinak Island; Cold Bay to Anchorage; Cape Saricheff to Anchorage; Juneau to Sitka; Thomas Bay to Prince of Wales Island; Juneau to Anchorage.

NOTE: Applicant states service beyond Cape Spencer is seasonal and operates only between April 1st and October 15th.

HEARING: July 20, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Examiner Henry A. Cockrum.

No. W-1159, filed December 30, 1960, published in FEDERAL REGISTER issue of March 8, 1961, and republished this issue. Applicant: L. E. ERICKSON AND ED WOLF, doing business as KETCHIKAN TRANSPORTATION CO., Box 6, 1209 Hongass Avenue, Ketchikan, Alaska. Authority sought to continue to operate as a *common carrier*, by water, over regular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: *General commodities*, and *surface mail contract*, except those of unusual value, Classes A and B explosives, from, to, or between points or areas in Alaska as follows: Ketchikan, Myers Chuck, Thorne River, Ratz Harbor, Coffman Cove, Whale Pass, Lincoln Rock, Wrangell, Pt. Baker, Port Protection, Cape Decision, Cape Pole, Edna Bay, Tuxekan, Tokeen, Hecata Island, Klawock, Craig, Steamboat Bay, Waterfall, View Cove, Hydaburg, Long Island, Tamgass Harbor, Annette Island, on a weekly route of approximately 620 miles as a common carrier between ports connecting at Ketchikan with both north and southbound freight to and from Seattle.

NOTE: Applicant also claims "grandfather" rights as freight forwarder. See FF 286.

HEARING: July 13, 1964, at the Courtroom, U.S. Post Office and Courthouse Building, Ketchikan, Alaska, before Examiner Henry A. Cockrum.

APPLICATIONS FOR FREIGHT FORWARDERS

FREIGHT FORWARDERS OF PROPERTY

No. FF 275, filed December 30, 1960, published in FEDERAL REGISTER issue of March 8, 1961, republished this issue. Applicant: ALASKA FORWARDING CO., INC., 440 Warehouse Avenue, Anchorage, Alaska. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to continue to operate as a freight forwarder, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *General commodities*, (1) between points in Alaska, and (2) between points in Alaska on the one hand, and, on the other points in the United States, except Hawaii.

NOTE: Applicant's President and controlling majority stockholder is the President and controlling majority stockholder of Alaska Truck Transport, Inc., of Anchorage, Alaska, which carrier presently holds authority under Docket No. MC 118520 and Subs thereunder.

HEARING: July 14, 1964, at the Courtroom, U.S. Post Office and Courthouse Building, Ketchikan, Alaska, before Examiner Henry A. Cockrum.

August 17, 1964, in Room 212, Federal Building, Anchorage, Alaska, before Examiner Henry A. Cockrum.

This is for applicants presentation only and such protestants as wish to be heard. A further hearing is contemplated at Chicago, Ill., at a later date.

No. FF-275 (Sub-No. 1) (ALASKA FORWARDING CO., INC. EXTENSION 48 STATES), filed March 11, 1964. Applicant: ALASKA FORWARDING CO., INC., Box 1180, Ketchikan, Alaska. Authority sought under section 410, Part IV of the Interstate Commerce Act to operate as a freight forwarder in interstate or foreign commerce, through the use of facilities of common carriers by rail, water and motor vehicle in the transportation of *general commodities* (except household goods, as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between points in the 48 contiguous States of the United States on the one hand, and on the other, points in Alaska.

HEARING: July 14, 1964, at the Courtroom, U.S. Post Office and Courthouse Building, Ketchikan, Alaska, before Examiner Henry A. Cockrum.

August 17, 1964, in Room 212, Federal Building, Anchorage, Alaska, before Examiner Henry A. Cockrum.

This is for applicants presentation only and such protestants as wish to be heard. A further hearing is contemplated at Chicago, Ill., at a later date.

No. FF 286, filed December 30, 1960, published in FEDERAL REGISTER issue of March 8, 1961, and republished this issue. Applicant: L. E. ERICKSON AND ED W. WOLF (doing business as KETCHIKAN TRANSPORTATION COMPANY, Box 6, 1209 Tongass Avenue, Ketchikan, Alaska. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of *General commodities* and *mail*, from, to, or between points in Alaska, as follows:

Ketchikan, Alaska, to Myers Chuck, Thorne River, Ratz Harbor, Coffman Cove, Whale Pass, Lincoln Rock, Wrangell, Pt. Baker, Port Protection, Cape Decision, Cape Pole, Edna Bay, Tuxekan, Tokekan, Tokeen, Hecata Island, Klawock, Craig, Steamboat Bay, Waterfall, Hydaburg, Tamgass Harbor, Annieet Island. Applicant also claims "grandfather" rights as a water carrier (See W-1159).

HEARING: July 13, 1964, at the Courtroom, U.S. Post Office and Courthouse Building, Ketchikan, Alaska, before Examiner Henry A. Cockrum.

No. FF-301 (AMENDMENT), KETCHIKAN & NORTHERN TERMINAL CO. FREIGHT FORWARDER APPLICATION), filed April 15, 1963. Applicant: KETCHIKAN & NORTHERN TERMINAL CO., Box 1180, Ketchikan, Alaska. Applicant's attorney: Carl G. Koch, 1411 Fourth Avenue Building, Seattle 1, Wash. Authority sought under section 410, Part IV of the Interstate Commerce Act, to operate as a freight forwarder in interstate or foreign commerce, through the use of the facilities of common carriers by railroad and water carrier, of *general commodities* between points in the 48 contiguous United States and points in Alaska.

HEARINGS: July 14, 1964, at the Courtroom, U.S. Post Office and Courthouse Building, Ketchikan, Alaska, before Examiner Henry A. Cockrum and August 17, 1964, in Room 212, Federal Building, Anchorage, Alaska, before Examiner Henry A. Cockrum.

This is for applicant's presentation only and such protestants as wish to be heard. A further hearing is contemplated at Chicago, Ill., at a later date.

SECTION B; MOTOR CARRIERS OF PROPERTY

No. MC 28733 (Sub-No. 5), filed December 16, 1963. Applicant: LESTER AUTO FREIGHT, INC., 1255 Southeast Water Street, Portland 14, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Portland, Oreg., and Arlington, Oreg.; from Portland over U.S. Highway 30 and Interstate Highway 80N to Arlington, and return over the same route, serving all intermediate points and off-route points within three (3) miles of the specified route.

NOTE: Applicant states the foregoing proposed authority shall not duplicate any authority otherwise issued to it by the Commission.

HEARING: June 29, 1964, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the joint board waives its right to participate, before Examiner Francis A. Welch.

No. MC 109749 (Sub-No. 24) (REPUBLICATION), filed November 13, 1963, published FEDERAL REGISTER issue of February 19, 1964, and republished this issue. Applicant: GAIL W. DAHL AND FRED E. HAGEN, doing business as DAHL TRUCK LINES, 4120 Floyd Street, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. By application filed November 13, 1963, as amended at the hearing, applicant seeks a permit authorizing operation, in interstate or foreign commerce as a contract carrier, by motor vehicle of meat and packinghouse products, as described by the Commission in Appendix I, sections A, B, and C, 61 M.C.C. 209, from Omaha, Nebr., to points in Idaho and Malheur and Baker Counties, Oreg., over irregular routes, limited to service to be performed under a continuing contract with Wilson and Company, Inc. The application was referred to Examiner William N. Culbertson for hearing and the recommendation of an appropriate order thereon. Hearing was held on April 1, 1964, at Omaha, Nebr., on a consolidated record with No. MC-111812 (Sub-No. 225), application of Midwest Coast Transport, Inc. At the hearing the application was amended to include Baker County, Oreg. A report and order, served April 13, 1964, which became effective May 5, 1964, finds that applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the lawful requirements, rules, and regulations of the Commission thereunder, and that operation, in interstate or foreign commerce by applicant as a contract carrier by motor vehicle, under a continuing contract with Wilson and Company, Inc., of Omaha, Nebr., *meats, meat products* and *meat byproducts, dairy products,* and *articles* distributed by meat packingplants, as described by the Commission in Appendix I, sections A, B, and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Idaho and in Malheur and Baker Counties, Oreg., over irregular routes, will be consistent with the public interest and the national transportation policy, and that an appropriate permit be issued subject to the condition that the operation described above shall be republished in the FEDERAL REGISTER to afford persons opportunity to file an appropriate petition as regards Baker County, an enlargement by amendment of the application as filed and published in the FEDERAL REGISTER, and that the issuance of such a permit be withheld for a period of 30 days after such republication or until any petition filed has been determined.

No. MC 111812 (Sub-No. 225) (REPUBLICATION), filed October 7, 1963, published FEDERAL REGISTER issue of February 19, 1964, and republished this issue. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Sioux Falls, S. Dak., Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. By application filed October 7, 1963, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle of meats and packing house products as described in Appendix I, section A, B, and C in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Teton County, Wyo., points in Malheur and Baker Counties, Oreg., points in Idaho (except Pocatello, Burley, and Boise), and West Yellowstone, Mont., over irregular routes. The application was referred to Examiner William N. Culbertson for hearing and the recommendation of an appropriate order thereon. Hearing was held on April 1, 1964, at Omaha, Nebr., on a consolidated record with No. MC-109749 (Sub-No. 24), Gail W. Dahl and Fred E. Hagen Extension—Omaha. At the hearing the application was amended to include Baker County, Oreg. A report and order, served April 13, 1964, which became effective May 4, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, of *meats, meat products* and *meat byproducts, dairy products,* and *articles* distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Teton County, Wyo., points in Malheur and Baker Counties, Oreg., points in Idaho (except Pocatello, Burley, and Boise), and West Yellowstone, Mont., over irregular routes. The examiner further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued, subject to the condition that the operation as described above shall be republished in the FEDERAL REGISTER to afford persons opportunity to file an appropriate petition as regards the grant to points in Baker County, on enlargement by amendment of the application as originally published, and that the issuance of such a certificate be withheld for a period of 30 days after such republication or until any petition filed has been determined.

No. MC 115523 (Sub-No. 117), filed December 20, 1963. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorney: Edward M. Berol, 100 Bush Street, Suite 2107, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, blends of corn syrup,* and *sugar* in bulk, (1) from points in Canyon County, Idaho, to points in Oregon and Washington, on and east of U.S. Highway 97, (2) between points in Idaho, and (3) from points in Utah to points in Idaho.

HEARING: July 1, 1964, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Francis A. Welch.

No. MC 117427 (Sub-No. 32) (REPUBLICATION), filed January 28, 1963, published FEDERAL REGISTER issue of July 3, 1963, and republished this issue. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. By application filed January 28, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle of lumber (except plywood and veneer), (a) between points in Indiana, Illinois, Iowa, Minnesota, Wisconsin, and Michigan, (b) from points in Minnesota, Wisconsin, and ports of entry on the International Boundary Line between the United States and Canada at or near Detroit and Port Huron, Mich., and at or near Buffalo, Niagara Falls, and Alexandria Bay, N.Y., to points in North Carolina and South Carolina and (c) from points in North Carolina and South Carolina to ports of entry on the international boundary line between the United States and Canada at or near Detroit and Port Huron, Mich., and at or near Buffalo, Niagara Falls, and Alexandria Bay, N.Y., over irregular routes. The application was referred to Examiner William N. Culbertson for hearing and recommendation of an appropriate order thereon. Hearing was held on September 4, 5, and 6, 1963, at Chicago, Ill. At the hearing the application was broadened. A report and order served March 27, 1964, which became effective April 27, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of lumber, except plywood and veneer, (1) between points in Wisconsin, on the one hand, and, on the other, points in Iowa and Minnesota; (2) between points in Iowa, Wisconsin and Minnesota, on the one hand, and, on the other, points in Indiana, Illinois, and Michigan, except (a) from points in the upper peninsula of Michigan to points in Wisconsin, (b) between points in Illinois, on the one hand, and, on the other, points in Iowa, (c) from Eagle River, Wis., and points in Wisconsin within 50 miles of Eagle River to points in the upper peninsula of Michigan, and except treated wood products consisting of railroad ties, posts, poles, piling, timbers and rough lumber, from Superior and Plain, Wis., to points in the upper peninsula of Michigan, subject to the restriction that the separate parts (1) and (2) of the authority granted above shall not be joined or combined with each other or directly or indirectly with any authority otherwise held by carrier for the purpose of performing through service from and to any points; (3) from points in the Upper Peninsula of Michigan to points in South Carolina; and (4) from points in Wisconsin and the ports of entry at the international boundary between the United States and Canada at or near Detroit and Port Huron, Mich., and Buffalo, Niagara Falls and Alexandria Bay, N.Y., to points in North Carolina and South Carolina. The examiner further finds that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that the holding by applicant of a certificate herein and of the permits in Nos. MC 116145 and MC 116145 (Sub-No. 5), will be consistent with the public interest and the national transportation policy; that the certificate granted herein, however, shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as may be necessary to insure that this carrier's operations shall conform to the provisions of section 210 of the Interstate Commerce Act; and that an appropriate certificate should be issued herein, subject to the condition that issuance of a certificate will be withheld for a period of 30 days after republication of a corrected notice in the FEDERAL REGISTER of a description of the authority granted herein as it applies to operations from points in the upper peninsula of Michigan to points in South Carolina, during which time any interested party may file an appropriate petition.

No. MC 123297 (Sub-No. 1), filed March 7, 1963. Applicant: CARL V. LINDSTROM AND ELMER E. LINDSTROM, a partnership, doing business as RELIABLE TRANSFER, 200 North Franklin, Juneau, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except livestock and articles of unusual value), between points in that portion of Alaska lying generally south and east of the international boundary line between the United States and Canada north of Haines, Alaska, to the extent such area is accessible by highway and/or the Alaska State Ferry System.

NOTE: Applicant states such authority "to be restricted from operations between points in any single island area community, city or municipality in the described area other than as now authorized in MC 123297."

HEARING: July 22, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the joint board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 123313 (Sub-No. 2), filed March 25, 1963. Applicant: JESSIE ORME, doing business as ORME TRANSFER COMPANY, Post Office Box 781, Juneau, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General Commodities* (except livestock and articles of unusual value), between points in that portion of Alaska lying generally south and east of the United States-Canada international boundary line north of Haines, Alaska, to the extent such area is accessible by highway and the Alaska State Ferry System.

NOTE: Applicant states such authority is to be restricted from operations between points in any single island area community, city or municipality in the described area other than as now authorized in MC 123313.

HEARING: July 22, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the joint board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 123323 (Sub-No. 1), filed March 15, 1963. Applicant: ALASKA TRANSFER, INC., 149 South Main Street, Juneau, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities and household goods*, between points in that portion of Alaska lying generally south and east of the United States-Canada international boundary line north of Haines, Alaska, to the extent such area is accessible by highway and the Alaska State Ferry System.

NOTE: Applicant states that such authority is to be restricted from operations between points in any single island area community, city or municipality in the described area other than as now authorized in MC 123323.

HEARING: July 22, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the joint board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 123327 (Sub-No. 2), filed April 26, 1963. Applicant: RALPH A. BARTHOLOMEW, LAURA S. BARTHOLOMEW AND RALPH M. BARTHOLOMEW, a partnership, doing business as IRELAND TRANSFER & STORAGE CO., 102 Front Street, Ketchikan, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives and livestock), between points in that part of Alaska south and east of the United States-Canada international boundary line located near Haines, Alaska, with the right to interline traffic with other carriers.

HEARING: July 22, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the joint board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 123332 (Sub-No. 1), filed March 11, 1963. Applicant: CORDELL TRANSFER CO., INC., 128 Front Street, Ketchikan, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, (except classes A and B explosives, livestock and articles of unusual value), between points in that portion of Alaska lying generally south and east of the international boundary line between the United States and Canada north of Haines, Alaska, to the extent such area is accessible by highway and/or the Alaska State Ferry System.

NOTE: Applicant states "such authority to be restricted from operations between points in any single island area community, city or municipality in the described area other than as now authorized in No. MC 123332."

HEARING: July 22, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the joint board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 123782 (Sub-No. 1), filed October 4, 1961. Applicant: KETCHIKAN WHARF COMPANY, Pier 42, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in wheelless van bodies, (1) between points in the Commercial Zone of Juneau, Alaska, and (2) between points in the Commercial Zone of Ketchikan, Alaska.

NOTE: Applicant states the proposed shipments will have a prior or subsequent movement by water by the Alaska Steamship Company.

HEARING: July 20, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the joint board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 123958, filed September 28, 1961. Applicant: JAMES S. McCORMICK, doing business as DOUGLAS TRUCKING COMPANY, 1301 Fifth Street, Post Office Box 324, Douglas, Alaska. Applicant's attorney: N. C. Banfield, Post Office Box 1121, Juneau, Alaska. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), between Douglas, Alaska, and points within fifty (50) miles thereof, including Juneau, Alaska.

HEARING: July 21, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 123958 (Sub-No. 2), filed March 26, 1963. Applicant: JAMES S. McCORMICK, doing business as DOUGLAS TRUCKING COMPANY, Post Office Box 324, 1301 Fifth Street, Douglas, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except livestock or articles of unusual value), between points in that portion of Alaska lying generally south and east of the International Boundary line between the United States and Canada north of Haines, Alaska, to the extent such area is accessible by highway and/or Alaska State Ferry System.

NOTE: Applicant states such authority is to be restricted from operation between points in any single island area, city or municipality in the described area other than in the Juneau-Douglas, Alaska, area. Service will be authorized to, from and between points in Juneau and Douglas, Alaska, area and all other points located on contiguous highways and located within 50 miles of Juneau and/or Douglas, Alaska.

HEARING: July 22, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 123960, filed October 2, 1961. Applicant: EARL LAWTON AND RAY LAWTON, a Partnership, doing business as LAWTON TRANSFER & GARAGE, Post Office Box 529, Wrangell, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Wrangell, Alaska, on the one hand, and, on the other, points in Alaska.

HEARING: July 21, 1964 in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 124128 (Sub-No. 2), filed April 22, 1963. Applicant: KEITH B. SNOWDEN, doing business as SERVICE TRANSFER, 321 Lincoln Street, Post Office Box 178, Sitka, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, (except livestock, and articles of unusual value), between points in that portion of Alaska lying generally south and east of the International Boundary line between the United States and Canada north of Haines, Alaska, to the extent such area is accessible by highway and/or the Alaska State Ferry System.

NOTE: Applicant states "such authority to be restricted from operations between points in any single island area community, city or municipality in the described area other than as now authorized in MC 124128 Sub-1."

HEARING: July 22, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 124413 (Sub-No. 1), filed January 25, 1963. Applicant: MR. AND MRS. CHARLES QUELLETTE, a Partnership, doing business as ARROWHEAD TRANSFER, 215 Katlian Street, Box 735, Sitka, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives and commodities in bulk) (1) between points on Baranof Island, Alaska, and points in Southeast Alaska, and (2) between Sitka, Alaska, on the one hand, and, on the other, points in Zone 1.

HEARING: July 21, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 124413 (Sub-No. 3), filed August 27, 1963. Applicant: MR. AND MRS. CHARLES OUELLETTE, doing business as ARROW TRANSFER, 215 Katlian, Sitka, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (no exceptions), between points in Southeastern Alaska.

HEARING: July 22, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 125117 (Sub-No. 2) (REPUBLICATION), filed December 6, 1963, published in FEDERAL REGISTER, issue February 19, 1964, and republished this issue. Applicant: CLAUDE HAYES, doing business as BROWNING TRUCK LINE, Ohio and Washington Streets, Clinton, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. By application filed December 6, 1963, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle of general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Kansas City, Kans., and Windsor, Mo., from Kansas City, Kans., over city streets to Kansas City, Mo., thence over U.S. Highway 50 to junction Bypass U.S. Highway 71, thence over Bypass U.S. Highway 71 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 52, thence over Missouri Highway 52 to Windsor, and return over the same route, serving all intermediate points and the off-route points of La Due, Blairstown and Leeton, Mo., the above authority to be conditioned upon coincidental cancellation of applicant's authority held in No. MC-125117 to transport general commodities with exceptions from Kansas City, Kans., to Clinton, Mo. The application was referred to Joint Board No. 36 for hearing and the recommendation of an appropriate order thereon. Hearing was held on April 9, 1964, at Kansas City, Mo. A Report and Order, served April 20, 1964, which became effective May 11, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce of general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between Kansas City, Kans., and Windsor, Mo., from Kansas City, Kans., over city streets to Kansas City, Mo., thence over U.S. Highway 50 to junction Bypass U.S. Highway 71, thence over Bypass U.S. Highway 71 to junction U.S. Highway 71, thence over U.S. Highway 71 to Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 52, and thence over Missouri Highway 52 to Windsor, and return over the same route, serving all intermediate points and the off-route points of La Due, Blairstown, and Leeton, Mo. The joint board further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that after the

lapse of 30 days from the date of republication in the FEDERAL REGISTER as hereinabove provided for, and upon receipt from applicant of a request in writing for the coincidental cancellation of the general commodity authority held in certificate No. MC–125117, and the authority granted in No. MC–125117 (Sub-No. 1), an appropriate certificate should be issued.

No. MC 125271, filed April 18, 1963. Applicant: DONALD E. KRAKE, doing business as HAINES TRANSFER CO., Box 28, Haines, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except livestock and articles of unusual value), between points in that portion of Alaska lying generally south and east of the International Boundary line between the United States and Canada north of Haines, Alaska, to the extent such area is accessible by highway and/or Alaska State Ferry System.

NOTE: Applicant states the proposed operations are to be restricted from operations between points in any single island area community, city or municipality in the described area.

HEARING: July 22, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 125398, filed May 31, 1963. Applicant: SAMUEL H. BROWN, doing business as CLOVER PASS TRANSFER, Route 1, Box 603, Ketchikan, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except livestock and articles of unusual value), over regular routes of the Alaska Ferry System and over irregular routes between points in that portion of Alaska lying generally south and east of the United States-Canada International Boundary line north of Haines, Alaska, to the extent such area is accessible by highway and the Alaska State Ferry System.

NOTE: Applicant states that in connection with the proposed regular route operations it will serve Ketchikan, Wrangell, Petersburg, Sitka, Juneau, Haines, and Skagway, Alaska, as intermediate and off-route points. Applicant states that such authority is to be restricted from operations between points in any single island area community, city, or municipality other than in Ketchikan, Alaska, and surrounding area adjacent to existing roads.

HEARING: July 22, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 125709 (REPUBLICATION), filed September 27, 1963, published FEDERAL REGISTER issue of November 20, 1963, and republished this issue. Applicant: PROVAN PETROLEUM TRANSPORTATION COMPANY, INC., 210 Mill Street, Newburgh, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. By application filed September 27, 1963, applicant seeks a permit authorizing operation, in interstate or foreign commerce as a contract carrier, by motor vehicle, over irregular routes, of portable public utility electric substation, in shipper equipped and owned trailer, between points in Orange, Rockland, and Sullivan Counties, N.Y., and Bergen County, N.J., and Pike County, Pa. The application was referred to Examiner Armin G. Clement for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 14, 1964 at New York, N.Y. At the hearing two amendments were proposed, enlarging the scope of the application. A Report and Order, served April 1, 1964, which became effective May 1, 1964, finds that applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the lawful requirements, rules and regulations of the Commission thereunder, and that operation, in interstate or foreign commerce by applicant as a contract carrier by motor vehicle, under a continuing contract with Orange and Rockland Utilities, Inc., of Nyack, N.Y., over irregular routes, of portable public utility electric substation, in shipper-owned and equipped trailer, (1) between points and places in Orange, Rockland and Sullivan Counties, N.Y., on the one hand, and, on the other, Bergen and Passaic Counties, N.J., and Pike County, Pa.; (2) between points and places in Pike County, Pa., on the one hand, and, on the other, Bergen and Passaic Counties, N.J., will be consistent with the public interest and the national transportation policy; that an appropriate permit should be granted after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein, provided that no petitions for further hearing are received during that period.

No. MC 125778 (Sub-No. 1), filed December 16, 1963. Applicant: ERVON E. FAIRBANKS AND LESLIE A. FAIRBANKS, a Partnership, doing business as FAIRWAY FAST FREIGHT SERVICE, Post Office Box 355, Skagway, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and livestock), between points in that part of Alaska south and east of the International Boundary line between the United States and Canada located at or near Haines, Alaska, to the extent such area is accessible by highway and/or the Alaska State Ferry System (including the City of Skagway), with the right to interline traffic with other carriers.

NOTE: Applicant states the proposed authority will be restricted from operation between points in any single island area community, city or municipality in the described area other than requested above.

HEARING: July 22, 1964, in Conference Room 303, Fifth Street Office Building, Juneau, Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 125866, filed December 6, 1963. Applicant: GEORGE J. SLINING, doing business as G. J. SLINING TRUCKING, 615 Garden Avenue, Manistique, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, scrap paper* and *paper products*, between Manistique, Mich., on the one hand, and, on the other, points in Illinois, and Wisconsin.

NOTE: Applicant states the proposed service is to be "limited to continuing contract wth Manistique Pulp and Paper Company, of Manistique, Michigan."

HEARING: June 22, 1964, at the Federal Building, Lansing, Mich., before Joint Board No. 162.

MOTOR CARRIERS OF PASSENGERS

No. MC 124233 (Sub-No. 2) (AMENDMENT), filed December 3, 1963, published in FEDERAL REGISTER issue of February 5, 1964, amended March 2, 1964, and republished as amended this issue. Applicant: VANCOUVER ISLAND TRANSPORTATION COMPANY LIMITED, doing business as VANCOUVER ISLAND COACH LINES LIMITED, 710 Douglas Street, Victoria, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing tours, beginning and ending at ports of entry on the United States-Canada boundary line in Washington and extending to points in Washington, Oregon, California, Nevada, Utah, Arizona, and Colorado, restricted to traffic originating and terminating on Vancouver Island, British Columbia, Canada.

NOTE: The purpose of this republication is to delete part (2) of the previous publication.

HEARING: June 24, 1964, in Room 117, Federal Office Building, 909 First Avenue, Seattle, Wash., before Examiner Francis A. Welch.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 106051 (Sub-No. 29), filed May 13, 1964. Applicant: OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, Post Office Box 5, New Bedford, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, commodities requiring special equipment or commodities injurious or contaminating to other lading), between points in Massachusetts.

NOTE: This is a matter directly related to MC–F 8749. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Com-

mission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8065 (TRUCKING ENTERPRISES, INC.—CONTROL—TREDWAYS EXPRESS, INC.), published in the February 7, 1962, issue of the FEDERAL REGISTER on page 1146. No. MC-F-8334 (JOSEPH E. SALDUTTI, ET AL.—CONTROL—TREDWAYS EXPRESS, INC., AND NEW JERSEY FORWARDING CO.), published in the January 23, 1963, issue of the FEDERAL REGISTER on page 621. No. MC-F-8623 (TREDWAYS EXPRESS, INC.—CONTROL—R. A. BOZARTH, INC.), published in the December 25, 1963, issue of the FEDERAL REGISTER on page 14298. Amendment filed May 1, 1964, to consolidate MC-F-8065 and MC-F-8334, with that in MC-F-8623, and that the applications be amended for the merger of all operating authorities of NEW JERSEY FORWARDING CO., into TREDWAYS EXPRESS, INC., and for the acquisition by TREDWAYS EXPRESS, INC., of control of R. A. BOZARTH, INC., through stock ownership, or in the alternative, the transfer of the operating authority.

No. MC-F-8746. Authority sought for by SHORT LINE DELIVERY CORP., Route 202, Garnerville, N.Y., of the operating rights of HOFFMAN-QUINLAN TRANSPORTATION COMPANY, Fulton Place and York Avenue, Paterson, N.J. Applicants' attorneys and representative: Bowes & Millner, 1060 Broad Street, Newark 2, N.J., and William D. Traub, 10 East 40th Street, New York, N.Y. Operating rights sought to be leased: *General commodities*, except those of unusual value, Class A and B explosives, livestock, liquor, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between New York, N.Y., and points in New Jersey and New York within 15 miles of New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., and Albany, Bronx, Columbia, Dutchess, Fulton, Greene, Kings, Montgomery, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y. Lessee is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8747. Authority sought for purchase by J & M TRANSPORTATION CO., INC., Post Office Box 894, Americus, Ga., of the operating rights and certain property of HAR-PEN TRUCK LINES, INC., Eatonton Highway, Milledgeville, Ga., and for acquisition by JIMMIE McCLINTON, also of Americus, Ga., of control of such rights and property through the purchase. Applicants' attorney: Robert E. Born, Watkins & Daniell, 214 Standard Federal Building, Atlanta, Ga., 30303. Operating rights sought to be transferred: *Clay products*, as a *common carrier* over irregular routes, from Milledgeville and Stevens Pottery, Ga., to points in Alabama, Florida, North Carolina, South Carolina, Mississippi, Louisiana, and Tennessee, from Milledgeville, Ga., to points in Kentucky, Virginia, and West Virginia; and *ground oyster shells*, from High Point, Fla., to points in Georgia, Alabama, Tennessee, North Carolina, and South Carolina. Vendee is authorized to operate as a *common carrier* in North Carolina, Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee, Missouri, Louisiana, Kansas, Michigan, Ohio, Kentucky, Virginia, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8748. Authority sought for control and merger by DEATON TRUCK LINE, INC., 3409 Tenth Avenue North, Birmingham, Ala., 35201, of the operating rights and property of POPLARVILLE TRUCK LINE, INC., Post Office Box 293, Poplarville, Miss., 39470, and for acquisition by DEATON, INC., also of Birmingham, Ala., of control of such rights and property through the transaction. Applicants' attorneys: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004, and William H. Stewart, Post Office Box 308, Poplarville, Miss., 39470. Operating rights sought to be controlled and merged: *Newspapers*, as a *common carrier*, over regular routes, from New Orleans, La., to Laurel, Miss.; and *household goods* and *emigrant movables, general commodities*, except those of unusual value, and except Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Poplarville, Miss., on the one hand, and, on the other, points in Louisiana, and Mississippi within 200 miles of Poplarville. DEATON TRUCK LINE, INC., is authorized to operate as a *common carrier* in Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Missouri, Virginia, New Mexico, Colorado, and Kansas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8749. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass., of the operating rights and property of ALPINE EXPRESS CORP., 56 Ledge Road, North Chelmsford, Mass., and for acquisition by GEORGE VIGEANT, also of New Bedford, Mass., of control of such rights and property through the purchase. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass. Operating rights sought to be transferred: Under the certificate of registration in No. MC-120983 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, New York, New Jersey, Connecticut, and Vermont. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-106051 Sub-29 is a matter directly related.

No. MC-F-8750. Authority sought for purchase by HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga., of the operating rights of HERNDON MOVERS, INC. (TRUST COMPANY OF GEORGIA, ATTORNEY IN FACT), Trust Company of Georgia Building, Atlanta 3, Ga., and for acquisition by JIMMIE H. AYER, also of Marietta, Ga., of control of such rights through the purchase. Applicants' Attorney: Paul M. Daniell, 214 Standard Federal Building, Atlanta, Ga., 30303. Operating rights sought to be transferred: under the "grandfather" provisions of section 206(a)(7), of the Act, pursuant to BOR-99, in No. MC-121067 (Sub-1), covering the transportation of household, kitchen, office furniture and store fixtures, between points in the State of Georgia, and heavy machinery, structural steel, and reenforcement steel, between points in the State of Georgia. Vendee is authorized to operate as a *common carrier* in Georgia, Alabama, Tennessee, North Carolina, South Carolina, Illinois, West Virginia, Michigan, Delaware, Missouri, Oklahoma, Nebraska, Iowa, Indiana, Kentucky, Ohio, Massachusetts, Florida, Louisiana, Mississippi, Arkansas, Pennsylvania, Texas, Virginia, Kansas, New Jersey, New York, Wisconsin, Minnesota, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8751. Authority sought for purchase by EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Avenue, Post Office Box 26040, Dallas, Tex., 75226, of a portion of the operating rights and certain property of HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Post Office Box 450, Nashville, Tenn., 37202, and for acquisition by H. R. BRIGHT, H. G. SCHIFF, JOHN A. MYERS, and ELLIS CHANEY, JR., all of 107 Mercantile Continental Building, Dallas, Tex., 75201, of control of such rights and property through the purchase. Applicants' attorneys: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington, D.C., 20004, Rollo E. Kidwell, 623 North Washington, Post Office Box 26040, Dallas, Tex., 75226, David G. Macdonald, 502 Solar Building, 1000 Sixteenth Street NW., Washington, D.C., and Raymond H. Mathisen, Post Office Box 33816, Miami, Fla., 33133. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Birmingham, Ala., and Atlanta, Ga., serving the intermediate points of Leeds and Anniston, Ala., and Tallapoosa, Breman, Villa Rica and Austell, Ga., and the off-route points

of Bessemer, Ala., and the U.S. Defense Project near Bynum, Ala., between Birmingham, Ala., and Memphis, Tenn., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Texas, Illinois, Missouri, Louisiana, Arkansas, Tennessee, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

NOTE: Amendment filed May 13, 1964, in No. MC-F-7607 (RYDER SYSTEM, INC.—CONTROL—HOOVER MOTOR EXPRESS CO., INC.).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-5010; Filed, May 19, 1964; 8:48 a.m.]

[Notice 641]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 15, 1964.

The following applications are governed by § 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 1293 (Sub-No. 2), filed May 1, 1964. Applicant: HARVEY ELLIS, doing business as ELLIS TRANSFER, West Point, Nebr. Applicant's attorney: P. O. Moodie, Moodie Building, West Point, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse cracklings*, unground, in bulk, from West Point, Nebr., to Sioux City, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at West Point, Nebr.

No. MC 10881 (Sub-No. 3), filed May 8, 1964. Applicant: CANYON TRUCKING COMPANY, a Corporation, Box 3106, Midland, Tex. Applicant's attorney: Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earth drilling machinery and equipment*, (2) *machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, or (b) digging of slush pits, and cleaning, preparing, constructing or maintaining drilling sites*, and (3) *machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the completion of holes or wells drilled, (b) the production, storage, transmission and distribution of commodities resulting from drilling operations, and (c) injection and removal of commodities into or from holes and wells*, between points in Lea and Eddy Counties, N. Mex., and points in Kansas, Oklahoma, Texas, and Louisiana.

NOTE: Applicant states "no duplicating authority is requested." If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 21170 (Sub-No. 50), filed May 6, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A, C, and D, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Agar Packing Co., located at or near Monmouth, Ill., to points in Iowa, Kansas, Missouri, Nebraska, and Colorado.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 21571 (Sub-No. 27), filed May 1, 1964. Applicant: SCHERER FREIGHT LINES, INC., 424 West Madison Street, Ottawa, Ill. Applicant's attorney: David Axelrod, 39 S. La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of the Godfrey Company, located at Waukesha, Wis., as an off-route point in connection wtih applicant's regular-route operations between Milwaukee, Wis., and Chicago, Ill.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 115738; therefore dual operations may be involved. If a hearing is deemed necessary applicant requests that it be held at Chicago, Ill. or Milwaukee, Wis.

No. MC 22278 (Sub-No. 15), filed May 11, 1964. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, serving the off-route point of Columbus Junction, Iowa, in connection with applicant's regular-route operations.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 29886 (Sub-No. 190), filed May 1, 1964. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 4000 West Sample Street, South Bend 21, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer parts*, unfinished, *pipe, tubing or channels, iron and steel, steel strip, steel plate* in coils, and *steel roofing*, from the plant site of Bock Industries of Elkhart, Ind., Inc., subsidiary of Elkhart Welding & Boiler Works, Inc., located in Elkhart, Ind., to points in Texas, Oklahoma, Alabama, Georgia, Florida, and North Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29886 (Sub-No. 191), filed May 8, 1964. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer parts unfinished, pipe, tubing and channels, iron and steel, steel strip, steel plate in coils, and steel roofing*, from the plant site of Bock Industries of Elkhart, Indiana, Inc., subsidiary of Elkhart Welding & Boiler Works, Inc., located at Elkhart, Ind., to points in Wisconsin, Iowa, Missouri, Michigan, and Maryland, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 30727 (Sub-No. 20), filed May 1, 1964. Applicant: THE BILLY BAKER COMPANY, a Corporation, 1301 Elm Street, Toledo, Ohio. Applicant's attorneys: James R. Stiverson and Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, from Cleveland, Ohio, to points in Indiana and Michigan.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

No. MC 30727 (Sub-No. 21), filed May 1, 1964. Applicant: THE BILLY BAKER COMPANY, a Corporation, 1301 Elm Street, Toledo, Ohio. Applicant's attorneys: James R. Stiverson and Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill scale*, in dump vehicles, from Jackson, Mich., to points in Ohio (except points in Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio.

NOTE: Applicant does not specify a choice of place of hearing, if a hearing is deemed necessary.

No. MC 35088 (Sub-No. 2), filed April 29, 1964. Applicant: R. T. GILL, JR., 716 Deckbar Avenue, New Orleans 21, La. Applicant's attorney: Douglas A. Allen, 1900 Veterans Highway, Metairie, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos-transite pipe couplings, fittings, rings and parts used therewith*, (1) from New Orleans, La., to points in Mississippi south of U.S. Highway 80, and (2) between points in Mississippi south of U.S. Highway 80.

NOTE: If a hearing is deemed necessary applicant requests that it be held at New Orleans, La.

No. MC 42146 (Sub-No. 8), filed May 4, 1964. Applicant: THE A. G. BOONE COMPANY, a Corporation, 117 South Clarkson Street, Charlotte, N.C. Applicant's attorney: Allen Post, Sixth Floor, First National Bank Building, Atlanta, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business, between points in Fulton County, Ga., on the one hand, and, on the other, points in Lee County, Miss.

NOTE: Applicant states the proposed service is to be restricted to transportation services performed under contract with The Great Atlantic & Pacific Tea Company, Inc. If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 42614 (Sub-No. 41), filed May 8, 1964. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a Corporation, 400 West Madison Street, Chicago 6, Ill. Applicant's attorney: E. D. Anderson, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses, and such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A, C, and D of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Hospers, Iowa, and Worthington, Minn.: from Hospers over Iowa Highway 33 to the Iowa-Minnesota state line, thence over Minnesota Highway 60 to Worthington, Minn., and return over the same route, serving no intermediate points.

NOTE: Common control may be involved. Applicant states that the proposed service is to be restricted to those commodities having "prior or subsequent rail haul via C & N W Railway Company. If a hearing is deemed necessary applicant requests that it be held at Sioux City, Iowa.

No. MC 58961 (Sub-No. 6), filed May 1, 1964. Applicant: NIGHTHAWK FREIGHT SERVICE, INC., 1800 South Canal Street, Chicago, Ill. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Champ, Mo., also known as Champ Industrial Village, as an off-route point in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 67200 (Sub-No. 19), filed May 1, 1964. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., 5 Hart Street, West Haven, Conn. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Department store merchandise*, from the warehouse of R. H. Macy & Company at Long Island City, N.Y., to points in Connecticut, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *returned, refused or rejected shipments*, on return.

NOTE: Applicant states that the proposed service will be restricted to home deliveries only. If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 69116 (Sub-No. 83), filed May 1, 1964. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meatpacking houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials, and supplies, used in the conduct of such business, and return or rejeced shipments*, serving the plant site of the Agar Packing Company located at Monmouth, Ill., as an off-route point in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 84511 (Sub-No. 17), filed May 6, 1964. Applicant: COMMERCIAL FREIGHT LINES, INC., 1700 West Ninth Street, Kansas City 1, Mo. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses*, and *equipment, materials*, and *supplies used in the conduct of such business*, as described in sections A, C, and D, of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, between the plant site of Agar Packing Company, located at or near Monmouth, Ill., on the one hand, and, on the other, points in Iowa, Missouri, Kansas, and points in Indiana, within the Chicago, Ill., commercial zone, as defined by the Commission.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 87909 (Sub-No. 7), filed April 20, 1964. Applicant: ARROW MOTOR FREIGHT LINE, INC., Post Office Box 2027, Waterloo, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, St. Paul, West St. Paul, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, McCarron's Lake, Fort Snelling, State Fairground, Fridley, Northern Pump Company's Plant near Fridley, New Brighton, Twin Cities Ordnance Plant, Plymouth, and Bloomington, Minn.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Minneapolis, Minn. Applicant states that the purpose of this application is to seek additional authority so as to be allowed to serve Plymouth and Bloomington, Minn.

No. MC 95876 (Sub-No. 27), filed May 6, 1964. Applicant: ANDERSON TRUCKING SERVICE, INC., Post Office Box 844, St. Cloud, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, wall board, pulpboard and insulation, and insulation materials*, from Duluth, Cloquet, Bemidji, and Virginia, Minn. to points in Indiana, Michigan, Ohio, and Pennsylvania.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Duluth or Minneapolis, Minn.

No. MC 103051 (Sub-No. 175), filed April 29, 1964. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in

tank vehicles, from Cordele, Ga., to points in Alabama on and south of U.S. Highway 80 and to points in Florida on and north of Florida Highway 50 (which extends from Indian City on the Atlantic Ocean on the east to Bayport on the Gulf of Mexico on the west).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 106407 (Sub-No. 19), filed May 4, 1964. Applicant: T. E. MERCER TRUCKING COMPANY, a Corporation, 920 North Main Street, Fort Worth, Tex. Applicant's attorney: Beagan Sayers, Century Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earth drilling machinery and equipment;* (2) *machinery, equipment, materials, supplies, and pipe* incidental to, or used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, or (b) digging of slush pits and clearing, preparing, constructing or maintaining drilling sites; (3) *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the completion of holes or wells drilled, (b) the production, storage, transmission and distribution of commodities resulting from drilling operations, or (c) injection or removal of commodities into or from holes or wells; (1) between points in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas, (2) between Memphis, Tenn., and points in Oklahoma, on the one hand, and, on the other, points in Mississippi, (3) between points in Mississippi, on the one hand, and, on the other, points in Texas, Arkansas, and Louisiana, (4) between points in Louisiana, Arkansas, Kansas, Mississippi, New Mexico, Oklahoma, Texas, and Memphis, Tenn., on the one hand, and, on the other, points in Georgia, Alabama, and Florida, (5) between points in Georgia, Alabama, and Florida, (6) between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana, (7) between points in Kansas and Colorado, on the one hand, and, on the other, points in New Mexico, and (8) between points in Texas, Oklahoma, Kansas, and New Mexico, on the one hand, and, on the other, points in Utah, Wyoming, Idaho, and Montana.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Dallas, Tex.

No. MC 106657 (Sub-No. 29), filed May 4, 1964. Applicant: MACHINERY & MATERIALS CORPORATION, 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, in dump vehicles, from Chicago, Ill., to points in Michigan, Wisconsin, and Iowa.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 109435 (Sub-No. 36), filed May 7, 1964. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Drawer J., Stroud, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, either packaged or in bulk, from the plant site of the St. Clair Lime Company approximately 3 miles north of Marble City, Okla., to points in Kansas, those in that part of Missouri on, south and west of a line beginning at the Missouri-Kansas State line near St. Joseph, Mo., and extending along U.S. Highway 36 to junction Missouri Highway 13, near Hamilton, Mo., thence along Missouri Highway 13 to junction U.S. Highway 65 near Springfield, Mo., and thence along U.S. Highway 65 to the Missouri-Arkansas State line, those in that part of Arkansas on and west of U.S. Highway 65, and those in that part of Texas on and north of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 80 to Fort Worth, Tex., thence along U.S. Highway 287 to Amarillo, Tex., and thence along U.S. Highway 66 to the Texas-New Mexico State line, including points located on the indicated portions of the highways specified, and also including service at the Pine Bluff, Ark., Arsenal, points in the Dallas and Fort Worth, Tex., Commercial Zones, and points in the Little Rock-North Little Rock, Ark., commercial zone.

NOTE: Applicant holds authority for the Sallisaw plant of St. Clair to all the above points under its Sub-No. 25. If a hearing is deemed necesesary, applicant requests it be held at Oklahoma City, Okla.

No. MC 110393 (Sub-No. 18), filed May 8, 1964. Applicant: FRIGID FOOD EXPRESS, INCORPORATED, 4205 Camp Ground Road, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor McClure Building, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, frozen foods, fresh and frozen meats and poultry*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Wisconsin, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Louisville, Ky.

No. MC 112750 (Sub-No. 194), filed May 1, 1964. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Claude J. Jasper, Suite 301, 111 South Fairchild Street, Madison, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Microfilm* between West Salem, Wis., on the one hand, and, on the other, Chicago, Ill.

NOTE: If a hearing is deemed necessary applicant requests it be held at Madison, Wis. Common control may be involved.

No. MC 112822 (Sub-No. 42), filed May 7, 1964. Applicant: EARL BRAY, INC., Post Office Box 910 (Linwood and North Streets), Cushing, Okla. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate and urea*, in bulk, in bags or containers, from Neosho, Mo., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas (except points in Harris County, Tex.), Wisconsin, and Wyoming, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at St. Louis, Mo.

No. MC 113678 (Sub-No. 73), filed May 5, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denever, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, frozen and canned fruits and berries*, from points in Michigan to points in Arizona, New Mexico, Colorado, Missouri, Nebraska, and Oklahoma.

NOTE: If a hearing is deemed necessary applicant requests it beheld at Denver, Colo.

No. MC 114045 (Sub-No. 135), filed May 4, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Hackettstown, N.J., to points in Arizona, New Mexico, Idaho, Nevada, California, Oregon, and Washington.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

No. MC 114045 (Sub-No. 136), filed May 8, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles, and textile products, made of natural and synthetic fibres, metallic yarn, dry goods, rugs, carpeting, carpeting products, and manufactured textile products*, between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary applicant requests it be held at Dallas, Tex.

No. MC 114533 (Sub-No. 90), filed May 7, 1964. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Screws, bolts, and nuts*, between Chicago, Ill., on the one hand, and, on the other, Detroit, Mich.

NOTE: Applicant states the "service shall be limited to the transportation of shipments each weighing five (5) pounds or less." If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 115517 (Sub-No. 7), filed May 1, 1964. Applicant: A. R. LOWDER, doing business as B & L TRUCKING CO., Route 4, Albemarle, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *wire-bound boxes*, unfinished, and *crates*, from Marion, S.C., to points in North Carolina, and (2) *roofing*, from Baltimore, Md., to points in North Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return in (1) and (2) above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 115841 (Sub-No. 174), filed May 1, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Smith and Little Rock, Ark., to points in Virginia, Maryland, Delaware, Ohio, Pennsylvania, New Jersey, New York, and the District of Columbia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 116073 (Sub-No. 14), filed May 7, 1964. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile trailer homes*, in initial movements, in truck-away service, from Pasco, Wash., to points in the United States (except Hawaii), and *refused shipments or parts thereof*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Pasco or Spokane, Wash.

No. MC 116763 (Sub-No. 39), filed May 14, 1964. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida to Owensboro, Ky., Pittsburgh, Pa., and its commercial zone, Big Stone Gap, Va., and points in Arkansas, Illinois, Indiana, Michigan (lower peninsula only), Ohio, Tennessee, and West Virginia and points in that part of Wisconsin south of U.S. Highway 18 including Milwaukee.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary applicant requests it be held at Tampa or Orlando, Fla.

No. MC 117119 (Sub-No. 149) (AMENDMENT), filed April 29, 1964, published FEDERAL REGISTER issue May 13, 1964, and republished as amended this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, frozen fruit juice concentrates, frozen pies, and frozen potato products*, from points in California, Oregon, and Washington, to American Falls, Boise, Nampa, Pocatello, Caldwell, Heyburn, and Burley, Idaho, and Ontario, Oreg., for storage-in-transit and subsequent outbound movement to points in Arkansas, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn. The purpose of this republication is to show additional commodities, and additional destination points, not included in previous publication.

No. MC 117184 (Sub-No. 2) (AMENDMENT), filed April 16, 1964, published FEDERAL REGISTER issue May 6, 1964, amended May 6, 1964, and republished as amended this issue. Applicant: APEX TRUCKING CO., INC., 330 West 42d Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers of duplicating, copying and reproducing machines*, and *materials, supplies, accessories, components and equipment*, used in the distribution, operation, and maintenance of such machines, between points in the New York, N.Y., commercial zone, as defined by the Commission, and Northvale, N.J., on the one hand, and, on the other, points in Westchester, Dutchess, Putnam, Rockland, Orange, Ulster, Sullivan, Nassau, and Suffolk Counties, N.Y.

NOTE: Applicant states the proposed service will be for the account of Xerox Corporation. If a hearing is deemed necessary applicant requests it be held at New York, N.Y. The purpose of this republication is to add the origin point of Northvale, N.J., to those shown in previous publication.

No. MC 118290 (Sub-No. 3), filed May 7, 1964. Applicant: EDWARD E. FULLER, doing business as EDDIE FULLER, 3675 NW. 25th Street, Miami, Fla. Applicant's attorney: Joseph H. Weil, Dade Federal Building, 21 NE. First Avenue, Miami, Fla., 33131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned black beans (Spanish type), guava paste, cups and nectar, Cuban crackers, malt syrup and coffee (Spanish type, Pilon)*, from Miami and West Palm Beach, Fla., to Los Angeles and San Francisco, Calif., and *exempt agricultural products*, on return.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Miami, Fla.

No. MC 118535 (Sub-No. 17) (AMENDMENT), filed April 13, 1964, published FEDERAL REGISTER issue April 29, 1964, republished as amended, this issue. Applicant: JIM TIONA, JR., Post Office Box 127, Butler, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds and ingredients thereof* (except in tank or hopper type vehicles), from points in the Kansas City, Kans.-Mo., commercial zone, to points in Kentucky, Virginia, and West Virginia, and *damaged and rejected shipments*, on return.

NOTE: The purpose of this republication is to add the Kansas City, Kans., commercial zone and the States of Virginia and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 118993 (Sub-No. 8), filed May 4, 1964. Applicant: L. R. McDONALD & SONS, LTD., 843 Sydney Street, Cornwall, Ontario, Canada. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, as described in Appendix XI in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Norfolk, N.Y., to the port of entry located on the International Boundary line between the United States and Canada on the Cornwall-Massena Internation Bridge, and *waste paper, and commodities, used in the manufacture of paper*, on return.

NOTE: Applicant states the proposed service is to be restricted to traffic originating at or destined to points in Canada. If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 119164 (Sub-No. 17), filed May 4, 1964. Applicant: J-E-M TRANSPORTATION CO., INC., Box 444, Middletown, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica, silica products and feldspar*, in bulk, in tank vehicles, from East Alstead (Cheshire County), N.H., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant reqeusts it be held at Albany, N.Y.

No. MC 119474 (Sub-No. 1), filed May 1, 1964. Applicant: OSENGA'S TRUCKING SERVICE, INC., 2601 South Eleanor Street, Chicago, Ill., 60608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and Classes A and B explosives), between points in the Chicago, Ill., commercial zone as defined by the Interstate Commerce Commission in 1 M.C.C. 673.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119837 (Sub-No. 4), filed May 1, 1964. Applicant: M. M. HIGGINBOTHAM, doing business as OZARK MOTOR LINES, 806 Michigan Street, Memphis, Tenn. Applicant's attorney: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by

motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between West Plains, Mo., and Gassville, Ark., from West Plains, over U.S. Highway 160 to its junction with Missouri Highway 101 located at Caulfield, Mo., thence over Missouri Highway 101 to its junction with U.S. Highway 62 at Norfolk Lake Ferry, Ark., thence over U.S. Highway 62, to Gassville, and return over the same route, serving all intermediate points, and (2) between Salem, Ark., and junction U.S. Highway 62 and Missouri Highway 101, from Salem, over U.S. Highway 62 to junction Missouri Highway 101, located at Norfolk Lake Ferry, Ark., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 119917 (Sub-No. 15), filed May 1, 1964. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, Ga. Applicant's attorney: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato chips, potato sticks, corn chips and popped corn*, from points in Fulton County, Ga., to points in Early, Dougherty, Terrell, Sumter, and Peach Counties, Ga., Lowndes and Lee Counties, Miss., and Giles and Lawrence Counties, Tenn., and points in Alabama, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant states that traffic will be confined to that moving from the Great Atlantic & Pacific Tea Company, Inc., to warehouse and stores of the shipper. If a hearing is deemed necesary applicant requests it be held at Atlanta, Ga.

No. MC 121405 (Sub-No. 1), filed May 4, 1964. Applicant: A–HUB CITY MOVERS, INC., 1905 Avenue H, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and used office furniture and equipment*, and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, between points within a fifty (50) mile radius of Petersburg, Tex. (excluding points in Harris, Shackelford, and Throckmorton Counties, Tex.) and points in Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 123048 (Sub-No. 40), filed May 4, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, tractors with attachments, tractor attachments* (except truck tractors and truck tractor attachments and except commodities that require the use of special equipment), and *parts for the units being transported*, from Rockford, Ill., to points in the United States (except Hawaii, and Alaska), and (2) *agricultural implements and farm machinery, and parts for such units being transported* (except commodities that require the use of special equipment), from Rockford, Ill., to points in Arizona, New Mexico, Washington, Oregon, California, Idaho, Montana, Wyoming, Utah, Colorado, Nevada, Florida, South Carolina, Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and Pennsylvania (except points in Erie, Crawford, Mercer, Lawrence, Beaver, Washington, Greene, Venango, Butler, Allegheny, Warren, Forest, Clarion, Armstrong, Westmoreland, Fayette, McKean, Elk, Jefferson, Indiana, and Cameron Counties, Pa.), and *rejected shipments of the commodities* specified in (1) and (2) above, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 123194 (Sub-No. 2), filed May 1, 1964. Applicant: SPRAGUE, INC., 9641 South Ewing Avenue, Chicago 17, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendixes A and C in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 272–3, and *equipment, materials, and supplies, used in the conduct of a meatpacking business*, between the plant site of Agar Packing Company, located at or near Monmouth, Ill., on the one hand, and, on the other, points in Indiana, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123233 (Sub-No. 10), filed April 30, 1964. Applicant: PROVOST CARTAGE, INC., 7725 Souligny, Montreal 5, Quebec, Canada. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in tank or hopper-type vehicles (except gasoline, kerosene, fuel oils, milk and milk products, and molasses), between Champlain, N.Y., and Highgate Springs, Vt., on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada located in Franklin County, Vt., and Clinton County, N.Y.

NOTE: Applicant states that no duplicating authority is sought. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 115111; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123745 (Sub-No. 1), filed April 30, 1964. Applicant: PACKERS REFRIGERATED SERVICE CORP., 1206 Walnut Street, McKeesport, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products* moving in refrigerated vehicles, from points in Allegheny and Westmoreland Counties, Pa., to points in Pennsylvania on and west of U.S. Highway 15, points in Ohio on and east of U.S. Highway 21, and points in West Virginia on and north of U.S. Highway 60.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Pittsburgh, Pa.

No. MC 123963 (Sub-No. 4), filed May 1, 1964. Applicant: ATLAS TRANSFER AND STORAGE CORP., 139 Europe Street, Baton Rouge, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, packinghouse products, and articles distributed by packinghouses*, in refrigerated vehicles, from Baton Rouge, La., to points in Terrebonne, Lafourche, and St. Mary's Counties, La., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodities on return.

NOTE: Applicant does not specify where he wishes hearing to be held if one is deemed necessary.

No. MC 126031 (Sub-No. 1), filed May 4, 1964. Applicant: HUBERT L. MURRAY, Route No. 1, Ooltewah, Tenn. Applicant's attorney: Paul M. Daniell, Suite 214–217, Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds*, between Calhoun, Ga., on the one hand, and, on the other, points in Bradley, Polk, McMinn, Meigs, and Hamilton Counties, Tenn., (2) *fertilizer*, from Tyner, Tenn., to points in that part of Georgia on and north of U.S. Highways 123 and 23 (from the South Carolina State line to Atlanta), and on and North of U.S. Highway 29 (from Atlanta to the Alabama State line), and to points in that part of Alabama on the north of U.S. Highway 78 and on and east of U.S. Highway 11, and (3) *field fence post*, from Sweetwater, Tenn., to points in that part of Georgia on and north of U.S. Highways 123 and 23 (from the South Carolina State line to Atlanta), and on and north of U.S. Highway 29 (from Atlanta to the Alabama State line), and to points in that part of Alabama on and north of U.S. Highway 78 and on and east of U.S. Highway 11.

NOTE: Applicant states that the proposed operations will be performed under a continuing contract with Cotton Producers Association and its affiliated Farmers Mutual Exchanges. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126164 (Sub-No. 2), filed May 4, 1964. Applicant: JAMES V. GOLDING, Box 631, Willcox, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed pellets*, in bags, from Gilbert, Ariz., to the Lawrence & Stegall Ranch, located approximately 40 miles southwest of Hachita, New Mexico.

NOTE: Applicant states that the proposed service is to be performed for the account of Arizona Cottonseed Products Company. If a hearing is deemed necessary applicant requests that it be held at Phoenix, Ariz.

No. MC 126171 (Sub-No. 1), filed April 30, 1964. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural twine*, from ports of entry on the international boundary line between the United States and Canada, located at Port Huron and Detroit, Mich., and Buffalo, N.Y., to points in Maine, New Hampshire, Massachusetts, Vermont, New York, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Kentucky, Tennessee, Wisconsin, Ohio, Missouri, Iowa, Minnesota, Nebraska, Kansas, Alabama, Illinois, Indiana, Michigan, Florida, Arkansas, North Dakota, South Dakota, and Oklahoma, and *damaged or rejected shipments*, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 116702, and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Detroit, Mich.

No. MC 126205 (AMENDMENT), filed April 27, 1964, published FEDERAL REGISTER, issue May 6, 1964, amended May 11, 1964, and republished as amended this issue. Applicant: G & R FREIGHT, INC., 5 Algonquinwood, Glendale, Mo. Applicant's attorney: Marshall G. Berol, 21st Floor, 100 Bush Street, San Francisco 4, Calif.

NOTE: The purpose of this republication is to show the name of the applicant's attorney, as shown above, and not published previously.

No. MC 126209, filed April 27, 1964. Applicant: FREED HACKETT, doing business as HACKETT TRAILER TRANSPORT, 4820 Highway 99 South, Redding, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* between points in California and points in Oregon.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Redding, Calif.

No. MC 126219, filed April 30, 1964. Applicant: ROLAND MARTIN, doing business as MARTIN WRECKER SERVICE, 310 South Delaware Street, Indianapolis, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, damaged*, and *disabled motor vehicles and the contents thereof when loaded*, (2) *motor vehicles to be used for replacement of such wrecked, damaged and disabled vehicles*, and (3) *replacement motor vehicle parts, accessories, supplies and materials for use in connection with the repairing of wrecked and disabled motor vehicles*, between points in Indiana on the one hand, and, on the other, points in Illinois, Kentucky, Ohio, Michigan, and Tennessee.

No. MC 126223, filed May 4, 1964. Applicant: BATH AND HAMMONDSPORT RAILROAD COMPANY, Water Street, Hammondsport, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in substituted motor-for-rail service, which is auxiliary to or supplemental of rail service, (1) between Urbana (Steuben County) (Suburb of Hammondsport), N.Y., and Bath, N.Y., over New York Highways 54A and 54, and return over the same route, serving all intermediate points, and (2) between Hammondsport, and Bath, N.Y., over Steuben County Highway 88, and New York Highway 54, and return over the same route, serving all intermediate points.

NOTE: Applicant states that the proposed service shall be limited to service "which is auxiliary to, or supplemental of, its rail service," and "shipments transported by carrier by motor vehicle shall be limited to those which it receives from, or delivers to, its rail lines under a through bill of lading covering an immediately prior or immediately subsequent movement by rail." If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 126227, filed May 1, 1964. Applicant: JERRY METZGER, Rural Route 1, Braggs, Okla., 74423. Applicant's representative: Ted Schwachhofer, Municipal Building, Muskogee, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm products*, such as grains and produce, between points in Oklahoma and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Muskogee, Okla.

No MC 126228, filed April 30, 1964. Applicant: RICHEY & STEWART, Box 235, Scottsburg, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Austin, Ind., to points in Kentucky, Tennessee, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Mississippi, and *exempt commodities*, on return.

NOTE: Applicant states the proposed operations will be under contract or continuing contracts with Morgan Packing Co., Inc., Austin, Ind. Applicant is also authorized to conduct operations as common carrier in Certificate MC 123978; therefore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind.

No. MC 126229, filed May 1, 1964. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acid and chemicals*, in bulk, in tank vehicles, between the site of the plant of Lakeway Chemicals, Inc., at or near Muskegon, Mich., and points in the United States east of the Mississippi River and Louisiana and Texas.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 113434 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 126236, filed May 4, 1964. Applicant: COLUMBINE MOVING & STORAGE CO., A Corporation, 102 Yuma Street, Denver, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, (1) between points in Adams, Arapahoe, Jefferson, Boulder, and Denver Counties, Colo., and (2) between points in Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126237, filed May 5, 1964. Applicant: VERGIL L. LEWIS, West Columbia, W. Va. Applicant's attorney: J. A. Bibby, Jr., Suite 504 Security Building, Charleston, W. Va., 25301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Meigs, Gallia, and Athens Counties, Ohio, to the plant of the Phillips Sporn Company located in Mason County, W. Va.

NOTE: If a hearing is deemed necessary applicant requests it be held at Charleston, W. Va.

No. MC 126238, filed May 6, 1964. Applicant: N. L. CLIFTON, doing business as CLIFTON TRUCKING CO., INC., 1005 South Fifth Street, Purcell, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Burlap*, from Houston, Tex., and New Orleans, La., to Oklahoma City, Okla., and *grain*, on return, and (2) *burlap and grain*, between Houston, Tex., and New Orleans, La., and Denver, Colo.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Oklahoma City, Okla.

No. MC 126239, filed May 6, 1964. Applicant: LYMAN D. STEARNS, 540 North Parkview Drive, Perryville, Mo. Applicant's attorney: Frank J. Iuen, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and*

poultry feed, in bulk and in bags, and *dry fertilizer*, in bulk and in bags, from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone to points in Perry, Cape Girardeau, Bollinger, Madison, and St. Francois Counties, Mo., and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary applicant requests that it be held at St. Louis, Mo.

No. MC 126242 filed May 7, 1964. Applicant: M. O. WIKE, doing business as WIKE TRUCKING COMPANY, 522 12th Avenue SW., Hickory, N.C. Applicant's attorney: Joe P. Whitener, 129 Second Street NW., Hickory, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Catawba, Lincoln, Burke, Caldwell, and Alexander Counties, N.C., to points in South Carolina, Georgia, Virginia, and Maryland, and to Washington, D.C., and *furniture and furniture parts*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 29623 (Sub-No. 28), filed May 4, 1964. Applicant: SOUTHEASTERN STAGES, INC., 457 Piedmont Avenue NE., Atlanta, Ga., 30308. Applicant's attorney: Allen Post, Sixth Floor, First National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage, mail, package express, and newspapers*, in the same vehicle with passengers, between junction Georgia Highway 12 and Interstate Highway 20 at Conyers, Ga., and junction Georgia Highway 10 and U.S. Highway 78 near Monroe, Ga., over Georgia Highway 138, serving the intermediate point of Walnut Grove, Ga.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

APPLICATION FOR WATER CARRIERS

WATER CARRIERS OF PROPERTY

No. FF-314 (TOFC CARTAGE, INC.—FREIGHT FORWARDER APPLICATION), filed May 11, 1964. Applicant: WM. FERGUSON BARNES, doing business as TOFC CARTAGE, INC., 360 Northeast 59th Terrace, Miami 37, Fla. Authority sought under section 410, Part IV of the Interstate Commerce Act, to operate as a freight forwarder, in interstate or foreign commerce, through the use of the facilities of common carriers by railroad (TOFC Service) and motor vehicle, in the transportation of *general commodities* (except explosives) between points in Dade, Orange, Duval, Hillsboro, and Pinellas Counties, Fla., and points in the United States east of the Mississippi River and south of the international boundary between United States and Canada, and Texas and Louisiana.

APPLICATION FOR BROKERAGE LICENSES

No. MC 12909, filed April 27, 1964. Applicant: ROBERT R. ANTHES, doing business as NEBRASKA GRAIN & TRUCK BROKERS, East Highway 30, Kearney, Nebr. Applicant's attorney: DeWayne Wolf, No. 10 East 22nd, Kearney, Nebr. For a license (BMC 4) to engage in operations as a *broker* at Kearney, Nebr., in arranging for transportation, in interstate or foreign commerce, by motor vehicle, of *general commodities*, between points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 59396 (Sub-No. 15), filed May 5, 1964. Applicant: BUILDERS EXPRESS, INC., R. D. Limecrest Road, Lafayette, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, in tank, hopper and dump type vehicles, and in bags, from point at or near Wingdale (Town of Dover, Dutchess County), N.Y., to points in that part of New Jersey on and north of New Jersey Highway 33, and *rejected, damaged or returned shipments*, on return.

No. MC 59570 (Sub-No. 22), filed May 5, 1964. Applicant: HECHT BROTHERS, INC., Lakewood Road, Toms River, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, and gravel*, in bulk, in dump and hopper-type vehicles, restricted to shipments having an immediately prior movement by rail, from Walpole, Mass., to points in Massachusetts.

No. MC 65660 (Sub-No. 4), filed April 30, 1964. Applicant: WARNER & SMITH MOTOR FREIGHT, INC., 50 Shenango Street, Sharpsville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Meadville, Pa., and Titusville, Pa., over Pennsylvania Highway 27, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

No. MC 73464 (Sub-No. 92), filed May 4, 1964. Applicant: JACK COLE COMPANY, a Corporation, 1900 Vanderbilt Road, Birmingham, Ala. Applicant's attorney: John W. Cooper, 805 Title Building, Birmingham, Ala., 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Duke, Ala., on the one hand, and, on the other, Anniston and Gadsden, Ala.

No. MC 105375 (Sub-No. 17), filed May, 5, 1964. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn., 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Clarion, Iowa, to points in Minnesota, and *rejected shipments*, on return.

NOTE: Common control may be involved.

No. MC 112846 (Sub-No. 39), filed May 4, 1964. Applicant: CLARE M. MARSHALL, INC., Post Office Box 611, Rouseville Road, Oil City, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petroleum chemicals), in bulk, in tank vehicles, from Emlenton, Pa., to St. Louis, Hazelwood, Mo.

No. MC 113119 (Sub-No. 5), filed May 7, 1964. Applicant: CONTRACT SERVICE, INC., County Line Road and Cherry Lane, Souderton, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920 Two Penn Center Plaza, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos and asbestos products*, from Norristown, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and the District of Columbia.

No. MC 113280 (Sub-No. 3), filed April 27, 1964. Applicant: GILBERT BUCHMEIER, doing business as BUCHMEIER & SONS, 127 Cedar Street, Hartford, Wis. Applicant's attorney: Arthur C. Snyder, Hartford, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from West Bend, Wis., to Chicago, Ill., and points in its commercial zone as defined by the Commission, and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

No. MC 116014 (Sub-No. 11) (AMENDMENT), filed April 26, 1964, published in FEDERAL REGISTER issue of May 13, 1964, and republished as amended, this issue. Applicant: RALPH OLIVER AND MRS. SCOTT OLIVER doing business as OLIVER TRUCKING CO., West Bloomfield Road, Winchester, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, boxes, crating, veneer, baskets, staves, barrel heads, cardboard cartons, nails, metal banding, barrel headlines, and barrel crosspieces*, between points in Kentucky on and east of U.S. Highway 31E.

NOTE: The purpose of this republication is to add barrel headlines and barrel crosspieces to the commodity description.

No. MC 123233 (Sub-No. 11), filed May 1, 1964. Applicant: PROVOST CARTAGE, INC., 7725 Souligny, Montreal 5, Quebec, Canada. Applicant's attorney: John J. Brady, Jr., 73 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc slabs and ingots (palletized)*, in straddle trailers, from the port of entry on the international boundary line between the United States and Canada, located at or near Fort Covington, N.Y.,

to Massena, N.Y., and *refused* and *rejected shipments* of the commodities specified above, on return.

No. MC 123989 (Sub-No. 6), filed May 11, 1964. Applicant: B & W TRANSPORT CO., INC., Box 327, Austell, Ga. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Latex, latex compounds, and materials and supplies used or useful in the compounding, production and distribution thereof*, between Austell, Ga., and points in Caddo County, Okla.

NOTE: The proposed operations will be performed for the account of Southern Latex Corporation, Austell, Ga.

No. MC 124078 (Sub-No. 110), filed April 30, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from West Des Moines, Iowa, to points in Buffalo, Trempealeau, La Crosse, Vernon, Crawford, and Grant Counties, Wis.

NOTE: Common control may be involved.

No. MC 124078 (Sub-No. 111), filed May 6, 1964. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. Applicant's attorney: James R. Ziperski, 611 South 28th Street, Milwaukee, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from Kingsport, Tenn., to points in Kentucky lying in, west, and north of Monroe, Metcalfe, Adair, Taylor, Marion, Washington, Mercer, Woodford, Scott, Bourbon, Nicholas, Fleming, Lewis, and Greenup Counties, Ky., (2) from Richard City, Tenn., to points in Kentucky, lying, in and north of Carlisle, McCracken, Livingston, Crittenden, Union, Henderson, Daviess, Hancock, Breckinridge, Grayson, Hardin, Larue, Taylor, Marion, Washington, Mercer, Woodford, Scott, Bourbon, Clark, Powell, Wolfe, Morgan, Elliott, and Lawrence Counties, Ky., and (3) from Knoxville, Tenn., to points in Kentucky lying in, west and north of Allen, Barren, Hart, Green, Taylor, Marion, Washington, Mercer, Woodford, Jassamine, Fayette, Clark, Montgomery, Menifee, Rowan, and Lewis Counties, Ky.

NOTE: Applicant states the proposed service "is to allow applicant to transport cement to all points in places in Kentucky not presently authorized under applicant's permanent authority certificates under MC 124078 and subs thereto, insofar as these 3 Tennessee origins are concerned." Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-5011; Filed, May 19, 1964; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 15, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rules 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed shall not be addressed to or filed with the Interstate Commerce Commission.

MOTOR CARRIERS OF PROPERTY

State Docket No. A 46500, filed April 13, 1964. Applicant: CASCADE DRAYAGE AND WAREHOUSING, INC., Grange and Favretto Streets, Redding, Calif. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Applicant proposes that exception (4) to its authority to transport general commodities be eliminated from its certificate. Said certificate is held by applicant under Decision No. 46500 of the California Public Utilities Commission and under Certificate of Registration MC 118885 (Sub-No. 2) of the Interstate Commerce Commission, and authorizes transportation between all points on and within ten (10) miles of points in California on U.S. Highway 99 between Lakehead and Red Bluff and on California Highway 299 between Redding and Whiskeytown. Exception (4) reads as follows: "Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment."

HEARING: Date, time and place assigned for hearing this application, not specified.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the California Public Utilities Commission, California State Building, San Francisco, Calif., and should not be directed to the Interstate Commerce Commission.

MOTOR CARRIERS OF PASSENGERS

State Docket No. D-2152, filed April 29, 1964. Applicant: J. J. LAFFERTY, 615 Lawrence Street, Port Townsend, Wash. Applicant's attorney: Vernon L. Lindskog, 202-206 Security Building, Olympia, Wash. Certificate of public convenience and necessity sought to operate as follows: Transportation of *passengers, their baggage, and express service*, between (1) Port Townsend, Wash., and Fort Worden, Wash.; (2) Port Townsend, Wash., and Zellerbach Paper Mill, Wash.; (3) Port Townsend, Wash., and South Point, Wash., via Four, Wash.; (4) Port Townsend, Wash., and Shine Junction, Wash.; and (5) Port Townsend, Wash., and Center, Wash., via Chimacum, Wash.

HEARING: Date, time and place assigned for hearing application, not specified.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Washington Utilities and Transportation Commission, Olympia, Wash., 98502, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-5012; Filed, May 19, 1964; 8:49 a.m.]

[Notice 986]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 15, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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 65868. By order of May 12, 1964, the Commission, Division 3, acting as an Appellate Division, approved the transfer to Peninsular Transportation Co., Inc., Onley, Va., of the operating rights in corrected certificate in No. MC 105594, issued by Commission February 3, 1950, to Eastern Shore Trucking Service, a Corporation, Onancock, Va., authorizing the transportation, over irregular routes, of lumber, from points in Worcester and Somerset Counties, Md., to points in Delaware, those in Pennsylvania east of the Susquehanna River, those in New York, and New Jersey within 50 miles of New York, N.Y., and those in the District of Columbia, and from points in Northampton and Accomac Counties, Va., to points in Delaware, those in Pennsylvania east of the Susquehanna River, New York, N.Y., Baltimore, Salisbury, and Pocomoke City, Md., and points in New York and New Jersey within 50 miles of New York, N.Y., and those in the District of Columbia. James W. Lawson, 1000 16th Street NW., Washington, D.C., 20006, attorney for applicants.

No. MC-FC 66472. By order of May 13, 1964, the Commission, Division 3, acting as an Appellate Division, approved on reconsideration, the transfer

to Herman C. Jenkins, doing business as J & H Trucking Co., Gary, Ind., of a portion of the operating rights in Certificate No. MC 118612 (Sub-No. 2), issued August 23, 1963, to Columbia Trucking Co., Inc., Roby, Ind., authorizing the transportation, over irregular routes, of: Specified commodities, such as slag, gravel, sand, crushed limestone, and materialite, in bulk, in dump trucks, between named points and counties in Illinois, Indiana, and Wisconsin. Carl L. Steiner, 39 South La Salle Street, Chicago, Ill., and Harold E. Marks, 208 South La Salle Street, Chicago, Ill., attorneys for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-5013; Filed, May 19, 1964; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 15, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39019: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 255), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Ninth revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39020: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 256), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Ninth revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39021: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 257), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 12th revised page 69 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39022: *Joint motor-rail rates—Erie-Lackawanna Railroad Company.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 258), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Second revised page 118-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39023: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 259), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: First revised page 266-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39024: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 260), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 16th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39025: *Liquid caustic soda from Redstone Arsenal, Ala.* Filed by O. W. South, Jr., agent (No. A4515), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, subject to aggregate minimum of 3 carloads per shipment, from Redstone Arsenal, Ala., to Doctortown and Rosser, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 129 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 39026: *Liquefied chlorine gas from Redstone Arsenal, Ala.* Filed by O. W. South, Jr., agent (No. A4516), for interested rail carriers. Rates on liquefied chlorine gas, in tank carloads, from Redstone Arsenal, Ala., to Nixon, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 129 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 39027: *Liquefied chlorine gas from Redstone Arsenal, Ala.* Filed by O. W. South, Jr., agent (No. A4517), for and on behalf of Louisville and Nashville Railroad Co. Rates on liquefied chlorine gas, in tank carloads, from Redstone Arsenal, Ala., to New Johnsonville, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 129 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 39028: *Aluminum billets from Hot Springs, Ark.* Filed by Southwestern Freight Bureau, agent (No. B-8546), for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs, or slabs, in carloads, from Hot Springs, Ark., to Baton Rouge, La., Chicago, Ill., and points grouped with Chicago.

Grounds for relief: Market competition.

Tariff: Supplement 45 to Southwestern Freight Bureau, agent, tariff I.C.C. 4407.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-5007; Filed, May 19, 1964; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Devil Dog Manufacturing Co., Inc., Zebulon, N.C.; effective 4-25-64 to 4-24-65 (children's boxer shorts and longies).

Ecru Manufacturing Co., Ecru, Miss.; effective 5–1–64 to 4–30–65 (men's cotton work shirts).

Hillsdale Manufacturing Corp., Kosciusko, Miss.; effective 5–1–64 to 4–30–65 (men's and boys' sport shirts).

Mar-Bax Shirt Co., Inc., Gassville, Ark.; effective 4–30–64 to 4–29–65 (men's dress and sport shirts).

Pittston Apparel Co., West Enterprise and Market Streets, Glen Lyon, Pa.; effective 5–7–64 to 5–6–65 (brassieres and girdles).

Henry I. Siegel Co., Inc., Eloy, Ariz.; effective 5–14–64 to 5–13–65 (men's and boys' single pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Shirt Corp., Altamont, Tenn.; effective 4–28–64 to 10–27–64; 100 learners (men's and boys' shirts).

Garan, Inc., Eupora, Miss.; effective 5–4–64 to 11–3–64; 85 learners (men's and boys' polo shirts).

Garan, Inc., Philadelphia Division, Philadelphia, Miss.; effective 4–29–64 to 10–28–64; 110 learners (men's and boys' dress and sport pants).

Hillsdale Manufacturing Corp., Kosciusko, Miss.; effective 5–1–64 to 10–31–64; 80 learners (men's and boys' sport shirts).

Mammoth Cave Garment Co., 237 Broadway, Cave City, Ky.; effective 4–29–64 to 10–28–64; 25 learners (men's and boys' dungarees).

Mar-Bax Shirt Co., Inc., Gassville, Ark.; effective 5–6–64 to 11–5–64; 125 learners (men's dress and sport shirts).

Safford Manufacturing Corp., Safford, Ariz.; effective 4–28–64 to 10–27–64; 25 learners (women's, misses', underwear, nightwear and negligees).

Henry I. Siegel Co., Inc., Eloy, Ariz.; effective 5–14–64 to 11–13–64; 40 learners (men's and boys' single pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Glenwood, Ark.; effective 5–11–64 to 5–10–65; 10 learners for normal labor turnover purposes (flannel and leather work gloves).

Jasper Glove Co., Inc., 611 Main Street, Jasper, Ind.; effective 5–9–64 to 5–8–65; 10 learners for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

J. E. Morgan Knitting Mills, Inc., 205 Center Street, Tamaqua, Pa.; effective 5–1–64 to 4–30–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Safford Mfg. Corp., Safford, Ariz.; effective 4–28–64 to 10–27–64; 25 learners for plant expansion purposes in the production of women's knitted garments (women's, misses' underwear, nightwear and negligees).

Wolverine Knitting Mills, Inc., 120 North Jackson Street, Bay City, Mich.; effective 5–4–64 to 11–3–64; 20 learners for plant expansion purposes (women's and children's underwear and nightwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

L. C. Langston and Sons., P.O. Box 268, Arden, N.C.; effective 5–4–64 to 11–3–64; 2 learners for normal labor turnover purposes, in the occupation of machine operators, tenders, fixers and jobs immediately incidental thereto, each for a learning period of 240 hours at the rate of not less than $1.15 an hour (mop yarns).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 8th day of May 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64–4992; Filed, May 19, 1964; 8:45 a.m.]

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