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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Tomatoes¹

A proposal to revise the United States Standards for Grades of Canned Tomatoes was published in the *FEDERAL REGISTER* of February 19, 1963 (28 F.R. 1549). Interested persons were given until December 31, 1963 to submit written data, views, or arguments for consideration in connection with the proposed revision.

Statement of consideration leading to the revision. The existing United States Standards for Grades of Canned Tomatoes were last revised on August 1, 1946 and have not been codified. The principal consideration, therefore, is the necessity for revising the format to facilitate such codification. Other reasons for a revision at this time are to adjust the score points to conform to the uniform scoring system employed in most of the U.S. grade standards for processed fruits and vegetables so as to make the scoring system more meaningful and to employ modern standardization concepts for more accurate application of the standards.

The revised standards include the following changes (from the current standards) substantially as they were proposed on February 19, 1963.

(1) Scores for the factor of "Drained Weight" are based on the drained weights of the individual sample units rather than assigning the score indicated by the average drained weight to all of the sample units representing a lot, as provided for in the present standards. In ascertaining the grade of a lot, however, the provision for averaging the drained weights and limiting the grade to no higher than that indicated by such average score is retained. A special limiting rule prevents assigning a grade higher than U.S. Grade B to a sample unit falling within the Grade C classification for the factor of drained weights.

(2) A good distinctive tomato flavor and odor is required for U.S. Grade A and U.S. Grade A Whole.

(3) The definitions concerning wholeness are revised slightly. These changes

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

are for brevity and clearness and no change of meaning is intended.

(4) Requirements for color remain unchanged. Reference however is made to "USDA Tomato Red," a plastic color comparator which is on file with the Agricultural Marketing Service. This comparator is for sale by the manufacturer under a licensing procedure controlled by the Department.

(5) Under the factor of defects the specific maximum allowances for various defects in each grade are presented in tabular form. These tables provide greater area allowances per can for cans containing less than two pounds provided that the allowances for defects per pound of total sample, if applied to a lot, are not exceeded.

(6) Specific allowances for core material by weight are eliminated since the introduction of new and different varieties of tomatoes have made these allowances unrealistic. Consideration is now given to the effect of objectionable core material on the appearance or edibility of the product.

(7) Allowances for "discolored portions," not specifically mentioned in the current standards, are included to cover such defects as "ghost spots," "cat faces," and similar discolorations which affect the quality of canned tomatoes.

(8) Allowances for harmless extraneous materials have been changed to provide a small tolerance in Grade B.

Changes in these revised standards from those proposed on February 19, 1963 are not substantive. They include modifications in wording and presentation for the purpose of clarification.

Other than minor matters of presentation, the following specific differences from those proposed on February 19, 1963 are now included in the revised standards:

(1) The minimum drained weight requirement for a lot of Grade A whole canned tomatoes is reduced from 59 to 58 percent of the capacity of the container and the minimum for a single sample unit is established as 50 percent of the capacity of the container. The table of drained weight indices is revised to include these changes.

(2) Definitions for various defects are now included under the factor of "Defects".

(3) Tables of maximum defects permitted in each grade are revised in format and now include the following changes:

(a) The amount of peel per pound permitted in single containers of two pounds or more has been increased as follows:

Grade A—from $\frac{1}{2}$ square inch to 1 square inch.

Grade B—from 1 square inch to 2 square inches.

Grade C—from 1 square inch to no specific limit.

The amount of peel permitted in the entire sample remains unchanged.

(b) The limits permitted for objectionable core material have been reworded and now permit a slight amount more in Grade C than in Grade B.

(c) Specific allowances for harmless extraneous materials have been eliminated. Consideration is now given to the effect of any such material on the appearance or edibility of the product.

(4) The section on "Lot Compliance" has been revised to make clear that a lot of canned tomatoes which meets the "Whole" requirement, but has a drained weight index for the lot of less than 58, may not be graded higher than U.S. Grade C.

After consideration of all relevant matters presented including the proposals set forth in the aforesaid notice the following United States Standards for Grades of Canned Tomatoes are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

PRODUCT DESCRIPTION AND GRADES

Sec. 52.5161 Product description.
52.5162 Grades of canned tomatoes.

FILL OF CONTAINER

52.5163 Fill of container.

FACTORS OF QUALITY

52.5164 Ascertaining the grade of a sample unit.
52.5165 Ascertaining the rating for each factor which is scored.
52.5166 Drained weight.
52.5167 Wholeness.
52.5168 Color.
52.5169 Defects.

LOT COMPLIANCE

52.5170 Ascertaining the grade of a lot.

SCORE SHEET

52.5171 Score sheet for canned tomatoes.

AUTHORITY: The provisions of this subpart issued under Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.5161 Product description.

"Canned tomatoes" means canned tomatoes as defined in the Standard of Identity for Canned Tomatoes (21 CFR 53.40) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.5162 Grades of canned tomatoes.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned tomatoes that (1) have a good tomato flavor and odor; (2) have a drained weight of not less than 66 percent of the capacity of the container; (3) the drained tomatoes consist principally of whole or almost whole tomatoes; (4) have good color; (5) are practically free from defects; and (6) score not less than 90 points when scored in accordance with the scoring system outlined in this subpart. Canned tomatoes may be of this grade if the drained weight is less than 66 percent but not less

than 58 percent of the capacity of the container and/or if the drained tomato meat consists substantially of whole or almost whole tomatoes and/or large pieces: *Provided*, That the total score is not less than 90 points.

(b) "U.S. Grade A (or 'U.S. Fancy') Whole" is the quality of canned tomatoes that (1) have a good tomato flavor and odor; (2) have a drained weight of not less than 58 percent of the capacity of the container; (3) have good color; (4) are practically free from defects; (5) consist of drained tomatoes which are 95 percent, by weight, whole or almost whole; and (6) score not less than 90 points when scored in accordance with the scoring system outlined in this subpart. Canned tomatoes may be of this grade if the drained weight is less than 58 percent but not less than 50 percent of the capacity of the container: *Provided*, That the total score is not less than 90 points.

(c) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of canned tomatoes that (1) have a normal tomato flavor and odor; (2) have a drained weight of not less than 58 percent of the capacity of the container; (3) the drained tomatoes consist substantially of whole, almost whole and/or large pieces; (4) have a reasonably good color; (5) are reasonably free from defects; and (6) score not less than 80 points when scored in accordance with the scoring system outlined in this subpart. Canned tomatoes of this grade may have a drained weight of less than 58 percent but not less than 50 percent of the capacity of the container: *Provided*, That the total score is not less than 80 points.

(d) "U.S. Grade C" (or "U.S. Standard") is the quality of canned tomatoes that (1) have a normal tomato flavor and odor; (2) have a drained weight of not less than 50 percent of the capacity of the container; (3) the drained tomatoes may consist of units of any size; (4) have a fairly good color; (5) are fairly free from defects; and (6) score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(e) Substandard is the quality of canned tomatoes that fail to meet the requirements of U.S. Grade C.

FILL OF CONTAINER

§ 52.5163 Fill of container.

The standard of fill of container for canned tomatoes (21 CFR 53.42) requires that the product occupy not less than 90 percent of the water capacity of the container and indicates that canned tomatoes failing this requirement are "Below Standard in Fill."

FACTORS OF QUALITY

§ 52.5164 Ascertaining the grade of a sample unit.

(a) *General*. The grade of a sample unit of canned tomatoes is ascertained

by considering the factor of flavor which is not scored; the ratings for the factors of drained weight, wholeness, color, and defects, which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points*. The relative importance of each scoring factor is expressed numerically, on the scale of 100. The maximum number of points that may be given each factor are:

Factors	Points
Drained weight.....	20
Wholeness	20
Color	30
Defects	30
Total score.....	100

§ 52.5165 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive. (For example: "27 to 30 points" means 27, 28, 29, or 30 points.)

§ 52.5166 Drained weight.

(a) *Drained weight index*. The rating for the factor of drained weight is based on the drained weight index of the sample unit. Such drained weight index is determined as follows:

$$\text{Drained weight index} = \frac{\text{Capacity of container}}{\text{Weight of drained tomatoes}} \times 100$$

(1) *Weight of drained tomatoes*. The weight of drained tomatoes is determined by emptying the contents of the container upon a circular sieve of proper diameter containing two meshes to the inch (the wire of the screen is of uniform diameter of 0.054 inch; 0.446-inch±3 percent square openings) so as to distribute evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The weight of drained tomatoes is the weight

of the sieve and tomatoes less the weight of the dry sieve. A sieve of 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve of 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(2) *Capacity of container*. The capacity of the container is the weight of distilled water, at 68 degrees Fahrenheit (20 degrees Centigrade), which the sealed container will hold.

(b) *(A Whole) Classification*. If not less than 95 percent, by weight, of the drained tomatoes are whole or almost whole, a score of 16 to 20 points may be given for the respective drained weight index as indicated under the "Whole" classification in Table I of this subpart: *Provided*, That such tomatoes meet the requirements for Grade A for the factors of color and defects. (See § 52.5170 for ascertaining the grade of a lot of such tomatoes.)

(c) *(A) Classification*. If the drained weight index of the canned tomatoes is not less than 66, a score of 18 to 20 points as indicated in Table I of this subpart may be given.

(d) *(B) Classification*. If the drained weight index of the canned tomatoes is less than 66, but not less than 58, a score of 16 or 17 points may be given as indicated in Table I of this subpart.

(e) *(C) Classification*. If the drained weight index of the canned tomatoes is less than 58 but not less than 50 a score of 14 or 15 points may be given as indicated in Table I of this subpart. A sample unit that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a special limiting rule.)

(f) *(SStd.) Classification*. Canned tomatoes that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

TABLE I—ALLOWABLE SCORE POINTS FOR DRAINED WEIGHT INDICES AND MINIMUM WEIGHTS OF DRAINED TOMATOES FOR COMMONLY USED CONTAINERS.

U.S. Grade classification	Score points	Drained weight index	Container sizes						
			8Z tall	Picnic	No. 303	No. 2	No. 2½	No. 3 cyl.	No. 10
			Minimum drained weight						
Whole.....	20 19 18 17 16	Index 62 60 58 54 50	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces
			5.4	6.8	10.5	12.7	18.5	32.0	67.9
			5.2	6.5	10.1	12.3	17.9	31.0	65.7
			5.0	6.3	9.8	11.9	17.3	30.0	63.5
			4.7	5.9	9.1	11.1	16.1	27.9	59.1
A.....	20 19 18	Index 70 68 66	4.3	5.5	8.5	10.3	14.9	25.8	54.7
			6.1	7.6	11.8	14.4	20.8	36.2	76.6
			5.9	7.4	11.5	13.9	20.2	35.1	74.4
			5.7	7.2	11.1	13.5	19.6	34.1	72.2
			5.4	6.8	10.5	12.7	18.5	32.0	67.9
B.....	17 16	Index 62 58	5.0	6.3	9.8	11.9	17.3	30.0	63.5
			4.7	5.9	9.1	11.1	16.1	27.9	59.1
C.....	15 14	Index 54 50	4.3	5.5	8.5	10.3	14.9	25.8	54.7

(See § 52.5170 for ascertaining the grade of a lot of canned tomatoes.)

§ 52.5167 Wholeness.

(a) *General.* The factor of wholeness concerns the conformation of the tomatoes and the weight of the pieces of tomato that remain on the screen after draining as described in § 52.5166.

(b) *Definitions.* (1) "Whole or almost whole tomatoes" are tomatoes of any size that are substantially whole in that (i) the contour of the tomato is not materially affected by coring, trimming, or other means; (ii) the tomato may be cracked or split but not to the extent that there is material loss of seed or placenta (gelatinous mass filling seed cavity) or serious opening in the seed cavity; and (iii) the units may be readily restored to, and handled, in practically their original shape.

(2) "Large piece" of tomato is a piece of tomato that weighs not less than 1½ ounces.

(3) "Drained tomatoes" means all of the tomato material that remains on the screen after draining as prescribed in § 52.5166.

(c) *(A Whole) Classification.* If not less than 95 percent by weight of the drained tomatoes are whole or almost whole a score of 20 points may be given.

(d) *(A) Classification.* If less than 95 percent but not less than 80 percent by weight of the drained tomatoes are whole or almost whole a score of 18 or 19 points may be given.

(e) *(B) Classification.* If not less than 70 percent by weight of the drained tomatoes consist of whole or almost whole tomatoes and/or large pieces a score of 16 or 17 points may be given.

(f) *(C) Classification.* If less than 70 percent by weight of the drained tomatoes consist of whole or almost whole tomatoes and/or large pieces a score of 14 or 15 points may be given. Canned tomatoes that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product. (This is a limiting rule.)

§ 52.5168 Color.

(a) *Definitions.* (1) "USDA Tomato Red" means the color of an approved plastic color comparator of this designation.

(2) "Minimum Red for Canned Tomatoes" means the equivalent of any of the colors produced by blending the combinations of the following Munsell Color discs of equal diameter when placed as indicated:

Red—Munsell 5 R 2.6/13 (glossy finish).
Yellow—Munsell 2.5 YR 5/12 (glossy finish).
Black—Munsell N 1/ (glossy finish).
Grey—Munsell N 4 (mat finish).

The discs are placed so that one-third of the area of the Red disc, and not more than one-third of the area of the Yellow disc, are exposed. The exposed areas of the Black and Grey discs make up the remainder of the area.

(b) *Availability of color references.* The colors referred to in this section are available from approved suppliers under license from the Agricultural Marketing Service. Information about these colors

and their availability may be obtained from:

Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, U.S. Department of Agriculture, Washington, D.C., 20250.

(c) *(A) and (A Whole) Classifications.* Canned tomatoes that have a good color may be given a score of 27 to 30 points. "Good color" means a color that is typical of tomatoes of the red or reddish varieties and that of the total outer surface areas of the tomatoes: (1) Not less than 90 percent are as red as "USDA Tomato Red;" (2) not more than 5 percent may be yellow or may possess less red than Minimum Red for Canned Tomatoes; and (3) none are a distinct vivid green.

(d) *(B) Classification.* If the canned tomatoes have a reasonably good color a score of 24 to 26 points may be given. Canned tomatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably good color" means a color that is typical of tomatoes of the red or reddish varieties, and that of the total outer surface areas of the tomatoes: (1) Not less than 50 percent are as red as "USDA Tomato Red;" (2) not more than 10 percent are yellow or are less red than "Minimum Red for Canned Tomatoes;" and (3) none are a distinct vivid green.

(e) *(C) Classification.* If the canned tomatoes possess a fairly good color, a score of 21 to 23 points may be given. Canned tomatoes that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product. (This is a limiting rule.) "Fairly good color" means that the red predominates to the extent that the 50 percent of the drained tomatoes which possess the least redness are as red or redder than "Minimum Red for Canned Tomatoes" as determined by the following test:

(1) Remove the drained tomatoes from the sieve after draining as described under the factor of "Drained Weight."

(2) Cut out and segregate successively those portions of tomatoes of least redness until 50 percent of the drained weight has been so segregated. Commingle the segregated portions (of least redness) to a uniform mixture without removing the seeds.

(3) Fill the mixture into a black container to a depth of at least one inch. Free the mixture from air bubbles, and skim off or press below the surface all visible seeds.

(4) Compare the color of the mixture, in full diffused daylight or its equivalent, with the "Minimum Red for Canned Tomatoes."

(f) *(SStd.) Classification.* Canned tomatoes that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

§ 52.5169 Defects.

(a) *Definitions.* The factor of defects concerns the degree of freedom from tomato peel, objectionable core material, blemished areas, discolored areas, harmless extraneous materials, and other similar defects.

(1) "Objectionable core material" means tomato material associated with the core of the tomato or its attachment which detract from the appearance or edibility of the product and includes tough fibres and tough or slightly discolored tomato tissue.

(2) "Blemished areas" are abnormal areas on the tomatoes which contrast strongly in color and/or texture with the normal tomato tissue. Such areas would normally be removed in the preparation of tomatoes for culinary use.

(3) "Discolored portions" refers to imperfections of the tomato tissue which may not be of strongly contrasting color with respect to the tomato tissue but which detract slightly from the appearance of the product.

(4) "Harmless extraneous material" consists of tomato leaves, stems, calyx bracts, and similar harmless plant material.

(b) *(A) and (A Whole) Classifications.* Canned tomatoes that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that: (1) Any defects present, whether or not specifically defined or listed herein, no more than slightly detract from the appearance or edibility of the product; (2) practically no objectionable core material may be present; (3) no more than a trace of harmless extraneous material may be present; and (4) the defects that may be present in the sample unit, and the entire sample if applicable, do not exceed the allowances specified in Table II of this subpart.

(c) *(B) Classification.* If the canned tomatoes are reasonably free from defects a score of 24 to 26 points may be given. Canned tomatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably free from defects" means that: (1) Any defects present, whether or not specifically defined or listed herein, do not materially detract from the appearance or edibility of the product; (2) only a slight amount of objectionable core material may be present; (3) no more than a slight amount of harmless extraneous material may be present; and (4) the defects that may be present in the sample unit, and the entire sample if applicable, do not exceed the allowances specified in Table II of this subpart.

(d) *(C) Classification.* If the canned tomatoes are fairly free from defects a score of 21 to 23 points may be given. Canned tomatoes that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product. (This is a limiting rule.) "Fairly free from defects" means that: (1) Any defects present, whether

or not specifically defined or listed herein, do not seriously detract from the appearance or edibility of the product; (2) only a moderate amount of objectionable core material may be present; (3) only a moderate amount of harmless extraneous material may be present; and (4) the defects that may be present in the sample unit, and the entire sample if applicable, do not exceed the allowances specified in Table II of this subpart.

(e) (SStd.) Classification. Canned tomatoes that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points

and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

(f) *Equivalents*. The following equivalents may be used in connection with Table II:

<i>Equivalents</i>	
2 pounds	= 0.91 kg.
3 sq. in.	= 19.4 cm. ²
2 sq. in.	= 12.9 cm. ²
1 sq. in.	= 6.5 cm. ²
1/2 sq. in.	= 3.2 cm. ²
1/4 sq. in.	= 1.6 cm. ²
1/8 sq. in.	= 0.8 cm. ²
1/16 sq. in.	= 0.4 cm. ²

TABLE II—MAXIMUM DEFECTS PERMITTED IN EACH GRADE

Grades	Defect (aggregate area)	In a single container		In total sample representing a lot; in cans of any size (per pound of total contents of all containers (average))
		In cans of less than 2 pounds total contents (in any container)	In cans of 2 or more pounds total contents (equivalent amount per pound of contents of any container)	
A and A Whole	Peel	2 square inches	1 square inch	1/2 square inch
	Blemished areas	1/2 square inch	1/4 square inch	1/4 square inch
	Discolored portions	1/2 square inch	1/4 square inch	1/4 square inch
B	Peel	3 square inches	2 square inches	1 square inch
	Blemished areas	1/2 square inch	1/4 square inch	1/4 square inch
	Discolored portions	1 square inch	1/2 square inch	1/4 square inch
C	Peel	No limit	No limit	1 square inch
	Blemished areas	1/2 square inch	1/4 square inch	1/4 square inch
	Discolored portions	1 1/2 square inches	3/4 square inch	3/4 square inch

LOT COMPLIANCE

SCORE SHEET

§ 52.5170 Ascertaining the grade of a lot.

The grade of a lot of canned tomatoes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Products (§§ 52.1 to 52.87); except that the drained weight index of the entire sample shall limit the grade of such a lot in accordance with the following table and limiting rule:

U.S. Grade classification	Minimum drained weight index of total sample	
Grade A Whole	58	A lot of canned tomatoes which meets the requirements for "Whole" classification but which has a drained weight index less than 58, may not be graded higher than U.S. Grade C.
Grade A	66	
Grade B	58	
Grade C	50	

(See § 52.5166 for minimum drained weight indices for individual sample units.)

§ 52.5171 Score sheet for Canned Tomatoes.

No., size and kind of container.....
Label.....
Container mark or identification.....
Net weight (ounces).....
Vacuum (inches).....
Drained weight (ounces).....
Flavor and odor.....

Factors	Score points
Drained weight	20 (A) (A Whole) 18-20 (B) 16-17 (C) 14-15 (SStd.) 10-13
Wholeness	20 (A) (A Whole) 20 (A) 18-19 (B) 16-17 (C) 14-15
Color	30 (A) (A Whole) 27-30 (B) 24-26 (C) 21-23 (SStd.) 10-20
Defects	30 (A) (A Whole) 27-30 (B) 24-26 (C) 21-23 (SStd.) 10-20
Total score	100

¹ Indicates limiting rule.

² Indicates special limiting rule.

The United States Standards for Grades of Canned Tomatoes (which is the seventh issue) contained in this subpart shall become effective thirty days

after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Canned Tomatoes which have been in effect since August 1, 1946.

Dated: June 18, 1964.

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

[F.R. Doc. 64-6229; Filed, June 22, 1964;
8:52 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1965-66 Marketing Year

- Sec.
728.101 Basis and purpose.
728.102 National marketing quota for wheat for the 1965-66 marketing year.
728.103 1965 national acreage allotment for wheat.
728.104 Apportionment of the 1965 national acreage allotment for wheat among the several States.
728.105 Designation of commercial wheat-producing area for the 1965-66 marketing year.

AUTHORITY: The provisions of this subpart issued under secs. 301, 332, 333, 334, 334a, 335, 375, 377, 379b, 52 Stat. 38, as amended, 53, as amended, 54, as amended, 66, as amended, 70 Stat. 206, as amended, 76 Stat. 621, 626, 631, 78 Stat. 178; 7 U.S.C. 1301, 1332, 1333, 1334, 1335, 1335-note, 1375, 1377, 1379b.

§ 728.101 Basis and purpose.

(a) Section 201 of the Agricultural Act of 1964 provides that the Secretary shall not proclaim a national marketing quota for the 1965 crop of wheat and that farm marketing quotas shall not be in effect for such crop of wheat. It further provides that the Secretary shall proclaim a national acreage allotment for the 1965 crop of wheat which shall be the number of acres which the Secretary determines will make available an adequate supply of wheat, but shall not be less than 49,500,000 acres. The regulations contained in §§ 728.101 to 728.105 inclusive are issued to (1) proclaim that marketing quotas will not be in effect on the 1965 crop of wheat, (2) determine and proclaim the national acreage allotment for wheat, (3) determine the national reserve for new areas authorized in section 334(a) and the national special reserve authorized in the same section as amended by Public Law 88-297, (4) apportion the national acreage allotment less reserves among the several States, and (5) designate the commercial

wheat-producing area for the 1965-66 marketing year.

(b) Section 334(i) of the Act, as amended, provides that if, with respect to any crop of wheat, the Secretary finds that the acreage allotments of farms producing any type of wheat are inadequate to provide for the production of a sufficient quantity of such type of wheat to satisfy the demand therefor, the wheat acreage allotment for such crop for each farm located in a county designated by the Secretary as a county which (1) is capable of producing such type of wheat, and (2) has produced such type of wheat for commercial food products during one or more of the five years immediately preceding the year in which such crop is harvested, shall be increased by such uniform percentage as he deems necessary to provide for such quantity. I find that the farm acreage allotments for the 1965 crop on farms producing each type of wheat will be adequate to produce a sufficient quantity of each type of wheat to satisfy the demand therefor taking into consideration the minimum national acreage allotment for 1965, small farm allotment increases, overplanting of allotment by nonparticipants, and wheat produced on food grain base under substitution privilege, and allowing for voluntary diversion, soil bank acreages, normal underplanting of allotments, and abandonment. Therefore, no action will be taken for 1965 under section 334(i) of the Act.

(c) Section 334(a) of the Act, as amended, provides that the 1965 national acreage allotment for wheat (less (1) a reserve of not to exceed one per centum thereof for apportionment to counties in addition to the county allotments made under section 334(b) of the Act on the basis of the relative needs of counties for additional allotment because of new areas coming into the production of wheat during the preceding ten years, and less (2) a special reserve not in excess of one million acres for the purpose explained in the following paragraph) shall be apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1954 to 1963 (plus, in applicable years, the acreage diverted from wheat under agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period.

(d) Section 202 of the Agricultural Act of 1964 provides for a special acreage reserve not in excess of one million acres as determined by the Secretary as being desirable for the purposes of making additional allotments to counties on the basis of the relative needs of counties, as determined by the Secretary, for additional allotment to make adjustments in the allotments on old wheat farms (i.e., farms on which wheat has been seeded or regarded as seeded to one or more of the three crops immediately preceding the crop for which the allotment is established) on which the ratio of wheat acreage allotment to cropland on the farm is less than one-half the average ratio of wheat acreage allotment to cropland on old wheat farms in the county.

Such adjustments shall not provide an allotment for any farm which would result in an allotment-cropland ratio for the farm in excess of one-half of such county average ratio and the total of such adjustments in any county shall not exceed the acreage made available therefor in the county. Such apportionment from the special acreage reserve shall be made only to counties where wheat is a major income-producing crop, only to farms on which there is limited opportunity for the production of an alternative income-producing crop, and only if an efficient farming operation on the farm requires the allotment of additional acreage from the special acreage reserve. For the purposes of making adjustments from the special acreage reserve the cropland on the farm shall not include any land developed as cropland subsequent to the 1963 crop year. In determining the amount of the reserve, consideration was given to recommendations of representatives of the Agricultural Stabilization and Conservation Service at the national, State, and county levels, that many qualifying counties will have a small number of farms eligible to receive additional allotment, and that in other qualifying counties the farms eligible to receive additional allotment will be limited to small acreage increases. Accordingly, it is determined that 100,000 acres is desirable for the purposes of this special reserve for the 1965 crop.

(e) The determination that the national reserve for new areas coming into the production of wheat during the immediately preceding ten years shall be in the amount of 20,000 acres is based upon experience gained during the past several years and presently indicated needs.

(f) In making the findings and determinations contained in § 728.104 the State wheat acreage estimates of the Statistical Reporting Service of the Department were used for the years 1954-56, inclusive, adjusted where necessary to reflect the acreages of wheat used for green manure, cover crop, hay, pasture, and silage, in all States, and the acreage planted to Durum Wheat (Class II) under applicable public laws, in the States of North Dakota, Minnesota, Montana, South Dakota, and California, as indicated by statistics of the Agricultural Stabilization and Conservation Service of the Department.

(g) For States for which wheat acreage estimates are not compiled by the Statistical Reporting Service, and for the 1957, 1958, 1959, 1960, 1961, 1962, and 1963 crop years, statistics of the Agricultural Stabilization and Conservation Service were used.

(h) Credit for wheat diversion in 1954 was computed on a farm basis as follows: If the 1954 farm wheat acreage allotment was knowingly exceeded no credit for diversion was allowed. If the 1954 allotment was not knowingly exceeded, or the 1954 wheat acreage was 90 per centum or more of the farm allotment, the diversion credit allowed was the difference between the base acreage and the 1954 wheat acreage. If the 1954 wheat acreage was less than 90 per centum of the allotment, the maximum

diversion credit for the farm was determined by dividing the 1954 wheat acreage by 90 per centum of the county scaling factor and subtracting from this result the 1954 wheat acreage.

(i) Credit for wheat diversion in 1955 and 1956 was computed on a farm basis in a similar manner as for 1954, except that for 1956 there was added to the computed wheat diversion for each farm the acreage placed in the 1956 acreage reserve program for wheat which was not planted to wheat.

(j) For the years 1954, 1955, and 1956, the State diversion credit for wheat was determined by obtaining the sums of the computed farm diversion credits for each year. For the States of Minnesota, Montana, North Dakota, and South Dakota the acreage of Durum Wheat (Class II) grown within the allotment increases made for 1954 under Public Law 290, 83d Congress, and for 1955 and 1956 under Public Law 431, 84th Congress, were deducted from the 1954, 1955, and 1956 State wheat acreages, respectively, adjusted as described above so that such increases made for Durum Wheat (Class II) would not be reflected in the determination of future allotments as provided by those Acts. For the State of California a similar adjustment was made in the 1956 State wheat acreage for Durum Wheat (Class II).

(k) Adjustments for abnormal weather conditions were determined on a county basis for each State because the nature of such adjustments does not permit their determination at the State level. Such adjustments in the county wheat acreage estimates were approved only for counties for which the ASC State committees had determined that the wheat acreage seeded and diverted for any year of the 10-year period was below normal due to abnormal weather conditions. Counties thus approved which had wheat acreage plus diverted acreage for the year in question lower than the level represented by 90 per cent of the most recent previous normal year's acreage or 110 percent of the previous 10-year average wheat acreage plus diverted acreage, whichever was less, were increased to such level. The State wheat acreage estimates of the Statistical Reporting Service, as previously adjusted, were increased by an acreage equal to the difference between the wheat acreage plus diversion and the acreage substituted in lieu thereof as an adjustment for abnormal weather, for all applicable counties in the State.

(l) The 1957 wheat acreage data as compiled from Agricultural Stabilization and Conservation Service statistics included the following as wheat acreage: (1) Acreages actually seeded on the farms and classified as wheat under marketing quota regulations, less the acreages of Durum Wheat (Class II) grown within the allotments increased under Public Law 85-13; (2) the amounts by which the acreages on a farm were less than the wheat acreage allotment, except those farms underplanting the allotments for the purpose by replanting stored excess; (3) the acreages diverted from the production of wheat on complying farms; and (4) the

acres released and reapportioned to farms under regulations issued by the Secretary governing the temporary release and reapportionment of such acreage.

(m) Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 85-203 to add subsection (h), redesignated subsection (g) by the Food and Agriculture Act of 1962, reading in part as follows: "Notwithstanding any other provision of law, no acreage in the commercial wheat-producing area seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments shall be considered in establishing future State and county acreage allotments except as prescribed in the provisos to the first sentence of subsections (a) and (b), respectively, of this section." Under the provisions of this amendment, only the allotment can be counted as wheat acreage history on any farm on which the allotment was overseeded for the 1958 crop year. The acreage data for 1958 compiled from Agricultural Stabilization and Conservation Service statistics were the sum of the following: (1) The wheat acreage allotments for all farms on which the allotment was overseeded; (2) the wheat base acreages on all farms complying with the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess; and (3) for those farms underplanting the allotment for the purpose of depleting stored excess, the acreages actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the county scaling factor.

(n) Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 86-419 to add subsection (d) as follows:

(d) For the purpose of subsections (a), (b), and (c) of this section, any farm (1) to which a wheat marketing quota is applicable; and (2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and (3) on which the marketing excess is zero, shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in the apportionment of allotment beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year [1958 through 1963] shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption.

(o) Under the provisions of subsection (d) and under the exceptions as prescribed in the provisos in Public Law 85-203, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded, unless the entire amount of the marketing quota excess is stored or delivered to the Secretary to avoid or postpone the

payment of penalty, and none of such excess has been depleted, or the excess has been adjusted to zero because of underproduction. The 1959 wheat acreage data compiled from Agricultural Stabilization and Conservation Service statistics were the sum of the following:

(1) The wheat acreage allotments for all farms on which the allotment was overseeded, except those farms on which the entire amount of the farm marketing excess was stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess was depleted, or the farm marketing excess was adjusted to zero because of underproduction; (2) the wheat base acreages on all old farms on which the allotment was overseeded and on which the entire amount of the farm marketing excess was stored or delivered to the Secretary to avoid or postpone payment of penalty, and none of such excess was depleted, or the farm marketing excess was adjusted to zero because of underproduction; (3) the wheat base acreages on all old farms complying with the wheat acreage allotment, except those farms underplanting the allotment for the purposes of depleting stored excess; and (4) for those old farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the scaling factor.

(p) Section 377 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 86-172 to read beginning with the first proviso as follows: "Provided, That beginning with the 1960 crop, except for federally owned land, the current farm acreage allotments established for a commodity shall not be preserved as history acreage pursuant to the provisions of this section unless for the current year or either of the two preceding years an acreage equal to 75 per centum or more of the farm acreage allotment for such year was actually planted or devoted to the commodity on the farm (or was regarded as planted under provisions of the Soil Bank Act or the Great Plains program)." Under the provisions of this amendment farm wheat acreage history for any crop was not reduced by reason of underplanting except when less than 75 per cent of the farm allotment was planted to such crop and to each of the two immediately preceding crops. The 1960, 1961, 1962, and 1963 wheat acreage data compiled from Agricultural Stabilization and Conservation Service statistics were the sum of the following: (1) The wheat acreage allotments for all farms on which the allotment was overseeded, except those farms on which the entire amount of the farm marketing excess was stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess was depleted, or the farm marketing excess was adjusted to zero because of underproduction; (2) the wheat base acreages on all old farms on which the allotment was overseeded and on which the entire amount of the farm marketing excess

was stored or delivered to the Secretary to avoid or postpone payment of penalty, and none of such excess was depleted, or the farm marketing excess was adjusted to zero because of underproduction; (3) the wheat base acreages on all old farms complying with the wheat acreage allotment, except those farms, other than federally owned farms on which less than 75 per centum of the farm allotment for 1960, 1961, 1962, or 1963, as the case may be, and for each of the two immediately preceding years was actually planted to wheat or was regarded as planted to wheat under the Soil Bank Act and the Great Plains program; (4) for 1960, 1961, 1962, and 1963 for any old farm other than a federally owned farm on which less than 75 per centum of the farm acreage allotment for 1960, 1961, 1962, and 1963, as the case may be, and for each of the two immediately preceding years was actually planted to wheat or regarded as planted to wheat under the Soil Bank Act and the Great Plains program, the smaller of the farm base acreage for 1960, 1961, 1962, or 1963, whichever is applicable, or the acreage obtained by multiplying the wheat acreage for such year by the county wheat diversion factor for such year, which will be the reciprocal of a decimal fraction which is 75 per centum of the county proration factor; (5) for new farms knowingly overplanted for which the farm marketing excesses were adjusted to zero on account of actual production or for which farm marketing excesses were determined and such excesses were stored or delivered to the Secretary to avoid or postpone payment of penalty, the final allotment determined for the farm multiplied by the county diversion credit factor, which was the reciprocal of a decimal fraction equal to 100 per centum of the county proration factor; and (6) for any new farm for which a wheat acreage allotment was determined and such allotment was not overplanted, the final allotment determined for the farm multiplied by the wheat diversion credit factor, which was the reciprocal of a decimal fraction which is equal to the county proration factor. To the acreages determined above, the special allotments assigned to farms in the Tulelake Area of California under the provisions of Public Law 86-385 were added for each of the years 1959, 1960, and 1961, and as provided in Public Law 87-357 for 1962 and 1963.

(q) Section 334(e) of the Act as amended by Public Law 87-703 authorized the Secretary to increase farm wheat acreage allotments for the 1962 and 1963 crop years in the States of North Dakota, Minnesota, Montana, South Dakota, and California to meet demands for Durum Wheat (Class II), but it was provided that such increased allotments would not be taken into account in the determination of future State, county, and farm allotments. Action was taken pursuant to such subsection to increase 1962 farm acreage allotments for the production of Durum Wheat (Class II). As provided in the statute, the increased allotments for the 1962 crop in the designated States were not taken into account

in the determination of the State allotments in § 728.104.

(r) A preliminary adjustment for trend was made by deducting from the State wheat acreage history, as computed in accordance with the preceding paragraphs, the wheat acreage history for the years 1955 through 1958 for those farms which have been removed from agricultural production due to the encroachment of urban and industrial development.

(s) Further adjustments for trends in acreage during the applicable base period were made for each State by first computing an average of the adjusted State wheat acreage estimates for the 10-year period, 1954-63, and the 5-year period 1959-63, and then computing for each State the mid-point of such 10-year and 5-year average acreage.

(t) The effect of this adjustment for trend was limited by not permitting the finally determined base acreages to vary from the average of the 10-year period (1954-63) by more than 3 per centum.

(u) The statistics of the Statistical Reporting Service, as so adjusted and supplemented by data compiled by the Agricultural Stabilization and Conservation Service, constitute the latest available and most reliable statistics of the Federal Government.

(v) Section 334a of the Act provides discretionary authority to the Secretary to designate any State for which a State acreage allotment of 25,000 acres or less is determined for 1965 as being outside the commercial wheat-producing area for the 1965-66 marketing year in order to promote efficient administration of the Act and of the Agricultural Act of 1949. Section 379b of the Act, providing for wheat marketing allocations to farms, specifies that if a noncommercial wheat-producing area is established for any marketing year, farms in such area shall be given wheat marketing allocations which are fair and reasonable in relation to the wheat marketing allocations to farms in the commercial wheat-producing area. From the standpoint of efficient and equitable administration of the marketing allocation program for the 1965-66 marketing year, it is considered desirable that wheat marketing allocations be made to farms in all States on precisely the same basis. Therefore, no State for which a State acreage allotment was determined will be designated as outside the commercial wheat-producing area for the 1965-66 marketing year.

(w) The findings and determinations by the Secretary contained in §§ 728.102, 728.103, 728.104, and 728.105 have been made on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the Act.

(x) Public notice was given (29 F.R. 3771) of the proposed actions in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003). The views, data, and recommendations received pursuant to such notice were duly considered within the limits permitted

by the Agricultural Adjustment Act of 1938, as amended. However, since section 201 of the Act of April 11, 1964 (78 Stat. 178), provided that marketing quotas would not be in effect for the 1965-66 marketing year, the determinations herein relate to loans, grants, and benefits, and are therefore exempted from the provisions of section 4 of the Administrative Procedure Act relating to notice, public procedure thereon, and effective date.

(y) Since farm wheat acreage allotments for the 1965 crop of wheat cannot be determined until the 1965 national acreage allotment for wheat has been proclaimed and apportioned among States and counties, and since wheat producers need to know their 1965 farm wheat acreage allotments as soon as possible in order to plan their 1965 wheat seeding operations, it is hereby found that the proclamations and determinations herein shall become effective upon the date of the filing of this document with the Director, Office of the Federal Register.

§ 728.102 National marketing quota for wheat for the 1965-66 marketing year.

No national marketing quota shall be in effect during the 1965-66 marketing year.

§ 728.103 1965 national acreage allotment for wheat.

An adequate supply of wheat for the marketing year 1965-66, including 685 million bushels for domestic utilization, exports of 715 million bushels, and 600 million bushels as a desirable carryover on July 1, 1966, less imports of 5 million bushels, is determined to be 1,995 million bushels. The actual carryover of wheat July 1, 1965, is estimated at 795 million bushels. Thus the amount of wheat production needed in 1965 is determined to be 1,200 million bushels. The 1965 crop national average yield is expected to be about 25.5 bushels per acre, which indicates that 47.1 million acres will need to be harvested in 1965 to meet production requirements. However, after making adjustments for small farm increases in allotment, overplanting of allotment by nonparticipants, wheat produced on feed grain base under substitution privilege, and allowing for voluntary diversion, soil bank acreages, and normal underplanting of allotments and abandonment, the estimated acreage allotment which will result in harvest of 47.1 million acres is determined to be 44.6 million acres. Since this amount is less than the minimum allotment of 49,500,000 acres provided by law, the national acreage allotment of wheat for the 1965 crop shall be 49,500,000 million acres.

§ 728.104 Apportionment of the 1965 national acreage allotment wheat among the several States.

The national acreage allotment, less a national reserve of twenty thousand acres and a special reserve of one hundred thousand acres for additional allot-

ments to counties, is hereby apportioned among the several States as follows:

State	Acreage allotment
Alaska	12
Maine	291
New Hampshire	14
Vermont	340
Massachusetts	172
Rhode Island	102
Connecticut	223
New York	269,263
New Jersey	41,693
Pennsylvania	442,812
Ohio	1,264,416
Indiana	933,559
Illinois	1,237,023
Michigan	801,600
Wisconsin	28,963
Minnesota	632,805
Iowa	99,903
Missouri	1,174,739
North Dakota	6,788,512
South Dakota	2,478,826
Nebraska	2,859,072
Kansas	9,762,655
Delaware	24,736
Maryland	141,869
Virginia	200,500
West Virginia	26,588
North Carolina	241,803
South Carolina	122,115
Georgia	94,204
Florida	13,271
Kentucky	175,049
Tennessee	153,177
Alabama	45,401
Mississippi	45,980
Arkansas	63,903
Louisiana	33,356
Oklahoma	4,458,867
Texas	3,639,390
Montana	3,644,658
Idaho	1,068,519
Wyoming	256,297
Colorado	2,394,477
New Mexico	425,374
Arizona	37,181
Utah	266,494
Nevada	12,829
Washington	1,839,645
Oregon	764,007
California	373,315
Total Apportioned to States	49,380,000
National Reserve	20,000
Special Reserve ¹	100,000
Total National Allotment	49,500,000

¹ Special reserve of not more than one million acres as provided by Public Law 88-297, 78 Stat. 178.

§ 728.105 Designation of States outside the commercial wheat-producing area for the 1965-66 marketing year.

No State for which a State acreage allotment was determined is designated as outside the commercial wheat-producing area for the 1965-66 marketing year. Accordingly, the commercial wheat producing area for the 1965-66 marketing year shall consist of all States in the United States except Hawaii.

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

Issued at Washington, D.C., this 19th day of June 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-6253; Filed, June 19, 1964; 1:00 p.m.]

[Amdt. 7]

PART 730—RICE**Subpart—Rice Marketing Quota Regulations for 1958 and Subsequent Crop Years****1964 RATE OF PENALTY**

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended.

The amendment is for the purpose of announcing the rate of penalty applicable to excess rice produced in the 1964 crop year.

Under the Act, the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since the calculation of the penalty rate is a mathematical determination, it is hereby found that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and this amendment shall become effective as provided herein.

§ 730.972 [Amended]

Section 730.972 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1964 crop of rice shall be 4.12 cents per pound, which is 65 per centum of the parity price per pound of rice as of June 15, 1964, which is determined to be 6.35 cents per pound."

(Secs. 356, 375, 52 Stat. 62, as amended; 66, as amended; 7 U.S.C. 1356, 1375)

Effective date: 30 days after publication in the *FEDERAL REGISTER*.

Signed at Washington, D.C., on June 18, 1964.

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

[F.R. Doc. 64-6230; Filed, June 22, 1964;
8:52 a.m.]

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

[Milk Order 135]

PART 1135—MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

Order Amending Order**§ 1135.0 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 Colorado Springs-Pueblo 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.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than July 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was issued May 21, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 8, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1964, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the *FEDERAL REGISTER*. (Sec. 4(c) Administrative Procedure Act, 5 U.S.C. 1001-1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means

pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Colorado Springs-Pueblo 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 1135.11 is revised as follows:

§ 1135.11 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products during the month from dairy farmers or any other source except by transfer from a pool plant under this order or from a pool plant pursuant to the Eastern Colorado Federal milk order (Part 1137 of this chapter).

2. In § 1135.22, paragraph (1) (2) is revised as follows:

§ 1135.22 Duties.

(i) * * *

(2) On or before the sixth day of each month, the Class II and Class III prices and the Class II and Class III butterfat differentials for the preceding month computed pursuant to §§ 1135.51 (b) and (c) and 1135.53 (b) and (c), respectively; and

3. In § 1135.41, paragraphs (a) (1) (ii) and (2) and (b) are revised and a new paragraph (c) is added as follows:

§ 1135.41 Classes of utilization.

(a) * * *

(1) * * *

(ii) As classified pursuant to paragraph (c) (2), (3) and (5) of this section; or

(2) Not specifically accounted for as Class II or as Class III.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage cheese except as classified pursuant to paragraph (c) (2) and (3) of this section.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) Disposed of as livestock feed;

(3) The skim milk portion of fluid milk products or cottage cheese dumped after prior notification to and opportunity for verification by the market administrator;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(5) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food

products prepared for consumption off the premises;

(6) In inventory of fluid milk products on hand at the end of the month;

(7) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk received at a pool plant directly from producers; plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1135.9(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations and butterfat tests determined from farm tank samples, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 1135.9(d), unless the exception provided in subdivision (ii) of this subparagraph applies; and

(8) In shrinkage allocated to receipts of other source milk.

§ 1135.42 [Amended]

4. In § 1135.42(b)(1), the reference "§ 1135.41(b)(7)" is changed to "§ 1135.41(c)(7)".

5. In § 1135.44, paragraphs (a)(1) and (e)(1) and (3) are revised as follows:

§ 1135.44 Transfers.

(a) * * *

(1) The transferee and transferor handlers claim utilization in another class in their reports submitted pursuant to § 1135.30; *Provided*, That the transferee plant has utilization in Class II or Class III of an equivalent amount of skim milk and butterfat, respectively, remaining after the allocation made pursuant to § 1135.46(a)(10) and the corresponding step of § 1135.46(b) and any additional amount of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk and butterfat so transferred shall be classified so as to allocate to producer milk the greatest possible total Class I utilization at both pool plants exclusive of Class I other source milk assigned pursuant to § 1135.46(a)(2) and the corresponding step of § 1135.46(b);

(e) * * *

(1) The transferring or diverting handler claims classification in another class in his report submitted pursuant to § 1135.30;

(3) Utilization in the nonpool plant in higher priced uses than that claimed by the transferring handler does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who deliver Grade A milk not priced under any Fed-

eral order. If higher priced utilization exceeds such receipts, the skim milk and butterfat so moved shall be allocated to the highest use remaining after subtracting such receipts from dairy farmers, in series beginning with Class I milk. When transfers or diversions are made during the month to such nonpool plant from other pool plants or from plants fully subject to other Federal orders issued pursuant to the Act, the skim milk and butterfat so assigned at the pool plant shall not be less than that obtained by prorating the assignable milk at the transferee plant over all such receipts at the nonpool plant; and

§ 1135.45 [Amended]

6. In § 1135.45, the term "Class I milk and Class II milk" is changed to "each class".

§ 1135.46 [Amended]

7. In § 1135.46, paragraph (a)(3), (4), (5), (6), (7), (8), (9) and (10), the term "Class II" is changed to "Class III".

8. In § 1135.46, paragraph (a)(1) and (13) is revised as follows:

§ 1135.46 Allocation of skim milk and butterfat classified.

(a) * * *

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified pursuant to § 1135.41(c)(7);

(13) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in each class, in series beginning with Class III. Any amount so subtracted shall be known as "overage".

9. In § 1135.51, paragraph (b) is revised and a new paragraph (c) is added as follows:

§ 1135.51 Class prices.

(b) *Class II milk.* The basic formula price for the month plus 15 cents; and

(c) *Class III milk.* The basic formula price for the month.

10. Section 1135.52 is revised as follows:

§ 1135.52 Location differentials to handlers.

(a) For milk which is received from producers at a plant (except a plant located in Otero County, Colorado) located more than 170 miles by the shortest highway distance, as determined by the market administrator, from the El Paso County Courthouse in Colorado Springs, and which is classified as Class I milk the prices computed pursuant to § 1135.51(a) shall be reduced by 27 cents if such plant is located more than 170 miles but not more than 180 miles from such courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 180 miles;

(b) For milk which is received from producers at a plant located in Otero County, Colorado, and which is classified

as Class I milk, the prices computed pursuant to § 1135.51(a) shall be reduced by 10 cents; and

(c) For the purpose of calculating such differentials, transfers between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in sequence beginning with the plant at which the lowest location differential credit would apply.

11. In § 1135.53, a new paragraph (c) is added as follows:

§ 1135.53 Butterfat differentials to handlers.

(c) *Class III milk.* Multiply the butter price specified in § 1135.50 by 1.20 and divide the result by 10.

12. Section 1135.61 is revised as follows:

§ 1135.61 Exempt plants.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a), (b), (c) or (d) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant from which less than an average of 300 pounds of Class I milk per day is disposed of on routes in the marketing area during the month.

(b) A plant meeting the requirements of § 1135.7(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 on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant were 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.

(c) A plant meeting the requirements of § 1135.7(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

(d) A plant meeting the requirements of § 1135.7(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.

13. In § 1135.70, paragraph (c) is revised as follows:

§ 1135.70 Computation of the value of producer milk for each handler.

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the value of the appropriate Class III price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1135.46(a) (9) and the corresponding step in § 1135.46(b) that is in excess of volumes subtracted in the preceding month pursuant to § 1135.46(a) (8) and the corresponding step in § 1135.46(b); and

(2) Multiply the difference between the value of the appropriate Class III price for the preceding month and the appropriate Class II price for the current month by the hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1135.46(a) (9) and the corresponding step in § 1135.46(b) that is in excess of volumes subtracted in the preceding month pursuant to § 1135.46(a) (8) and the corresponding step in § 1135.46(b).

§ 1135.80 [Amended]

14. In § 1135.80(a) and (e) (1), the term "Class II" is changed to "Class III".

15. Section 1135.81 is revised as follows:

§ 1135.81 Location differential to producers.

In making payments to producers or cooperative associations pursuant to § 1135.80, a handler may deduct with respect to milk received from producers the rate per hundredweight applicable pursuant to § 1135.52 (a) or (b) for the location of the plant at which the milk was received.

§ 1135.82 [Amended]

16. In § 1135.82, the reference "§ 1135.53 (a) and (b)," is changed to "§ 1135.53 (a), (b) and (c)."

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

Effective date: July 1, 1964.

Signed at Washington, D.C., on June 18, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-6233; Filed, June 22, 1964; 8:52 a.m.]

[Milk Order 137]

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

Order Amending Order

§ 1137.0 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 Eastern Colorado 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.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than July 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was issued May 21, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 8, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1964, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the Federal Register. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Eastern Colorado 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. In § 1137.7, paragraph (a) is revised as follows:

§ 1137.7 Pool plant.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which during the month fluid milk products are processed and packaged and from which (1) an amount equal to 50 percent or more of the total receipts of Grade A milk (except receipts from distributing pool plants) is disposed of as fluid milk products on routes, and (2) 20 percent or more of such disposition is on routes in the marketing area; and

2. Section 1137.10 is revised as follows:

§ 1137.10 Producer.

"Producer" means any person, other than a producer-handler or a dairy farmer with respect to milk which qualifies as producer milk under another Federal order issued pursuant to the Act, who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

(a) Received at a pool plant; or
(b) Diverted from a distributing pool plant to a nonpool plant for the account of the handler operating the pool plant or of a cooperative association acting as a handler pursuant to § 1137.9(c), subject to the following conditions:

(1) A cooperative association may divert for its account the milk of any member-producer whose milk is received at a distributing pool plant for at least three days during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 30 percent in the months of March, April, May, June, July and December and 20 percent in other months of its member-producer milk received at all distributing pool plants during the month. Diversions in excess of such percentages shall not be

considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk.

(2) A handler in his capacity as the operator of a distributing pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph, whose milk is received at his distributing pool plant for at least three days during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 30 percent in the months of March, April, May, June, July and December and 20 percent in other months of the milk received at such distributing pool plant during the month from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph. Diversions in excess of such percentages shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk.

(3) For the purposes of the requirements of § 1137.7, milk diverted for the account of the operator of a distributing pool plant except an operator which is also a cooperative association diverting milk in the same month pursuant to subparagraph (1) of this paragraph shall be included in the receipts of the pool plant from which diverted;

(4) For purposes of location adjustments pursuant to §§ 1137.52 and 1137.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the nonpool plant to which diverted.

3. Section 1137.14 is revised as follows:

§ 1137.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk, reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, aerated cream, frozen cream, plastic cream, eggnog, cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than three percent by weight of the finished product), which are neither sterilized on in hermetically sealed containers.

4. Section 1137.15 is revised as follows:

§ 1137.15 Route.

"Route" means any delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

5. In § 1137.22, paragraph (1) (2) and (3) is revised as follows:

§ 1137.22 Duties.

(1) * * *

(1) * * *

(2) On or before the sixth day of each month, the Class II and Class III prices and the Class II and Class III butterfat differentials for the preceding month computed pursuant to §§ 1137.51 (b) and (c) and 1137.53 (b) and (c), respectively; and

(3) On or before the 12th day of each month, the uniform price for producer milk computed pursuant to § 1137.71, and the butterfat differential computed pursuant to § 1137.82, for the preceding month;

6. In § 1137.30, the introductory text preceding paragraph (a) is revised as follows:

§ 1137.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month each handler, except a producer-handler or a handler making payments pursuant to § 1137.62(b), shall report for each of his plants to the market administrator in the detail and on forms prescribed by the market administrator as follows:

7. In § 1137.41, paragraphs (a) (1) (ii) and (2) and (b) are revised and a new paragraph (c) is added as follows:

§ 1137.41 Classes of utilization.

(a) * * *

(1) * * *

(ii) As classified pursuant to paragraph (c) (2), (3) and (5) of this section; or

(2) Not specifically accounted for as Class II or as Class III.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage cheese except as classified pursuant to paragraph (c) (2) and (3) of this section.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) In fluid milk products or cottage cheese disposed of in bulk form for livestock feed;

(3) In the skim milk portion of fluid milk products or cottage cheese dumped after prior notification to and opportunity for verification by the market administrator;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(5) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(6) In inventory of fluid milk products on hand at the end of the month;

(7) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(1) Two percent of receipts of producer milk described in § 1137.12(a) (1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1137.9(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 1137.9 (d) unless the exception provided in § 1137.41(c) (7) (ii) applies; and

(8) In shrinkage allocated to receipts of other source milk.

§ 1137.42 [Amended]

8. In § 1137.42(b), the reference "§ 1137.41(b) (7)" is changed to "§ 1137.41(c) (7)".

9. Section 1137.44 is revised as follows:

§ 1137.44 Transfers.

Skim milk and butterfat disposed of by a handler, either by transfers or diversions, shall be classified as follows:

(a) As Class I milk if transferred in the form of fluid milk products to a pool plant unless:

(1) The transferee and transferor handlers claim utilization in another class in their reports submitted pursuant to § 1137.30;

(2) The transferee plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, remaining after the allocation pursuant to § 1137.46(a) (1) through (7) and the corresponding steps of § 1137.46 (b);

(3) The classification of the skim milk or butterfat so transferred shall be classified so as to allocate to producer milk the highest value use classification of the producer milk of both handlers; and

(4) If a specified utilization is not claimed by both handlers, subject to subparagraphs (2) and (3) of this paragraph, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler of such milk pursuant to § 1137.9(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such month in the pool plant of the transferee handler after the computation pursuant to § 1137.46 (a) (8) and the corresponding step of § 1137.46(b);

(b) As Class I milk if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I if transferred or diverted in bulk lots in the form of a fluid milk product to a nonpool plant except as provided in paragraph (d) of this section, unless the following conditions are met:

(1) The operator of the nonpool plant maintains books and records showing the utilization of the skim milk and butterfat at such plant, which are made avail-

able if requested by the market administrator for the purpose of verification;

(2) The handler claims classification of such skim milk or butterfat in another class in his report pursuant to § 1137.30;

(3) Utilization in the nonpool plant in higher priced uses than that claimed by the transferring handler does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who deliver Grade A milk not priced under any Federal order who the market administrator determines constitute its regular source of supply. If higher priced utilization exceeds such receipts, the skim milk and butterfat so moved shall be allocated to the highest use remaining after subtracting such receipts from dairy farmers, in series beginning with Class I milk. When transfers or diversions are made during the month to such nonpool plant from other pool plants or from plants fully subject to other Federal orders issued pursuant to the Act, the skim milk and butterfat so assigned at the pool plant shall not be less than that obtained by prorating the assignable milk at the transferee plant over all such receipts at the nonpool plant; and

(4) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification and allocation shall apply;

(d) As Class I if transferred in the form of cream to a nonpool plant unless the following conditions are met:

(1) The handler claims classification of such cream in Class III in his report pursuant to § 1137.30;

(2) The handler tags the container of such cream as for manufacturing purposes; and

(3) The handler gives the market administrator sufficient notice to allow him to verify the shipment.

§ 1137.46 [Amended]

10. In § 1137.46(a) (3), (4), (5), (6) and (7), the term "Class II" is changed to "Class III".

11. In § 1137.46, paragraph (a) (1), (8), (9) and (10) is revised as follows:

§ 1137.46 Allocation of skim milk and butterfat classified.

(a) * * *

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage of skim milk classified as Class III pursuant to § 1137.41(c) (7);

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other pool plants or from a cooperative association in its capacity as a handler pursuant to § 1137.9(d) according to its classification as determined pursuant to § 1137.44(a) (1), (2) and (3);

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from a cooperative association in its capacity as a handler pursuant to § 1137.9(d) according to its classification as determined pursuant to § 1137.44(a) (4); and

(10) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount so subtracted shall be known as "overage".

12. In § 1137.51, paragraph (b) is revised and a new paragraph (c) is added as follows:

§ 1137.51 Class prices.

(b) *Class II milk.* The basic formula price for the month plus 15 cents; and

(c) *Class III milk.* The basic formula price for the month.

13. In § 1137.53, a new paragraph (c) is added as follows:

§ 1137.53 Butterfat differentials to handlers.

(c) *Class III milk.* Multiply the butter price specified in § 1137.50 by 1.20 and divide the result by 10.

14. Section 1137.61 is revised as follows:

§ 1137.61 Plants subject to another Federal order.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b) or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1137.7(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 on routes in such other Federal order marketing area than was disposed of on routes 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 § 1137.7(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 § 1137.7(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.

§ 1137.62 [Amended]

15. In § 1137.62(b) (1), the term "Class II" is changed to "Class III".

16. In § 1137.70, paragraphs (c) and (d) (1) are revised as follows:

§ 1137.70 Computation of the value of milk for each handler.

(c) Add the amount computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the appropriate Class III price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 1137.46(a) (6) and the corresponding step of § 1137.46(b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1137.46(a) (6) and the corresponding step of § 1137.46(b) for the current month, whichever is less; and

(2) Multiply the difference between the appropriate Class III price for the preceding month and the appropriate Class II price for the current month by the hundredweight of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 1137.46(a) (6) and the corresponding step of § 1137.46(b) for the preceding month, less that subtracted from Class I pursuant to § 1137.46(a) (6) and the corresponding step of § 1137.46(b), or the pounds of skim milk and butterfat subtracted from Class II milk pursuant to § 1137.46(a) (6) and the corresponding step of § 1137.46(b) for the current month, whichever is less; and

(d) * * *

(1) Multiply the hundredweight of skim and butterfat subtracted from Class I milk pursuant to § 1137.46(a) (3) and the corresponding step of § 1137.46(b) by the difference between the Class III price and the Class I price for the current month adjusted by the applicable butterfat differentials.

§ 1137.71 [Amended]

17. In § 1137.71(a), the reference "§ 1137.80" is changed to "§§ 1137.80 and 1137.84".

§ 1137.72 [Amended]

18. In § 1137.72 in the introductory paragraph preceding paragraph (a), the date "11th" is changed to "12th".

§ 1137.80 [Amended]

19. In § 1137.80(a) and (e) (1), the term "Class II" is changed to "Class III", and in § 1137.80(e) (2), the reference "§ 1137.44(e)" is changed to "§ 1137.44(a)".

§ 1137.82 [Amended]

20. In § 1137.82, the reference "paragraphs (a) and (b) of § 1137.52" is changed to "paragraphs (a), (b) and (c) of § 1137.53".

21. Section 1137.86 is revised as follows:

§ 1137.86 Adjustment of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in monies due a producer or the market administrator from such handler or due such handler from the market administrator, 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 as set forth in the provisions under which such error occurred.

(b) Any unpaid obligation of a handler pursuant to § 1137.84 or paragraph (a) of this section relative to payments to the producer-settlement fund shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

22. Section 1137.88 is revised as follows:

§ 1137.88 Expense of administration.

As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 13th day after the end of each month, four cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to (a) all milk received from producers during such month, including such handler's own-farm production, (b) other source milk received at a pool plant and allocated to Class I, and (c) the quantities of milk at the plants of handlers operating nonpool plants as specified in § 1137.62(a) (2) or (b) (2): *Provided*, That there shall be no administrative assessment charged on milk for which an administrative assessment was paid pursuant to the terms of another Federal order issued pursuant to the Act.

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

Effective date: July 1, 1964.

Signed at Washington, D.C., on June 18, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-6235; Filed, June 22, 1964; 8:52 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Designation of Free, Infected, and Eradication Areas

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended,

and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended (29 F.R. 5313, 6150, 7236), are hereby further amended in the following respects:

1. Subparagraph (4) of § 74.2(a) is hereby deleted and subparagraph (1) is hereby amended to read:

§ 74.2 Designation of free and infected areas.

(a) * * *

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Virginia, Washington, Wisconsin, and Wyoming;

§ 74.3 [Amended]

2. Subparagraph (4) of § 74.3(a) is hereby deleted.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments add the Counties of Lincoln and Rock in the State of Minnesota to the list of free areas and delete such Counties from the infected and eradication areas as sheep scabies is no longer known to exist in these Counties. The entire State of Minnesota has now been designated as a free area. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas, as contained in 9 CFR Part 74, as amended, will not apply to Lincoln and Rock Counties in Minnesota. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply to such Counties and State.

The amendments relieve certain restrictions presently imposed and must be made effective immediately 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 with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of June 1964.

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

[F.R. Doc. 64-6232; Filed, June 22, 1964; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-CE-7]

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

Alteration of Federal Airway

On March 28, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 4099) stating that the Federal Aviation Agency (FAA) proposed to redesignate VOR Federal airway No. 169 segment from Chadron, Nebr., to Rapid City, S. Dak.

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

Although not mentioned in the notice, the Smithwick, S. Dak., Domestic low altitude reporting point which is associated with the segment of V-169 which was proposed for alteration is no longer required for air traffic control purposes. Accordingly, action is taken herein to revoke the Smithwick reporting point.

Since this action is minor in nature and will impose no additional burden on any person, notice and public procedure hereon are unnecessary.

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

1. Section 71.123 (29 F.R. 1009, 3356, 6529) is amended as follows: In V-169 "Smithwick, S. Dak.," is deleted.

2. In § 71.203 (29 F.R. 1211) delete "Smithwick, S. Dak."

These amendments shall become effective 0001 e.s.t., August 20, 1964.

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

Issued in Washington, D.C., on June 15, 1964.

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

[F.R. Doc. 64-6168; Filed, June 22, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SO-11]

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

Alteration of Control Area and Reporting Point

The purpose of these amendments to Part 71 [New] of the Federal Aviation regulations is to make editorial changes to the description of Control 1232 and the Baxley, Ga., Intersection. The change to Control 1232 corrects the description of its eastern boundary and deletes reference to W-497B. The change to the Baxley Intersection involves the substitution of a radial from the Dublin, Ga., VOR for a radial from

the Jacksonville, Fla., VORTAC, but does not alter the location of the intersection. Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary and the amendments may be made effective immediately.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation regulations is amended, effective immediately, as hereinafter set forth:

1. In § 71.163 (29 F.R. 1068), Control 1232 is amended to read as follows:

Control 1232.

That airspace bounded on the E by the Miami Oceanic Control area boundary; on the S by latitude 24°00'00" N.; on the W by longitude 80°25'00" W., the S boundary of V-51, and the E boundary of V-3; and on the N by the S boundary of control 1235; excluding the airspace below 2,000 feet MSL outside the United States.

2. In § 71.203 (29 F.R. 1211), the Baxley, Ga., Intersection is amended to read as follows:

Baxley, Ga. INT:

INT Dublin, Ga. 137°, Alma, Ga. 035° radials; V-5E, V-267.
(Sec. 307(a) and 1110, 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on June 15, 1964.

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

[F.R. Doc. 64-6167; Filed, June 22, 1964;
8:45 a.m.]

[Airspace Docket No. 64-EA-7]

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

Alteration of Federal Airway

On March 28, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 4100) stating that the Federal Aviation Agency proposed to extend V-290 from Montebello direct to Flat Rock, Va.

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, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 20, 1964, as hereinafter set forth.

In § 71.123 (29 F.R. 1009), V-290 is altered by deleting "to Montebello, Va." and substituting "Montebello, Va.; to Flat Rock, Va." therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 15, 1964.

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

[F.R. Doc. 64-6169; Filed, June 22, 1964;
8:45 a.m.]

[Airspace Docket No. 64-SW-10]

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

Designation of Federal Airway

On March 28, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 4100) stating that the Federal Aviation Agency proposed to designate a VOR Federal airway from Austin, Tex., to Daisetta, Tex.

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

The substance of the proposed amendment having been published and for the reason stated in the notice, the following action is taken:

In § 71.123 (29 F.R. 1009) the following is added:

V-306 From Austin, Tex., to Daisetta, Tex.

This amendment shall become effective 0001 e.s.t., August 20, 1964.

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

Issued in Washington, D.C., on June 15, 1964.

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

[F.R. Doc. 64-6170; Filed, June 22, 1964;
8:45 a.m.]

[Airspace Docket No. 64-WA-32]

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

Designation of Federal Airways

The purpose of this amendment to Part 71 [New] of the Federal Aviation regulations is to correct an error in the description of Federal Airway Victor-161. This airway is described in part via the intersection of Blue Springs, Mo., 106° and Lamoni, Iowa, 174° radials. The correct Blue Springs radial is 016° True, and it is presently presented correctly on the appropriate charts.

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

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth. § 71.123 (29 F.R. 1009) is amended as follows:

In V-161 delete "Blue Springs 106°" and substitute "Blue Springs 016°" therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348)

Issued in Washington, D.C., on June 15, 1964.

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

[F.R. Doc. 64-6171; Filed, June 22, 1964;
8:45 a.m.]

[Airspace Docket No. 63-WE-111]

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

Alteration of Federal Airways

On April 7, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 4891) stating that the Federal Aviation Agency proposed alterations to VOR Federal airway Nos. 8, 95, 200, 210, 220, 244, 283, and 298.

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

The substance of the proposed amendments having been published and for the reasons stated in the notice, § 71.123 (29 F.R. 1009, 2336, 2337, 3001, 3225, 7018) is amended as follows:

1. In V-8 "to Kremmling, Colo. From INT of Denver, Colo., 277° and Gill, Colo., 222° radials via Denver;" is deleted and "Kremmling, Colo.; Denver, Colo.;" is substituted therefor.

2. In V-95 "From INT of Denver, Colo., 207° and Kiowa, Colo., 246° radials" is deleted and "From Gunnison, Colo.," is substituted therefor.

3. In V-200 "to Meeker, Colo." is deleted and "Meeker, Colo.; Kremmling, Colo.; to Denver, Colo." is substituted therefor.

4. In V-210 "INT of Farmington 086° and Alamosa, Colo., 232° radials; Alamosa;" is deleted and "Alamosa, Colo., including an S alternate from Farmington to Alamosa via INT of Farmington 086° and Alamosa 232° radials;" is substituted therefor.

5. In V-220 "From INT of Kremmling, Colo., 081° and Denver, Colo., 334° radials via" is deleted and "From Kremmling, Colo., via INT of Kremmling 081° and Denver, Colo., 334° radials;" is substituted therefor.

6. V-244 is amended to read:

V-244 From Oakland, Calif., via INT of Oakland 077° and Stockton, Calif., 268° radials; Stockton, including an S alternate via INT of Oakland 110° and Stockton 246° radials; Coaldale, Nev.; Tonopah, Nev.; Wilson Creek, Nev.; Milford, Utah; Hanksville, Utah; LaSal, Utah; Gunnison, Colo.; Pueblo, Colo.; Lamar, Colo.; to Russell, Kans.

7. V-283 is amended to read:

V-283 From Fresno, Calif., via Reno, Nev.; Lakeview, Oreg.; Redmond, Oreg.; to Newberg, Oreg.

8. V-298 is amended to read:

V-298 From Pendleton, Oreg., via McCall, Idaho; Dubois, Idaho; Dunoir, Wyo.; Boysen Reservoir, Wyo.; to Casper, Wyo., including an S alternate from Dunoir to Casper via Riverton, Wyo.

These amendments shall become effective 0001 e.s.t., August 20, 1964.

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

Issued in Washington, D.C., on June 15, 1964.

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

[F.R. Doc. 64-6172; Filed, June 22, 1964;
8:45 a.m.]

[Airspace Docket No. 63-WE-125]

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

Designation of Federal Airway Segment

On March 5, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 3013) stating that the Federal Aviation Agency proposed to designate a segment of VOR Federal airway No. 86 from Sheridan, Wyo., direct to Rapid City, S. Dak.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association of America (ATA) submitted the only comments.

The ATA concurred in the proposed amendment and also recommended that VOR Federal airway No. 86 be extended from Livingston, Mont., via Billings, Mont., to Sheridan, Wyo., as a common airway with segments of VOR Federal airways Nos. 2 and 19 presently designated between these points. The Federal Aviation Agency concurs in this recommendation as it would provide for route continuity and ease of flight planning for air traffic operating from Butte, Mont., to Rapid City via Bozeman, Mont., Livingston, Billings and Sheridan. Accordingly, action is taken herein to extend V-86 from Livingston to Sheridan.

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

In consideration of the foregoing, § 71.123 (29 F.R. 1009, 6530) is amended as follows:

V-86 is amended to read:

V-86 From Butte, Mont., via Whitehall, Mont.; Bozeman, Mont.; INT of Bozeman 123° and Livingston, Mont., 261° radials; Livingston; Billings, Mont.; Sheridan, Wyo.; to Rapid City, S. Dak.

This amendment shall become effective 0001 e.s.t., August 20, 1964.

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

Issued in Washington, D.C., on June 15, 1964.

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

[F.R. Doc. 64-6173; Filed, June 22, 1964;
8:46 a.m.]

No. 122—3

[Airspace Docket No. 63-SO-53]

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

Transition Area; Correction of Designation

On May 1, 1964, Federal Register Document No. 64-4317 was published in the FEDERAL REGISTER (29 F.R. 5785) and amended the Macon, Ga., transition area. Subsequent to the publication of this document, it was found that a refinement in the boundary of a portion of the Macon transition area having a floor of 3,000 feet MSL adopted in Airspace Docket No. 63-SO-67 was omitted. That change prevented the transition area from causing an increase in the MEA for Victor 154. Accordingly, action is taken herein to conform the Macon transition area with the change appearing in Airspace Docket No. 63-SO-67.

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

In consideration of the foregoing, effective immediately, item No. 3.b. relating to the Macon, Ga., transition area in § 71.181 of Federal Register Document No. 64-4317 (29 F.R. 5785) is altered by deleting the words "on the S by V-70, and on the W by V-267;" and substituting the words "on the SE by V-70, and on the S by V-154;" therefor.

(Sec. 307(a); 49 U.S.C. 1348)

Issued in Washington, D.C., on June 15, 1964.

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

[F.R. Doc. 64-6174; Filed, June 22, 1964;
8:45 a.m.]

[Airspace Docket No. 64-AL-1]

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

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Revocation of Restricted Area

The purpose of these amendments to Parts 73 and 71 [New] of the Federal Aviation Regulations is to revoke the Eielson AFB Restricted Area/Military Climb Corridor (R-2207) and delete references to R-2207 that appear in other airspace designations. This restricted area has been only slightly used, and those departing high performance fighter/interceptor aircraft on air defense missions shall conform to the provisions of an approved CONAD/FAA AFIO departure procedure.

Since these amendments impose no additional burden on any person, notice and

public procedure hereon are unnecessary and the amendments may be made effective immediately.

In consideration of the foregoing, Parts 73 and 71 [New] of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth:

1. In § 73.22 (29 F.R. 1234), R-2207, Fairbanks, Alaska (Eielson AFB), Restricted Area/Military Climb Corridor, is revoked.

2. In § 71.105 (29 F.R. 1006), A-2 and A-15, are amended by deleting "R-2207," and "R-2207," respectively.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

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

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

[F.R. Doc. 64-6175; Filed, June 22, 1964;
8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6045; Amdt. 752]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707-300 and -400 Series Aircraft

Several instances of cracks have occurred in the upper wing skin on Boeing Models 707-300 and 707-400 Series aircraft. In each instance the crack originated at the upper aft edge of the interspar at rear spar stations and progressed toward the front spar. Investigation of the area indicates that the cracks are caused by fatigue. To correct this condition, an airworthiness directive is being issued to require inspection of the upper wing skin and repair if cracks are found.

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

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

BOEING. Applies to all Model 707 Series aircraft listed in Boeing Service Bulletin No. 1796 (R-1), with 7,500 or more hours' time in service.

Compliance required as indicated.

Cracks have occurred in the upper wing skin. In each instance the crack originated at the upper aft edge of the interspar at rear spar Stations 211 or 232 and progressed toward the front spar. In order to correct this condition, accomplish the following:

(a) Aircraft with less than 7,500 hours' time in service on the effective date of the AD shall be inspected in accordance with paragraph (c) prior to the accumulation of 7,700 hours' time in service and thereafter

at periods not to exceed 100 hours' time in service from the last inspection.

(b) Aircraft with 7,500 or more hours' time in service on the effective date of this AD shall be inspected in accordance with paragraph (c) within the next 200 hours' time in service after the effective date of this AD and thereafter at periods not to exceed 100 hours' time in service from the last inspection.

(c) Inspect the subject aircraft for cracks in the skin and gaps between adjacent layers of structure in accordance with Boeing Service Bulletin No. 1796 (R-1) or later FAA-approved revisions, or an equivalent method approved by FAA Aircraft Engineering Division, Western Region. Use a 5-power or greater magnifying glass for the visual inspection referred to in Service Bulletin 1796 (R-1).

(d) Cracks found in the skin or gaps between adjacent layers of structure shall be repaired in accordance with Boeing Service Bulletin No. 1796 (R-1) or later FAA-approved revisions, or an equivalent method approved by FAA Aircraft Engineering Division, Western Region.

(e) Any crack found at rear spar Station 211, or a crack greater than 3.0 inches in length at rear spar Station 232 shall be repaired in accordance with an FAA-approved repair.

NOTE: The procedures noted in Paragraph 3, (d) Note (2) of Boeing Service Bulletin No. 1796 (R-1) dated March 4, 1963, are FAA-approved and may be used in complying with this AD.

(f) If reinforcing straps are installed at rear spar Stations 211 and 232 in accordance with Boeing Service Bulletin No. 1796 (R-1) or equivalent approved by FAA Aircraft Engineering Division, Western Region, the inspections specified in (c) are not required.

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

(Boeing Service Bulletin No. 1796 (R-1) covers this same subject.)

This amendment shall become effective June 20, 1964.

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

Issued in Washington, D.C., on June 15, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-6177; Filed, June 22, 1964;
8:46 a.m.]

[Reg. Docket No. 4066; Amdt. 754]

PART 507—AIRWORTHINESS DIRECTIVES

de Havilland Model DHC-2 "Beaver" Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the elevator trim tab end blocks and replacement of any found defective on de Havilland Model DHC-2 "Beaver" aircraft was published in 29 F.R. 3710.

Interested persons have been afforded an opportunity to participate in the mak-

ing of the amendment. There was a comment that only one case of failure of the red fibre end blocks had been reported. However, the Agency has been advised of seventeen cases of defective end blocks on the DHC-2 "Beaver" aircraft. Another comment recommended elimination of the repetitive inspections. The Agency agrees that the repetitive inspections may safely be eliminated if blocks made of phenolic resin are installed and the AD has been revised to include this provision.

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

DE HAVILLAND. Applies to all Model DHC-2 Series aircraft.

Compliance required as indicated.

As a result of failure of the elevator trim tab end blocks, C2TE49ND and C2TE50ND, which could lead to restriction of elevator movement, accomplish the following:

(a) Within 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 450 hours' time in service, and thereafter within 500 hours' time in service from the last inspection, visually inspect all four red fibre end blocks in elevator trim tabs, C2TE43A and C2TE44A, for indications of delamination, warping, and cracks, especially around the rivet holes.

(b) Replace any defective part with a new part of the same part number, or an FAA-approved equivalent, before further flight, except that one flight may be made in accordance with the provisions of CAR 1.76 for the purpose of obtaining these repairs.

(c) The 500-hour repetitive inspections of paragraph (a) need not be made on aircraft which already incorporate fabric-base phenolic end blocks and may be eliminated on aircraft that are modified by replacing the red fibre end blocks with blocks manufactured from plastic sheet, laminated, thermosetting, cotton fabric-base, phenolic resin MIL-P-15035C Type FBG (general purpose grade), or an FAA-approved equivalent in accordance with the procedure outlined in de Havilland Engineering Bulletin Series "B", No. 30, dated October 15, 1963.

(de Havilland Engineering Bulletin Series "B", No. 30, dated October 15, 1963, available from de Havilland Aircraft of Canada, Ltd., Toronto, Canada, covers this same subject.)

This amendment shall become effective July 24, 1964.

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

Issued in Washington, D.C., on June 16, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-6178; Filed, June 22, 1964;
8:46 a.m.]

[Reg. Docket No. 6043; Amdt. 750]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Model DC-8 Series Aircraft

Amendment 520, 27 F.R. 12616, AD 62-27-4, as amended by Amendment 574, 28 F.R. 5640, requires inspection every 450 hours' time in service of the upper

inboard spar cap structure of the outboard pylon on Douglas Model DC-8 aircraft. Extension of the inspection interval required in paragraph (c) has been substantiated. Therefore, Amendment 520 as amended by Amendment 574 is being further amended to permit an increase from 450 hours' time in service to 500 hours' time in service in paragraph (c).

Since this amendment relaxes a previous requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 520, 27 F.R. 12616, AD 62-27-4, as amended by Amendment 574, 28 F.R. 5640, Douglas Model DC-8 aircraft, is further amended by:

1. Changing paragraph (c) to read:

(c) If no cracks are found the inspections outlined in (a) must be repeated at periods not to exceed 500 hours' time in service from the last inspection.

2. Changing the parenthetical reference statement to read:

(Douglas DC-8 Service Bulletin No. 54-33, Revision No. 2 dated January 24, 1964, covers this same subject.)

This amendment shall become effective June 20, 1964.

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

Issued in Washington, D.C., on June 15, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-6179; Filed, June 22, 1964;
8:46 a.m.]

[Reg. Docket No. 6044; Amdt. 751]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Aircraft

Amendment 565, 28 F.R. 4612, AD 63-10-2, requires inspection of the vertical stabilizers and repair or replacement of any part found cracked before further flight on Fairchild Model F-27 aircraft. It has been determined subsequent to the issuance of that amendment, that the AD no longer need include aircraft Serial Numbers 98, 100, 101, and 102 since these aircraft were modified in accordance with Fairchild Service Bulletin No. 55-4 dated March 1, 1963, before any damage to the vertical stabilizer is likely to have occurred. The parenthetical reference statement is being revised to show the correct numbers of the manufacturer's service bulletins.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 565, 28 F.R. 4612, AD 63-10-2, Fairchild Model F-27 aircraft, is hereby amended as follows:

1. Changing the applicability statement to read:

Applies to F-27 aircraft, Serial Numbers 1 to 97 inclusive and 99.

2. Changing the parenthetical reference statement to read:

(Fairchild Service Bulletins 55-4 dated March 1, 1963, and 55-5 dated March 1, 1963, cover this subject.)

This amendment shall become effective June 20, 1964.

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

Issued in Washington, D.C., on June 15, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-6180; Filed June 22, 1964; 8:46 a.m.]

[Reg. Docket No. 5015; Amdt. 753]

PART 507—AIRWORTHINESS DIRECTIVES

Schleicher Models Ka2B and Ka6 Gliders

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the horizontal stabilizer fittings and replacement if cracks are found on Schleicher Models Ka2B and Ka6 gliders was published in 29 F.R. 5566.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

SCHLEICHER. Applies to all Models Ka2B and Ka6 gliders Serial Numbers 180 through 245.

Compliance required as indicated.

Cracks have occurred in the forward horizontal stabilizer fitting, above the welded seam on the fuselage side. The cracks are believed to be caused by excessive hardening due to welding.

Within the next 10 hours' time in service after the effective date of this AD, accomplish the following:

(a) Remove the forward horizontal stabilizer fittings and inspect for cracks with at least a 3-power magnifying glass. Replace cracked fittings with new fittings before further flight.

(b) Check all fittings for excessive hardness by use of a file as specified in Schleicher Special Inspection for Models Ka2B and Ka6 dated July 12, 1961. Replace fittings found to be too hard, with a new part within the next 10 hours' time in service thereafter.

This amendment shall become effective July 21, 1964.

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

Issued in Washington, D.C., on June 15, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-6181; Filed, June 22, 1964; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-751]

PART 13—PROHIBITED TRADE PRACTICES

Georgia-Pacific Corp. and Georgia-Pacific Paper Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Georgia-Pacific Corporation (Portland, Oreg.) et al., Docket C-751, June 4, 1964]

In the Matter of Georgia-Pacific Corporation, a Corporation, and Georgia-Pacific Paper Corporation, a Corporation

Consent order prohibiting the nation's sixth largest producer of coarse paper—which, between 1947 and 1963 had acquired at least 45 lumber, plywood and paper companies—and its wholly-owned subsidiary from acquiring without prior Commission Approval any company engaged in producing, converting or selling (1) coarse paper or finished products thereof or (2) container-board or its products for a period of ten and seven years, respectively, with exceptions as stated; and requiring them annually to make available or sell to independent jobbers and converters for five years at least 100,000 tons of coarse paper per year (the approximate amount produced at the Crossett, Ark. mill, acquired in 1962), and, for the succeeding five years, 75,000 tons annually, all at delivered prices offered by its name major competitors.

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

It is ordered, That (i) for a period of ten (10) years from the date of service upon them of this Order, respondents, shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, any part of the share capital or assets of any corporation engaged in commerce and engaged in the United States in the production of coarse paper, or in the converting of coarse paper into finished products, including but not limited to paper bags and sacks, or a substantial part of whose business in the United

States is the sale of such finished products; and (ii) for a period of seven (7) years from the date of service upon them of this Order, respondents shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, any part of the share capital or assets of any corporation engaged in commerce and engaged in the United States in the production of containerboard, or in the converting of containerboard, into finished products, including but not limited to corrugated products, or a substantial part of whose business in the United States is the sale of such finished products; provided, however, that nothing contained herein shall prohibit the purchase by respondents, in the ordinary course of business, of coarse paper or containerboard, or finished products converted from coarse paper or containerboard, or secondhand machinery or equipment, used or useful in the manufacture of coarse paper or containerboard or the conversion of coarse paper or containerboard into finished products, if such machinery or equipment does not constitute a major part of the assets of the seller.

It is further ordered, That, for the period ending December 31, 1973 respondents shall make available and affirmatively offer, in good faith at not more than the going delivered market price, to independent jobbers and converters of coarse paper in the United States, to be treated collectively as one class, and, to the extent such offers are accepted, sell (i) in each of the years 1964 through 1968, inclusive, at least 100,000 tons of coarse paper produced at the Crossett, Arkansas, mill acquired from The Crossett Company, which is the approximate tonnage of coarse paper sold by The Crossett Company to all customers in such class during the calendar year 1961 (or, if the total production of such mill in any such calendar year is less than 100,000 tons, at least 75 percent of the total production of such mill in such year), and (ii) in each of the calendar years 1969 through 1973, inclusive, at least 75,000 tons of coarse paper produced at such mill (or, if the total production of such mill in any such calendar year is less than 75,000 tons, then at least 75 percent of the total production of such mill in such year). The going delivered market price shall be determined by the average of the delivered prices offered by St. Regis Paper Company, Union Bag-Camp Paper Corporation, Hudson Pulp and Paper Corporation and International Paper Company for similar grades of coarse paper in effect from time to time during the calendar year in question. Respondents' offers and sales shall be made on such terms and conditions of sale (including terms and conditions of credit) as respondents may establish in good faith from time to time.

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

tend to comply, are complying or have complied with this order.

Issued: June 4, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-6183; Filed, June 22, 1964;
8:47 a.m.]

[Docket 8274]

PART 13—PROHIBITED TRADE PRACTICES

Lectra Spark Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.20 Comparative data or merits; § 13.60 Earnings and profits; § 13.85 Government approval, action connection or standards; § 13.143 Opportunities; § 13.170 Qualities or properties of product or service; 13.170-12 Auxiliary, improving, or supplementary; 13.170-34 Economizing or saving.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Lectra Spark Company (Jenkintown, Pa.) et al., Docket 8274, June 5, 1964]

In the Matter of The Lectra Spark Company a Corporation, and Fred P. Dollenberg and Harry Petrick, Individually and as Officers of Said Corporation; Lectra Sales Corporation, a Corporation, and Jack Howard, Bernard L. Silver and Harry Petrick, Individually and as Officers of Said Corporation; Barilen Corp., a Corporation, Doing Business as Lectra Fuel Igniter Co., and Hyman Schlosberg and Laurence Serlin, Individually and as Officers of Said Corporation

Order requiring three corporations and their officers, engaged in the sale and distribution of automobile spark plugs under the trade name "Lectra Fuel Igniter", to cease representing falsely in advertising that their said "Fuel Igniter" was not a spark plug, would give better gas mileage and better engine performance than conventional spark plugs, enable the user to switch from premium to regular gasoline, and was unconditionally guaranteed; that salesmen and distributors could earn excessive amounts, and that the United States Government had field-tested the product and was a substantial purchaser.

The order to cease and desist is as follows:

It is ordered, That respondents Electra Spark Company, a corporation (incorrectly designated in the complaint herein as The Lectra Spark Company), and its officers, and Fred P. Dollenberg and Harry Petrick, individually and as officers of such corporation; Lectra Sales Corporation, a corporation, and its officers, and Jack Howard, Bernard L. Silver and Harry Petrick, individually and as officers of such corporation; Barilen Corp., a corporation, doing business as Lectra Fuel Igniter Co., or under any other name, and its officers, and Hyman Schlosberg and Laurence Serlin, individually and as officers of such corpo-

ration, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their Lectra Fuel Igniter or any other product of similar design or construction or any other articles of merchandise, do forthwith cease and desist from:

A. Representing, directly or indirectly:

1. That Lectra Fuel Igniters or any other products of substantially similar design or construction are not internal combustion engine spark plugs: *Provided, however*, That nothing herein contained shall prevent the non-deceptive use of the brand name, "Lectra Fuel Igniter."

2. That internal combustion engines equipped with Lectra Fuel Igniters or any other product of substantially similar design or construction will start faster, give better performance, have more power, accelerate faster or give better gas mileage than such engines equipped with conventional spark plugs: *Provided, however*, That nothing herein contained shall prevent truthful and non-deceptive representations that such Igniters, under specified conditions, give longer service than conventional spark plugs.

3. That the use of Lectra Fuel Igniters or any other product of substantially similar design or construction will enable the user to switch from premium or high-octane gasoline to regular gasoline with equal or better performance irrespective of the automobile engine's requirements.

4. That any product is guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed and respondents do in fact fulfill all of their obligations under the terms of the guarantee.

5. That respondents' distributors or salesmen have received earnings or profits in excess of those actually received or earned by such persons; or that the earnings or profits derived by distributors or salesmen of respondents' products will be any amount greater than that usually and customarily earned by distributors or salesmen of such products.

6. That the United States Government has purchased substantial numbers of respondents' products or has field tested such products.

B. Furnishing to, or otherwise placing in the hands of, retailers or dealers the means or instrumentalities by or through which they may mislead or deceive the public in the manner or as to the things prohibited by this order.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That respondents Electra Spark Company, a corporation (incorrectly designated in the complaint as The Lectra Spark Company), Lectra Sales Corporation, a corporation, Barilen Corp., a corporation, and Fred P. Dollenberg, Harry Petrick, Jack Howard, Ber-

nard L. Silver, Hyman Schlosberg, and Laurence Serlin shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth in the initial decision.

Issued: June 5, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-6184; Filed, June 22, 1964;
8:47 a.m.]

PART 71—BRAIDED RUG INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 23, 1964.

Statement by the Commission. Trade practice rules for the Braided Rug Industry as hereinafter set forth, are promulgated by the Federal Trade Commission under its Trade Practice Conference procedure.

The industry for which these trade practice rules are established is composed of persons, firms, corporations, or organizations engaged in the manufacture, processing, sale, or distribution of hand or machine braided rugs, tubular braided rugs and tubular wrap-a-round rugs.

Proceedings for the establishment of these rules were instituted upon application of the Braided Rug Manufacturers' Association. A general trade practice conference was held in the offices of the Commission in Washington, D.C., on March 30, 1964, at which proposals for rules were submitted for consideration of the Commission. The views and suggestions of industry members and other interested parties expressed at the conference and otherwise submitted were duly considered, and thereafter, upon full consideration of the entire matter, final action was taken by the Commission whereby it approved rules for the industry in the form hereinafter set forth.

These rules are designed to provide guidance to the members of the industry regarding the requirements of the laws administered by the Commission, which apply to the trade practices of this industry. Appropriate proceedings in the public interest will be taken by the Commission against industry members, subject to its jurisdiction, who engage in practices prohibited by the rules.

The rules hereinafter set forth become operative thirty (30) days from the date of their promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Nothing contained in these rules is to be construed as relieving any member of the industry from complying with the provisions of the Textile Fiber Products Identification Act, approved September 2, 1958 (effective March 3, 1960), and the Rules and Regulations issued thereunder.

- Sec.
71.0 Definitions.
71.1 Deception (general).
71.2 Misrepresentation as to the origin of industry products.
71.3 Misrepresentation as to the size of industry products.
71.4 Misrepresentation as to character of business.
71.5 Deceptive pricing.
71.6 Misrepresenting industry products as "Hand Braided" or "Hand Made."

AUTHORITY: The provisions of this Part 71 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 71.0 Definitions.

(a) **Industry member.** Any person, firm, corporation, or organization engaged in the manufacture, sale, or distribution of industry products as hereinafter defined.

(b) **Industry products.** Braided Rugs, Tubular Braided Rugs and Tubular Wrap-A-Round Rugs, made in the following manner, irrespective of composition:

(1) Braided rugs, formed by sewing together flat braids or plaits into desired shapes;

(2) Tubular braided rugs, formed by braiding yarn around a core to form a sheath, or tube, for the core and thereafter sewing the same into desired shapes;

(3) Tubular wrap-a-round rugs, formed by wrapping yarn or thread around a core of filler material in a spiral fashion without interlocking and thereafter sewing such wrapped cores into desired shapes.

§ 71.1 Deception (general).

(a) It is an unfair trade practice for members of the industry to offer for

sale or sell industry products under any representations, description, circumstance, or condition which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers thereof, as to the type, size, kind, grade, quality, weight, durability, serviceability, terms of sale, value, production, method of manufacture, fabrication or distribution of such industry products or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect.

(b) The prohibitions of this section are applicable to all forms of advertising, whether written or oral, in periodicals, on the radio or television, and to any form of marking or labeling of industry products or the packages in which they may be shipped, offered for sale or sold.

(c) Under this section it is an unfair trade practice to represent any industry product as a "braided rug" unless made in the manner described in § 71.0(b)(1).

(d) Rugs made in conformity with § 71.0(b)(2) may be designated as "tubular braided rugs," and rugs of the construction described in § 71.0(b)(3) may be designated as "tubular wrap-a-round rugs", but not as woven or braided. [Rule 1]

§ 71.2 Misrepresentation as to the origin of industry products.

It is an unfair trade practice to represent, directly or by implication, that a product manufactured in a foreign country was made in the United States. Under this section, distinctively American names may not be used to identify products imported from a foreign country unless in close conjunction with any such name clear and conspicuous disclosure is made of the country of origin of the product.

NOTE: The marking of imported articles to show their country of origin is a responsibility of the Bureau of Customs, Department of the Treasury, under the provisions of statutes administered by it. Action may be taken by the Commission under the Federal Trade Commission Act in the case of deceptive nondisclosure of foreign origin in matters within its jurisdiction, when such action is necessary in the public interest.

[Rule 2]

§ 71.3 Misrepresentation as to the size of industry products.

It is an unfair trade practice in referring to the size of an industry product to use any size representation which does not accurately reflect the actual size of the product.

NOTE: Nothing in this section shall be construed as preventing an industry member from stating the "approximate size" of a group of rugs offered for sale, provided that no rug in the group varies in size from the stated approximate size by more than 1½ percent in any dimension (length or width).

[Rule 3]

§ 71.4 Misrepresentation as to character of business.

It is an unfair trade practice for any industry member, in the course of or in connection with the sale of industry

products, to represent directly or indirectly, that he is a manufacturer of industry products, unless he owns and operates or directly controls a factory wherein such products are made, or to represent that he is a wholesaler of industry products when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 4]

§ 71.5 Deceptive pricing.

It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: On December 20, 1963 the Commission adopted Guides Against Deceptive Pricing which became effective on January 8, 1964 and which supersede the Guides on this subject as adopted October 2, 1958. Copies of the Guides will be furnished upon request.

[Rule 5]

§ 71.6 Misrepresenting industry products as "Hand Braided" or "Hand Made."

(a) It is an unfair trade practice to represent an industry product as "hand braided" unless such product is composed of strands which were in fact braided by hand.

(b) It is also an unfair trade practice to represent an industry product as "hand made" unless it is made entirely by hand. [Rule 6]

Approved: June 9, 1964.

By direction of the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-6140; Filed, June 22, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

PLASTICIZERS IN POLYMERIC SUBSTANCES; DIHEXYL PHTHALATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 949) filed by Esso Research and Engineering Company, P.O. Box 172, Linden, New Jersey, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of dihexyl phthalate as a plasticizer in polymeric substances used in the manufac-

ture of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2511 is amended by inserting alphabetically in the list of substances in paragraph (b) a new item, as follows:

§ 121.2511 Plasticizers in polymeric substances.

(b) List of substances:

Limitations

Diethyl	For use only:
phthalate.	1. As provided in § 121.2520.
	2. In articles that contact food only of the types identified in § 121.2526 (c), table 1, under categories I, II, IV-B, VI-B, and VIII.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

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

Dated: June 16, 1964.

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

[F.R. Doc. 64-6206; Filed, June 22, 1964; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Chlortetracycline Hydrochloride in Oil Oral Veterinary; Change in Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the

regulations for the certification of chlortetracycline and chlortetracycline-containing drugs (21 CFR 146c.256) are amended as follows:

Section 146c.256(c)(1)(iii) is amended to read:

§ 146c.256 Chlortetracycline hydrochloride in oil oral veterinary.

(c) * * *

(1) * * *

(iii) The statement "Expiration date _____," the blank being filled in with the date that is 24 months, 36 months, or 48 months after the month during which the batch was certified.

Notice and public procedure are not prerequisite to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

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

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: June 16, 1964.

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

[F.R. Doc. 64-6207; Filed, June 22, 1964; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER I—CREDIT ACTIVITIES

PART 91—GENERAL CREDIT TO INDIANS

Loans for Procurement of Expert Assistance

Enactment of P.L. 88-168 (77 Stat. 301) on November 4, 1963, provided means for Indian groups to obtain loans to procure expert services in preparing claims to be heard before the Indian Claims Commission. Therefore, Part 91 of Title 25 of the Code of Federal Regulations is amended by the addition of a new section, to read as set forth below, to conform the regulations to the act, supra.

Because the amendment of 25 CFR 91 will enable Indian groups to obtain much needed assistance in preparation of claims, notice and public procedure are deemed unnecessary and the amendment will become effective on the date of publication in the FEDERAL REGISTER.

Added § 91.21 reads as follows:

§ 91.21 Loans for expert assistance.

Notwithstanding any provisions of the regulations in this Part 91 to the contrary, loans may be made to Indian tribes and bands and to other identifiable groups of Indians for use by them in obtaining expert assistance, other than the assistance of counsel, for the prepa-

ration and trial of claims pending before the Indian Claims Commission. Loans will be approved by issuance of a commitment order by the Secretary or his authorized representative. All loans shall bear interest at the rate of 5½ percent per annum from the date the funds are advanced until repaid. (Act of November 4, 1963; 77 Stat. 301)

STEWART L. UDALL,
Secretary of the Interior.

JUNE 17, 1964.

[F.R. Doc. 64-6190; Filed, June 22, 1964; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER B—ESTATE AND GIFT TAXES
[T.D. 6742]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

Credit for Foreign Death Taxes

On April 28, 1964, notice of proposed rule making to eliminate certain double taxation that exists in the application of the Estate Tax Regulations (26 CFR Part 20) under section 2014 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (29 F.R. 5639). No objection to the rules proposed was received during the 30-day period prescribed in the notice. The amendments of the regulations as proposed are hereby adopted.

[SEAL]

D. W. BACON,
Acting Commissioner
of Internal Revenue.

Approved: June 15, 1964.

STANLEY S. SURREY,
Assistant Secretary of the
Treasury.

In order to eliminate certain double taxation that exists in the application of the Estate Tax Regulations (26 CFR Part 20) under section 2014 of the Internal Revenue Code of 1954, § 20.2014-4 of such regulations is amended by revising so much of paragraph (a)(1) as precedes the example and by revising paragraph (b). The amended provisions read as follows:

§ 20.2014-4 Application of credit in cases involving a death tax convention.

(a) *In general.* (1) If credit for a particular foreign death tax is authorized by a death tax convention, there is allowed either the credit provided for by the convention or the credit provided for by section 2014, whichever is the more beneficial to the estate. For cases where credit may be taken under both the death tax convention and section 2014, see paragraph (b) of this section. The application of this paragraph may be illustrated by the following example:

(b) Taxes imposed by both a foreign country and a political subdivision thereof. If death taxes are imposed by both a foreign country with which the United States has entered into a death tax convention and one or more of its possessions or political subdivisions, there is allowed, against the tax imposed by section 2001—

(1) A credit for the combined death taxes paid to the foreign country and its political subdivisions or possessions as provided for by the convention, or

(2) A credit for the combined death taxes paid to the foreign country and its political subdivisions or possessions as determined under section 2014, or

(3) (i) A credit for that amount of the combined death taxes paid to the foreign country and its political subdivisions or possessions as is allowable under the convention, and

(ii) A credit under section 2014 for the death taxes paid to each political subdivision or possession, but only to the extent such death taxes are not directly or indirectly creditable under the convention,

whichever is the most beneficial to the estate. The application of this paragraph may be illustrated by the following example:

Example. (1) Decedent, a citizen of the United States and a domiciliary of Country X at the time of his death, left a gross estate of \$250,000 which includes: bonds issued by Country X physically located in Y, a province of Country X valued at \$75,000; bonds issued by a Country X corporation physically located in the United States, valued at \$50,000; and shares of stock issued by a United States corporation, valued at \$125,000. Decedent left his entire estate to his son. Expenses, indebtedness, etc., amounted to \$26,000. The Federal estate tax after allowance of the credit for state death taxes is \$38,124. Province Y imposed a death tax of 8 percent on the Country X bonds located therein which amounted to \$6,000. Country X imposed a death tax of 15 percent on the Country X bonds and Country X corporation bonds which amounted to \$18,750 before allowance of any credit for provincial death tax. Country X allows against its death taxes a credit for death taxes paid to any of its provinces on property which it also taxes but only to the extent of one-half of the Country X death tax attributable to such property, or the amount of death taxes paid to its province, whichever is less. Country X, therefore, allowed a credit of \$5,625 for the death taxes paid to Province Y. There is in effect a death tax convention between the United States and Country X which provides for allowance of credit by the United States for death taxes imposed by the national government of Country X. The death tax convention provides that in computing the "first limitation" for the credit under the convention, the tax of Country X is not to be reduced by the amount of the credit allowed for taxes of Province Y. Under the situs rule described in paragraph (a) (3) of § 20.2014-1, only the Country X bonds located in Province Y are deemed situated in Country X. Under the convention, both the Country X bonds and the Country X corporation bonds are deemed to be situated in Country X. In this example all figures are rounded to the nearest dollar.

(2) (i) The credit authorized by section 2014 for death taxes imposed by Country X (which includes death taxes imposed by Province Y according to § 20.2014-1(a) (1)) is computed as follows:

(a) "First limitation" with respect to tax imposed by national government of Country X (computed under paragraph (b) of § 20.2014-2)	
(1) Gross Country X death tax attributable to Country X bonds (before allowance of provincial death taxes)	
$\left(\frac{\$75,000}{\$125,000} \times \$18,750 \right)$	\$11,250
(2) Less credit for Province Y death taxes on such bonds	5,625
(3) Net Country X death tax attributable to such bonds	5,625
(b) "First limitation" with respect to tax imposed by Province Y (computed under paragraph (b) of § 20.2014-2)	
$\left(\frac{\$75,000}{\$75,000} \times \$6,000 \right)$	6,000
(c) Total "first limitation"	11,625
(d) "Second limitation" (computed under paragraph (d) of § 20.2014-3)	
$\left(\frac{\$75,000}{\$250,000} \times \$38,124 \right)$	11,437
(e) Credit (subdivision (c) or (d), whichever is less)	11,437

(ii) The credit authorized under the death tax convention between the United States and Country X is computed as follows:

(a) Country X tax attributable to property situated in Country X and subject to tax by both countries	
$\left(\frac{\$125,000}{\$125,000} \times \$18,750 \right)$	\$18,750
(b) Federal estate tax attributable to property situated in Country X and subject to tax by both countries	
$\left(\frac{\$125,000}{\$250,000} \times \$38,124 \right)$	19,062
(c) Credit (subdivision (a) or (b), whichever is less)	18,750

(3) If the estate takes a credit for death taxes under the convention, it would receive a credit of \$18,750 which would include an indirect credit of \$5,625 for death taxes paid to Province Y. The death tax of Province Y which was not directly or indirectly creditable under the convention is \$375 (\$6,000-\$5,625). A credit for this tax would also be allowed under section 2014 but only to the extent of \$187, as the amount of credit for the combined foreign death taxes is limited to the amount of Federal estate tax attributable to the property, determined in accordance with the rules prescribed for computing the "second limitation" under section 2014. In this case, the "second limitation" under section 2014 on the taxes attributable to the Country X bonds is \$11,437 (see computation set forth in (2)(i)(d) of this example). The amount of credit under the convention for taxes attributable to Country X bonds is \$11,250 $\left(\frac{\$75,000}{\$125,000} \times \$18,750 \right)$.

Inasmuch as the "second limitation" under section 2014 in respect of the Country X bonds (\$11,437) exceeds the amount of the credit allowed under the convention in respect of the Country X bonds (\$11,250) by \$187, the additional credit allowable under section 2014 for the death taxes paid to Province Y not directly or indirectly creditable under the convention is limited to \$187.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64-6228; Filed, June 22, 1964; 8:52 a.m.]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES
[T.D. 6743]

PART 41—EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

Highway Motor Vehicle Use Tax

On April 30, 1964, notice of proposed rule making with respect to regulations under sections 4481, 4482, 4483, 6001, 6011, 6071, 6091, 6101, 6151, 6156, and 7701 of the Internal Revenue Code of 1954, as amended, relating to the excise tax on the use of certain highway motor vehicles was published in the FEDERAL REGISTER (29 F.R. 5759). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: June 17, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Highway Motor Vehicle Use Tax Regulations (26 CFR Part 41) to section 203 of the Federal-Aid Highway Act of 1961 (75 Stat. 124), to provide for a change in the meaning of the term "fully equipped for service" in the case of buses, and to provide certain technical and clarifying changes, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (e) of § 41.0-2 is amended to read as follows:

§ 41.0-2 General definitions and use of terms.

As used in the regulations in this part, unless otherwise expressly indicated:

(e) District director means district director of internal revenue. The term also includes the Director of International Operations in all cases where the authority to perform the functions which may be performed by a district director has been delegated to the Director of International Operations.

PAR. 2. Section 41.0-3 is amended to read as follows:

§ 41.0-3 Scope of regulations.

The regulations in this part apply to the use after June 30, 1956, and before October 1, 1972, of certain highway motor vehicles on the public highways in the United States.

PAR. 3. Section 41.4481 is amended by revising section 4481 (a), (c), (d), and (e) and the historical note to read as follows:

§ 41.4481 Statutory provisions; imposition of tax.

Sec. 4481. Imposition of tax.—(a) Imposition of tax. A tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of more than 26,000 pounds, at the rate of \$3.00 a year for each 1,000 pounds of

taxable gross weight or fraction thereof. In the case of the taxable period beginning on July 1, 1972, and ending on September 30, 1972, the tax shall be at the rate of 75 cents for such period for each 1,000 pounds of taxable gross weight or fraction thereof.

(c) *Proration of tax.* If in any taxable period the first use of the highway motor vehicle is after the first month in such period, the tax shall be reckoned proportionately from the first day of the month in which such use occurs to and including the last day in such taxable period.

(d) *One tax liability per period.*—(1) *In general.* To the extent that the tax imposed by this section is paid with respect to any highway motor vehicle for any taxable period, no further tax shall be imposed by this section for such taxable period with respect to such vehicle.

(2) *Cross reference.* For privilege of paying tax imposed by this section in installments, see section 6156.

(e) *Period tax in effect.* The tax imposed by this section shall apply only to use before October 1, 1972.

[Sec. 4481 as added by sec. 206 (a), Highway Revenue Act 1956 (70 Stat. 389) and as amended by sec. 203 (a) and (b), Federal-Aid Highway Act 1961 (75 Stat. 124)]

PAR. 4. Section 41.4481-1 is amended to read as follows:

§ 41.4481-1 Imposition of tax.

(a) *In general.* A tax is imposed for each taxable period upon the use, at any time during such period, on the public highways in the United States of any highway motor vehicle which has a taxable gross weight in excess of 26,000 pounds. The tax is imposed upon the use of such a highway motor vehicle only if, at the time of the use of such vehicle, it is registered or required to be registered in the name of a person (whether or not such person is the person who uses the vehicle). See, however, §§ 41.4483-1 and 41.4483-2, relating, respectively, to exemption from the tax in the case of highway motor vehicles used by a State or any political subdivision thereof and in the case of certain transit-type buses. For definition of the terms "registered", "highway motor vehicle", "taxable gross weight", "taxable period", and "use", see §§ 41.4481-3, 41.4482(a)-1, 41.4482(b)-1, and paragraphs (b) and (c) of § 41.4482(c)-1, respectively.

(b) *Rate of tax.* The tax is computed on each 1,000 pounds of taxable gross weight or fraction thereof of each highway motor vehicle the use of which at any time during the taxable period is subject to the tax. Thus, any fraction of 1,000 pounds of taxable gross weight in excess of 26,000 pounds of taxable gross weight is treated as 1,000 pounds for purposes of the computation of the tax. Following are the rates of tax in effect for taxable periods after June 30, 1956:

Period of vehicle use	Rate of tax per 1,000 pounds or fraction thereof of taxable gross weight
For each taxable period commencing after June 30, 1956, and ending before July 1, 1961.....	\$1.50
For each taxable period commencing after June 30, 1961, and ending before July 1, 1972.....	3.00
For the taxable period beginning July 1, 1972, and ending on September 30, 1972.....	75

(c) *Computation of tax.* (1) Except as provided in subparagraph (2) of this paragraph, the tax on the use of a particular highway motor vehicle for the taxable period is computed by multiplying the number of units (1,000 pounds or fraction thereof) of taxable gross weight of the vehicle by the rate of tax applicable for such period as shown in paragraph (b) of this section.

(2) If the first taxable use of a particular highway motor vehicle is made after the first month of the taxable period, the tax on the use of such vehicle for such taxable period is computed by multiplying the amount of tax that would be due for a full taxable period as computed under subparagraph (1) of this paragraph, by a fraction. Such fraction shall have as its numerator the number of months, including the month of first taxable use, that remain in the taxable period and as its denominator the number of months in the taxable period. An alternative method for proration of the tax for taxable periods commencing after June 30, 1961, is to multiply the number of units (1,000 pounds or fraction thereof) of taxable gross weight of the vehicle by the rate of 25 cents and multiply the resulting figure by the number of months (including the month of first taxable use) remaining in the taxable period. (See example (2) of paragraph (d) of this section.)

(3) Since the tax is measured from the first day of the month in which the first taxable use of a highway motor vehicle is made, the fact that the vehicle is later sold, destroyed, junked, or otherwise disposed of in the taxable period does not affect the computation of the tax on the use of such vehicle for such taxable period, or give rise to a right to refund or credit. Likewise, the fact that the use of a highway motor vehicle during the taxable period is discontinued or is of an exempt nature in a later part of the taxable period does not affect the computation of the tax or give rise to a right to refund or credit.

(d) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). In the taxable period beginning July 1, 1960, the first taxable use of a particular highway motor vehicle, a bus, having a taxable gross weight of 29,400 pounds occurs on July 10, 1960, at which time the vehicle is registered in the name of X. A tax of \$45 (30 x \$1.50) is imposed on the use of such vehicle for such taxable period.

Example (2). On July 1, 1961, X has registered in his name a highway motor vehicle having a taxable gross weight of 30,000 pounds. The vehicle is in "dead storage" until August 10, 1961, at which time X starts using the vehicle on the public highways in carrying on his trucking business. On August 10, 1961, the vehicle is still registered in X's name. Since the first taxable use of this highway motor vehicle during the taxable period occurred on August 10, 1961, X is required to pay a tax of \$82.50 (30 x \$3.00 x 1/2), or, if computed by alternative method, 30 x 25 cents x 11) for such taxable period.

PAR. 5. Section 41.4481-2 is amended to read as follows:

§ 41.4481-2 Persons liable for tax.

(a) *In general.* (1) The person in whose name any highway motor vehicle is registered at the time of the first taxable use of such vehicle in any taxable period is liable for the tax on the use of the vehicle for such taxable period. This liability is for the total tax even though such person elects to pay the tax in installments. If thereafter in the same taxable period a taxable use of such vehicle is made while it is registered in the name of another person, such other person is also liable for the tax on the use of such vehicle for such taxable period to the extent that the tax or an installment payment of the tax has not previously been paid. In case more than one person is liable for the tax on the use of a particular highway motor vehicle for a taxable period, the liability of all persons for such tax is satisfied to the extent that the tax is paid by any person liable for the tax.

(2) The application of this paragraph may be illustrated by the following example:

Example. In the taxable period beginning July 1, 1961, the first taxable use of a particular highway motor vehicle having a taxable gross weight of 40,000 pounds occurs on July 10, 1961, at which time the vehicle is registered in the name of Y. On September 1, 1961, Y sells the vehicle to X who registers and uses the vehicle before the end of such taxable period. Since the vehicle was registered in the name of Y at the time of its first taxable use, Y is liable for the total tax of \$120 (40 x \$3) imposed on the use of the vehicle for the taxable period. X is also liable for \$120 tax or any part thereof, but only to the extent that Y does not pay it. To the extent that either X or Y pays the tax the other party is relieved of such liability.

(b) *Evidence of prior use of second-hand vehicle.* Every person who, at any time in the taxable period, acquires and has registered in his name a secondhand highway motor vehicle shall obtain and keep as a part of his records evidence, which he believes to be true, showing whether there was or was not a taxable use of such vehicle at any time in such taxable period prior to the time when the vehicle was registered in his name. The evidence may take the form of a written statement, signed and dated by the person from whom the vehicle was acquired, showing whether there was or was not a prior taxable use of the vehicle in the taxable period. If the vehicle is acquired from a dealer in highway motor vehicles, the statement may be obtained from such dealer or from the person from whom the dealer acquired such vehicle. If evidence is not obtained showing whether there was or was not a prior taxable use of such vehicle, such person shall keep as a part of his records a written statement of the reasons why he was unable to obtain such evidence.

(c) *Cross references.* (1) For provisions relating to interest on underpayments of tax, see § 301.6601-1 of this chapter (Regulations on Procedure and Administration).

(2) For records required to be kept, see § 41.6001-1.

(3) For rules applicable to installment payment of tax for highway use tax liability, see § 41.6156-1.

(4) For rules applicable to time of filing returns, see § 41.6071(a)-1.

PAR. 6. Paragraph (b) of § 41.4481-3 is amended to read as follows:

§ 41.4481-3 Registration.

(b) Any highway motor vehicle which, at any time in the taxable period, is registered both in the name of the owner of the vehicle and in the name of any other person, is considered, for purposes of the regulations in this part, to be registered, at such time, solely in the name of the owner of the vehicle.

PAR. 7. Paragraph (b) (2) of § 41.4482(b)-1 is amended to read as follows:

§ 41.4482(b)-1 Definition of taxable gross weight.

(b) *Meaning of terms.* * * *

(2) The term "fully equipped for service"—

(i) In the case of trucks and truck-tractors, includes body (whether or not designed and adapted primarily for transporting cargo, as for example, concrete mixers); all accessories; all equipment attached to or carried on such truck or truck-tractor for use in connection with the movement of the vehicle by means of its own motor or for use in the maintenance of the vehicle; and a full complement of lubricants, fuel, and water. The term does not include driver, any equipment (not including body) attached to or carried on the vehicle for use in handling, protecting, or preserving cargo; or any special equipment (such as an air compressor, crane, specialized oilfield machinery, etc.) mounted on the vehicle for use on construction jobs, in oilfield operations, etc.,

(ii) In the case of buses, for taxable periods beginning before July 1, 1964, includes body; all accessories; all equipment attached to or carried on such bus for use in connection with the movement of the vehicle by means of its own motor or for use in the maintenance of the vehicle; and a full complement of lubricants, fuel, and water. The term does not include driver or any equipment (not including body) attached to or carried on the vehicle for the accommodation of passengers or others (such as air-conditioning equipment and sanitation facilities, etc.), and

(iii) In the case of buses, for taxable periods beginning on or after July 1, 1964, includes body; all accessories; all equipment attached to or carried on such bus for use in connection with the movement of the vehicle by means of its own motor, for use in the maintenance of the vehicle, or for the accommodation of passengers or others (such as air-conditioning equipment and sanitation facilities, etc.); and a full complement of lubricants, fuel, and water. The term does not include driver.

PAR. 8. Section 41.4482(c) is amended by revising the heading, adding paragraph (4) to section 4482(c), and by re-

vising the historical note to read as follows:

§ 41.4482(c) Statutory provisions; definitions; other definitions; State, year, use and taxable period.

Sec. 4482. *Definitions.* * * *

(c) *Other definitions.* For purposes of this subchapter—

(4) *Taxable period.* The term "taxable period" means any year beginning before July 1, 1972, and the period which begins on July 1, 1972, and ends at the close of September 30, 1972.

[Sec. 4482 (c) as added by sec. 206 (a), Highway Revenue Act 1956 (70 Stat. 390) and as amended by sec. 203(b) (2) (C) Federal-Aid Highway Act 1961 (75 Stat. 125)]

PAR. 9. Section 41.4482(c)-1 is amended by revising the heading and paragraph (b) to read as follows:

§ 41.4482(c)-1 Definition of State, taxable period and use.

(b) *Taxable period.* The term "taxable period", as used in the regulations in this part, means (1) any one-year period beginning with July 1 and ending with the following June 30 during the period after June 30, 1956, and before July 1, 1972, and (2) the three-month period beginning with July 1, 1972, and ending with September 30, 1972.

PAR. 10. Section 41.4483-2 is amended by revising paragraphs (a), (c), (e) (2), and (f) to read as follows:

§ 41.4483-2 Exemption for certain transit-type buses.

(a) *In general.* Use in any taxable period, or part thereof, of any bus of the transit type by any person who is engaged in the operation of a transit system is exempt from the tax, if such person meets the 60-percent passenger fare revenue test provided for in section 6421(b) (2), as set forth in paragraph (e) of this section, for the applicable period prescribed in paragraph (c) of this section as the test period for such person for such system for such taxable period, or part thereof.

(c) *Test period.* (1) In the case of any person who is engaged in the operation of a transit system at any time in the calendar quarter immediately preceding July 1 of any taxable period, the test period for such system for such taxable period shall be such calendar quarter. However, if passenger fare revenue from scheduled service described in paragraph (e) of this section was derived on less than 30 days during such calendar quarter from operation of such system, the test period for such system for such taxable period shall be the last preceding test period for such system. If such system has no preceding test period, then the test period for such system for such taxable period shall be the calendar quarter beginning with July 1 of such taxable period.

(2) Except as otherwise provided in subparagraph (3) of this paragraph, in the case of any person who commences operation of a transit system at any time

on or after July 1 of any taxable period, the test period for such system for that part of such taxable period beginning with the first day on which such operation was commenced shall be the calendar quarter in which falls such first day. However, if passenger fare revenue from scheduled service described in paragraph (e) of this section was derived on less than 30 days during such calendar quarter from operation of such system, the test period for such system for such taxable period shall be the following calendar quarter.

(3) In the case of any person who commences operation of a transit system at any time in the last calendar quarter to which the tax imposed by section 4481 applies, such last calendar quarter shall be the test period for such transit system regardless of the number of days in which passenger fare revenue is derived in such calendar quarter.

(e) *60-percent passenger fare revenue test.* * * *

(2) At least 60 percent of the total of such passenger fare revenue derived by such person during such test period was attributable to (i) amounts paid for transportation which do not exceed 60 cents, (ii) amounts paid for commutation or season tickets for single trips of less than 30 miles, or (iii) amounts paid for commutation tickets for one month or less (see section 4263(a)).

(f) *Examples.* Application of this section may be illustrated by the following examples:

Example (1). The X Transit Company is engaged in the operation of a transit system in the city of A and surrounding area throughout April, May, and June of 1962 and the taxable period beginning July 1, 1962. It derives passenger fare revenue from the operation of such system for 15 days in April and for the entire months of May and June of 1962. On July 1, 1962, the Company is using 60 buses of the transit type and 40 buses of the intercity type. Each of 20 of the transit-type buses and each of 10 of the intercity-type buses has a taxable gross weight of more than 26,000 pounds. (No tax is imposed on the use of either a transit-type bus or an intercity-type bus having a taxable gross weight of 26,000 pounds or less. See § 41.4481-1.) Use of the 10 intercity-type buses is subject to the tax for the taxable period beginning with July 1, 1962, since the exemption, if any, applies only to transit-type buses. Use of the 20 transit-type buses is not subject to the tax for such taxable period if at least 60 percent of the total passenger fare revenue (not including any tax on the transportation of persons imposed by section 4261) derived by the X Transit Company during April, May, and June of 1962 (the test period prescribed in paragraph (c) (1) of this section) from operation of such system was from fares attributable to (i) amounts paid for transportation which do not exceed 60 cents, (ii) amounts paid for commutation or season tickets for single trips of less than 30 miles, or (iii) amounts paid for commutation tickets for one month or less. If the X Transit Company does not meet the 60-percent passenger fare revenue test for April, May, and June of 1962, the tax attaches for the taxable period beginning with July 1, 1962, with respect to the use of each of the 20 transit-type buses having a taxable gross weight of more than 26,000 pounds.

Example (2). Assume the same facts as those stated in Example (1), except that the X Transit Company commences operation of the transit system on July 15, 1962, and derives passenger fare revenue from operation of the system throughout the following August and September. In such case, the test period is July, August, and September of 1962, and if the test is met for this period, no tax is imposed on the use by the Company of any bus of the transit type in the period July 15, 1962, through June 30, 1963.

Example (3). Assume the same facts as those stated in Example (1), except that the X Transit Company commences operation of the transit system on April 15, 1963, and derives passenger fare revenue from operation of the system throughout the following May and June. In such case the test period is April, May, and June of 1963, and if the test is met for this period, no tax is imposed on the use by the Company of any bus of the transit type in the period April 15 through June of 1963 or in the taxable period beginning on July 1, 1963.

PAR. 11. Section 41.4483-3 is amended to read as follows:

§ 41.4483-3 Application of exemptions.

Any exemption from the tax on the use of a highway motor vehicle has application only with respect to the use of such highway motor vehicle and not with respect to the highway motor vehicle as such. Furthermore, such exemption is subject to those provisions of paragraph (c) of § 41.4481-1 relating to proration of the tax and to the effect of an exempt use of a highway motor vehicle after a taxable use has been made. Thus, if a taxable use is made of a highway motor vehicle at any time in a taxable period, the tax is imposed on the use of such vehicle for such taxable period, computed from the first day of the month in which such taxable use occurred, even though at some time in the same taxable period, before or after such taxable use occurred, the use of the vehicle may have been, or may be, exempt. For example, if a highway motor vehicle is operated exclusively by a State in the period July 1 through September 10 of a taxable period, use of such vehicle in such period is exempt from the tax. However, if a taxable use of the vehicle is made on September 11 of such taxable period, the tax imposed on the use of such vehicle for such taxable period is computed from September 1. On the other hand, if a taxable use of the vehicle is made at any time in July of the taxable period, the tax imposed on the use of such vehicle for such taxable period is computed from July 1, even though the vehicle may be operated exclusively by a State in every other month of such period.

PAR. 12. Section 41.6001-1 is amended by revising the first sentence in paragraph (a), subparagraphs (3) and (6) of paragraph (a), and paragraph (b). These amended provisions read as follows:

§ 41.6001-1 Records.

(a) *Records to be kept.* Every person in whose name any highway motor vehicle having a taxable gross weight in excess of 26,000 pounds (see the schedule of taxable gross weights prescribed by § 41.4482(b)-1) is registered at any time in the taxable period shall keep

records sufficient to enable the district director to determine whether such person is liable for the tax and, if so, the amount thereof. Such records shall show with respect to each such vehicle:

(3) The first month of each taxable period in which occurred a taxable use of each such vehicle while the vehicle was registered in the name of such person; information showing whether such vehicle was operated, while registered in the name of such person, in any prior month in such taxable period; and if such vehicle was so operated, evidence establishing that such operation was not a taxable use.

(6) In the case of a secondhand highway motor vehicle acquired at any time in the taxable period, evidence showing whether there was a prior taxable use in such taxable period of the highway motor vehicle (see paragraph (b) of § 41.4481-2). For filing requirements of purchaser of secondhand vehicle, see paragraph (b) of § 41.6011(a)-1.

(b) *Transit systems.* Every person engaged in the operation of a transit system who claims exemption from tax with respect to a transit-type bus shall keep records sufficient to show, with respect to each taxable period, whether he meets the 60-percent passenger fare revenue test (see paragraph (e) of § 41.4483-2) for the period prescribed as the test period (see paragraph (c) of § 41.4483-2) for such system for such taxable period.

PAR. 13. Paragraphs (a) and (b) of § 41.6011(a)-1 are amended to read as follows:

§ 41.6011(a)-1 Returns.

(a) Every person in whose name a highway motor vehicle is registered at the time of the first taxable use of such vehicle in any taxable period shall make a return of the tax on the use of such vehicle for such taxable period. Such return shall be made on Form 2290.

(b) Every person (other than a person required under paragraph (a) of this section to make a return) in whose name any highway motor vehicle is registered at a time during the taxable period when a taxable use of such vehicle occurs shall make a return of the tax on the use of such vehicle for such taxable period on Form 2290 if the district director notifies such person that such tax has not been paid in full. The amount to be reported as tax on such return with respect to the use of such vehicle shall be the unpaid portion of the tax on the use of such vehicle for such taxable period, measured from the first day of the month in which occurred the first taxable use of such vehicle in such taxable period. The district director shall advise such person of the amount of such unpaid tax. For provisions relating to the highway use tax liability for a taxable period of each person, where more than one person is liable for such tax, see § 41.4481-2. For provisions relating to the payment of tax in installments, see § 41.6156-1.

PAR. 14. Paragraphs (b), (c), (d), and (e) of § 41.6071(a)-1 are amended to read as follows:

§ 41.6071(a)-1 Time for filing returns.

(b) *Use after June 1957.* Except as otherwise provided in paragraph (c) of this section:

(1) In the case of any highway motor vehicle the first taxable use of which in any taxable period beginning on or after July 1, 1957, occurs in July of such taxable period, the person in whose name such vehicle is registered at the time of such use shall, after July and on or before August 31 of such taxable period, make a return of the tax on the use of such vehicle for such taxable period.

(2) In the case of any highway motor vehicle the first taxable use of which in any taxable period beginning on or after July 1, 1957, occurs in a month of such taxable period after July, the person in whose name the vehicle is registered at the time of such use shall, after such month and on or before the last day of the following month, make a return of the tax on the use of such vehicle for such taxable period.

(c) *Certain transit-type buses.* In the case of any bus of the transit type, the first taxable use of which in any taxable period occurs prior to the close of the test period (see paragraph (c) of § 41.4483-2) with reference to which liability for the tax on the use of such transit-type bus for such taxable period is determined, the person in whose name the bus is registered at the time of such use shall, after such test period and on or before the last day of the following month (but in no event earlier than the time prescribed in paragraph (a) (1) of this section for filing a return) make a return of such tax for such taxable period on the use of such transit-type bus.

(d) *Prior taxable use.* Every person who, pursuant to paragraph (b) of § 41.6011(a)-1, is required to make a return of the tax on the use of any highway motor vehicle for any taxable period shall make such return on or before the last day of the month following the month in which such person is notified by the district director that such return is required.

(e) *Combined return.* In the case of any person who, pursuant to paragraph (a), (b), or (c) of this section, is required to report the tax on the use of two or more highway motor vehicles within a prescribed time after the close of a particular month, such person shall report the tax for the taxable period on the use of all such vehicles in a single return.

PAR. 15. Section 41.6091-1 is amended to read as follows:

§ 41.6091-1 Place for filing returns.

(a) *Persons other than corporations.* Each return of a person other than a corporation shall be filed with the district director for the internal revenue district in which is located the principal place of business or legal residence of such person. If a person has no principal place of business or legal residence in any internal revenue district, the

return shall be filed with the district director at Baltimore, Maryland; except that if such person has a residence, a place of business, an office, or an agency outside of the United States, he shall file his return with the Director of International Operations.

(b) *Corporations.* Each return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation. If a corporation has no principal place of business or principal office or agency in any internal revenue district, the return shall be filed with the district director at Baltimore, Maryland; except that if such corporation has a place of business, an office, or an agency outside the United States, it shall file its return with the Director of International Operations.

PAR. 16. Section 41.6101-1 is amended to read as follows:

§ 41.6101-1 Period covered by returns.

Each return shall cover a taxable period as defined by paragraph (b) of § 41.4482(c)-1.

PAR. 17. Section 41.6151(a)-1 is amended to read as follows:

§ 41.6151(a)-1 Time and place for paying tax.

The tax imposed by § 41.4481-1 required to be reported on any return is due and payable to the district director with whom the return is required to be filed. Such tax shall be paid in full at the time prescribed in § 41.6071(a)-1 for filing the return, unless the person required to file the return elects to pay the tax shown on the return in installments. For provisions relating to payment of tax in installments, see § 41.6156-1. For provisions relating to interest on underpayments, see the regulations under section 6601 in Part 301 of this chapter (Regulations on Procedure and Administration). For provisions relating to credits and refunds, see §§ 301.6402-1, 301.6402-2, and 301.6402-4 of this chapter (Regulations on Procedure and Administration). For provisions relating to abatements, see § 301.6404-1 of this chapter (Regulations on Procedure and Administration). For provisions relating to limitations on credits or refunds, see §§ 301.6511(a)-1 and 301.6511(b)-1 of this chapter (Regulations on Procedure and Administration).

PAR. 18. There is inserted after § 41.6151(a)-1, the following new sections:

§ 41.6156 Statutory provisions; installment payments of tax on use of highway motor vehicles.

Sec. 6156. *Installment payments of tax on use of highway motor vehicles—(a) Privilege to pay tax in installments.* If the taxpayer files a return of the tax imposed by section 4481 on or before the date prescribed for the filing of such return, he may elect to pay the tax shown on such return in equal installments in accordance with the following table:

The number of installments shall be—	
If liability is incurred in—	
July, August, or September	4
October, November, or December	3
January, February, or March	2

(b) *Dates for paying installments.* In the case of any tax payable in installments by reason of an election under subsection (a)—

(1) The first installment shall be paid on the date prescribed for payment of the tax,

(2) The second installment shall be paid on or before the last day of the third month following the calendar quarter in which the liability was incurred,

(3) The third installment (if any) shall be paid on or before the last day of the sixth month following the calendar quarter in which the liability was incurred, and

(4) The fourth installment (if any) shall be paid on or before the last day of the ninth month following the calendar quarter in which the liability was incurred.

(c) *Proration of additional tax to installments.* If an election has been made under subsection (a) in respect of tax reported on a return filed by the taxpayer and tax required to be shown but not shown on such return is assessed before the date prescribed for payment of the last installment, the additional tax shall be prorated equally to the installments for which the election was made. That part of the additional tax so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as and as part of such installment. That part of the additional tax so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary or his delegate.

(d) *Acceleration of payments.* If the taxpayer does not pay any installment under this section on or before the date prescribed for its payment, the whole of the unpaid tax shall be paid upon notice and demand from the Secretary or his delegate.

(e) *Section inapplicable to certain liabilities.* This section shall not apply to any liability for tax incurred in—

- (1) April, May, or June of any year, or
- (2) July, August, or September of 1972.

[Sec. 6156 as added by sec. 203(c)(1), Federal-Aid Highway Act 1961 (75 Stat. 125)]

§ 41.6156-1 Installment payments of tax on use of highway motor vehicle.

(a) *Privilege to pay tax in installments.* Except as provided in paragraph (f) of this section, the liability shown on each return on Form 2290 may be paid in equal installments, rather than by a single payment if the return is timely filed and the person filing the return elects in the return, in accordance with the instructions contained therein, to pay the tax in installments. For the tax liabilities of the parties to a transfer, where a vehicle has been transferred during the taxable period and there has been an election to pay tax in installments, see § 41.4481-2.

(b) *Dates for paying installments.* In the case of any tax payable in installments by reason of the election described in paragraph (a) of this section, the installments must be paid in accordance with the following table:

If the liability was incurred in—	1st installment is due on or before the last day of—	2d installment is due on or before the last day of—	3d installment is due on or before the last day of—	4th installment is due on or before the last day of—
July	Aug.	Dec.	Mar.	June.
Aug.	Sept.	Dec.	Mar.	June.
Sept.	Oct.	Dec.	Mar.	June.
Oct.	Nov.	Mar.	June.	
Nov.	Dec.	Mar.	June.	
Dec.	Jan.	Mar.	June.	
Jan.	Feb.	June.		
Feb.	Mar.	June.		
Mar.	Apr.	June.		

(c) *Proration of additional tax to installments.* If an election has been made under paragraph (a) of this section to pay the tax imposed by section 4481 in installments, and additional tax is assessed on a return for such tax before the date prescribed for payment of the last installment, the additional tax shall be prorated equally to all the installments, whether paid or unpaid. That part of the additional tax so prorated to any installment which is not yet due shall be collected at the same time and as part of such installment. The part of the additional tax so prorated to any installment, the date for payment of which has arrived, shall be paid upon notice and demand from the district director.

(d) *Acceleration of payment.* If any person elects under the provisions of this section to pay the tax in installments, any installment may be paid prior to the date prescribed for its payment. If an installment is not paid in full on or before the date fixed for its payment, the whole amount of the unpaid tax shall be paid upon notice and demand from the district director.

(e) *Interest in respect of installment payments.* Interest on an underpayment of an installment accrues from the due date for the installment. Where the installment privilege has been terminated and the time for payment of remaining installments has been accelerated by the issuance of a notice and demand, interest on these installments accrues from the date of such notice and demand. Interest on additional tax prorated as described in paragraph (c) of this section accrues from the date prescribed for the payment of the first installment. For provisions generally applicable to interest on delinquent taxes and installment payments, see section 6601 and § 301.6601-1 of this chapter (Regulations on Procedure and Administration).

(f) *Liabilities to which election does not apply.* The privilege to pay tax in installments provided by section 6156, shall not apply to any liability for tax incurred in—

- (1) Any taxable period ending prior to July 1, 1961, and
- (2) April, May, or June of any taxable period, or
- (3) July, August, or September of 1972.

(g) *Cross references.* For provisions relating to overpayment of installments, see § 301.6403-1 of this chapter (Regulations on Procedure and Administration).

PAR. 19. Section 41.7701 is amended by revising section 7701(a)(12) and the historical note to read as follows:

§ 41.7701 Statutory provisions; definitions.

Sec. 7701. *Definitions.* (a) * * * (12) *Delegate—(A) In general.* The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more delegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of

the United States shall be similarly construed.

[Sec. 7701 as amended by sec. 22(g), Alaska Omnibus Act (73 Stat. 146); sec. 18(1), Hawaii Omnibus Act (74 Stat. 416); sec. 103 (t) of the Social Security Amendments 1960 (74 Stat. 941)]

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64-6228; Filed, June 22, 1964; 8:52 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 113—TREATMENT OF OUTGOING POSTAL UNION MAIL

PART 114—TREATMENT OF INCOMING POSTAL UNION MAIL

Forwarding Postal Union Mail

The notice of proposed revisions in § 113.4(b) and § 114.3 (a) and (b) of Title 39, Code of Federal Regulations was published in the FEDERAL REGISTER of April 23, 1964, on pages 5476-5477. Interested persons were given 30 days in which to submit written comments with respect to the proposal.

The amendment of § 113.4(b) provides regulations to be followed for forwarding domestic mail when the addressee has moved to another country and for handling mail bearing a foreign return address.

The amendments of § 114.3 (a) and (b) limit the redirection and forwarding of periodical publications which can not be delivered because the addressee has moved to another address to a period of three months after the change of address occurs.

No comments were received by the Department with respect to the proposed regulations. Accordingly, the Department adopts the proposal as so published subject to a minor editorial change in § 113.4(b)(2). As so adopted, the amendments read as follows:

I. In § 113.4, amend paragraph (b) to read as follows:

§ 113.4 Forwarding.

(b) *Domestic*—(1) *Addressee moved to another country.* Domestic post or postal cards and ordinary letters (except those that appear to contain merchandise) addressed to persons who have filed a change of address to another country are redirected and forwarded to the foreign address unless they bear a notice forbidding forwarding. They are forwarded by surface if surface mail is involved and by air if air mail is involved, without prepayment of additional postage. Credit is allowed for the postage already on the articles, and only the deficiency will be collected on delivery. Domestic mail, other than post or postal cards and ordinary letters which appear to contain no merchandise, shall be treated as undeliverable. (See Part 48 of this chapter.)

(2) *Bearing foreign return address.* Any domestic letters (except those that

appear to contain merchandise) or domestic post or postal cards bearing the sender's request for return are returned to the foreign return address. Return is by surface mail only, and without prepayment of additional postage. Indication of a foreign return address on registered or certified letter mail will be deemed to constitute a request on the part of the sender that the letter is to be forwarded to the foreign return address if it is not deliverable at the United States address. It further indicates that the sender thereby agrees in case of loss of a registered letter after dispatch from the United States to adjustment of indemnity in accordance with the provisions of § 162.2 of this chapter, irrespective of the amount of registry fee paid. Articles or packages containing merchandise are held by the post office of address and a report sent to the Department as provided in § 131.8(b) of this chapter. Treat other undeliverable domestic articles with foreign return addresses as dead mail. (See § 48.7(b)(1) of this chapter.)

NOTE: The corresponding Postal Manual section is 223.42.

II. In § 114.3 amend paragraphs (a) and (b) to read as follows:

§ 114.3 Forwarding.

(a) *Within the United States.* (1) Articles received by surface may be forwarded by surface and articles received by air may be forwarded by air, without an additional postage charge or fee, unless the envelope or wrapper bears a notation forbidding its being forwarded.

(2) *Second-class publications from Canada* are treated in accordance with § 48.2(b)(1) through (3) of this chapter. A periodical publication from any other country whose delivery requires that it be forwarded to another local address or to another post office shall be forwarded and the addressee shall be requested to notify the publisher of his new address. If the publication is still being received three months after the change of address occurs, the post office of original address will send a complete copy, with a notation of the new address of the addressee, to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, for attention of the sender through the postal authorities of the country of mailing. Thereafter, any copies received with the old address shall be disposed of as waste, except that publications bearing the request of sender for return shall be endorsed "Moved", "Not Forwardable" and returned to origin.

(b) *To another country.* (1) Articles can be forwarded on condition that the country of destination accepts mail of the classification involved. Articles received by either surface or air, which do not bear instructions forbidding their being forwarded, are forwarded by surface without an additional postage charge or fee. United States postage at the airmail rate to the country concerned must be paid on any article that is forwarded by air. Cross out the Par Avion label or endorsement on an airmail ar-

ticle that is forwarded by surface. See § 113.4 (b) and (c), and § 121.8(b) concerning forwarding of domestic mail.

(2) The provisions of paragraph (a) of this section apply in the case of periodical publications addressed to persons who have filed change of address to another country.

NOTE: The corresponding Postal Manual sections are 224.31 and 224.32. (R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-6199; Filed, June 22, 1964; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2146]

PART 3610—MINERAL MATERIALS DISPOSALS

Subpart 3612—Free Use

On page 8042 of the FEDERAL REGISTER of August 7, 1963, there were published a notice and text of a proposed amendment to Part 259 of Title 43, Code of Federal Regulations.

The purpose of the amendment is to designate all public lands administered by the Bureau of Land Management and Reclamation except those public lands at constructed Reclamation reservoirs, as free use areas for the collection by individuals of petrified wood for recreational and scientific purposes, and to provide for the designation of additional free use areas and for the modification or cancellation of any designated areas. It also establishes basic rules for collection of specimens on public lands under the jurisdiction of the Secretary of the Interior and permits the promulgation of additional rules as needed.

Interested persons were given 30 days within which to submit written comments, suggestions or objections to the proposed amendment. Numerous comments were received and have been carefully considered and discussed with representatives of the mineralogical federations. The suggestions received have led to revision of the proposal and changes in the following sections:

(1) All sections have been renumbered, retitled and rearranged in order to conform to the recodification published in the FEDERAL REGISTER on March 31, 1964. (29 F.R. 4301)

(2) In order to coordinate the free-use authorizations of the regulations, and to assure that free use permits may be issued for the removal of specimens for display in museums and similar institutions, the language of § 3612.1-2(a) has been amended.

(3) To increase the daily weight allowance and the maximum yearly allowance, § 3612.1-3(a)(1) has been amended.

(4) In order to specify the types of tools and equipment which may and may not be used in the excavation and removal of petrified wood, subparagraph (2) has been added to § 3612.1-3.

(5) A new subparagraph (3) has been added to § 3612.1-3(a) to establish clearly the distinction between permitted uses of petrified wood obtained under this section and under other sections of the regulation.

In addition, this amendment rearranges and renumbers the existing sections in Subpart 3612 relating to other minerals, without making any substantive changes, in order to coordinate them with the provisions on petrified wood. Therefore, this amendment completely recodifies Subpart 3612 and all existing material is superseded.

The amended regulations are adopted as set forth below and will become effective upon publication in the FEDERAL REGISTER.

Subpart 3612—Free Use

- Sec.
3612.0-3 Authority.
3612.1 Free use of petrified wood by individuals.
3612.1-1 Program.
3612.1-2 Procedures.
3612.1-3 Rules for collection of specimens.
3612.2 Free use of mineral materials generally.
3612.2-1 Program.
3612.2-2 Procedures.
3612.2-3 Permits.
3612.2-4 Removal of minerals and improvements.

AUTHORITY: The provisions of this Subpart 3612 issued under 61 Stat. 681, as amended, 30 U.S.C. 601; 48 Stat. 1269, as amended, 43 U.S.C. 315; § 2, 76 Stat. 652, 30 U.S.C. 611, subnote.

§ 3612.0-3 Authority.

(a) *Free use of mineral materials in general.* Reference § 3610.0-3 for full citation of authority for free use disposal of mineral materials.

(b) *Free use of petrified wood by individuals.* Section 2 of the act of September 28, 1962 (76 Stat. 652) requires that the Secretary of the Interior shall provide by regulation that limited quantities of petrified wood may be removed without charge from those public lands which he shall specify. Section 2 of said act applies to the same public lands as the act of July 31, 1947, as amended (61 Stat. 681). Specifically excluded are lands in any national park, or national monument, or any Indian lands. The Secretary of the Interior has no authority under those statutes over lands under the jurisdiction of the Secretary of Agriculture.

§ 3612.1 Free use of petrified wood by individuals.

§ 3612.1-1 Program.

(a) *General.* To implement the policy of Congress, these regulations have been issued, authorizing the collection for noncommercial purposes of limited quantities of petrified wood by amateur collectors and by scientists, under terms and conditions which will be consistent with preservation of significant deposits as a public recreational resource for the enjoyment of the general public, maintenance

of a source of materials for private and public collections, maintenance for the general public of areas for the pleasure of hunting for petrified wood specimens, and protection of other resources and projects on the lands. Subpart 3611 provides for purchase of petrified wood for commercial purposes.

(b) *Designation of free use areas.*

(1) All public lands administered by the Bureaus of Land Management and Reclamation, except those public lands at constructed Reclamation reservoirs, within the Department of the Interior are open for free use removal of petrified wood with the exception of specific areas which may be closed to such collections by public notice or are otherwise closed to public entry. Free use areas under the jurisdiction of said Bureaus may be modified or cancelled by notices published in the FEDERAL REGISTER.

(2) The heads of other Bureaus in the Department of the Interior, or their delegates, may publish in the FEDERAL REGISTER designations, modifications, or cancellations of free use areas on lands under their jurisdiction.

(3) The Secretary of the Interior, or his delegate, may designate, modify, or cancel free use areas on public lands which are under the jurisdiction of other Federal departments or agencies other than the Department of Agriculture with the consent of the head of such other Federal department or agency concerned, upon publication of notice in the FEDERAL REGISTER.

(4) This section does not apply to lands under the jurisdiction of the Secretary of Agriculture.

§ 3612.1-2 Procedures.

(a) *Permits.* No application or permit for free use is required except for specimens over 250 pounds in weight. Permits to individuals for the removal of such specimens which the applicant certifies will be displayed to the public in a museum or similar institution may be issued by the authorized officer under the terms of § 3612.2.

§ 3612.1-3 Rules for collection of specimens.

(a) *General.* The following rules shall govern the removal without charge of specimens from public lands administered by the Department of the Interior:

(1) The maximum quantity of petrified wood that any one person is allowed to remove without charge per day is 25 pounds in weight plus one piece, provided that the maximum total amount that one person may remove in one calendar year shall not exceed 250 pounds. Pooling of quotas to obtain pieces larger than 250 pounds is not allowed.

(2) Except for the removal of museum pieces under permit issued pursuant to § 3612.2, no explosives and no power equipment, including but not limited to tractors, bulldozers, plows, power-shovels, trucks or semi-trailers, may be used for the excavation or removal of petrified wood obtained under the free use privilege. However, light trucks, up to one ton capacity, used in connection with campers or trailers or as a principal

means of transportation, may be used for hauling purposes.

(3) Petrified wood obtained under this section must be for personal use and may not be bartered or sold to commercial dealers.

(4) Collection of specimens under the authority of this act must be accomplished in a manner that avoids unnecessary soil erosion or needless damage to the land or resources.

(b) *Additional rules.* The head of the Bureau having jurisdiction over a free use area, or his delegate, may establish and publish additional rules for the free use of petrified wood for non-commercial purposes, to supplement those included in paragraph (a) of this section.

§ 3612.2 Free use of mineral materials generally.

§ 3612.2-1 Program.

(a) *Permits to governmental units.* A free-use permit may be issued to any Federal or State agency, unit, or subdivision, including municipalities, without limitation as to the number of permits or as to the value of the mineral materials to be extracted or removed, provided that the applicant makes a satisfactory showing to the authorized officer that such materials will be used for a public project. Such permits will constitute a superior right to remove the materials and will continue in full force and effect, in accordance with its terms and provisions, as against any subsequent claim to or entry of the lands.

(b) *Permits to non-profit organizations.* A free-use permit issued to a non-profit association or corporation may not provide for the disposition of mineral materials having an in-place value in excess of \$100 during any one calendar year. Such permittee is granted a right to remove materials while the permit remains in force and, in accordance with the provisions of the permit, as against a subsequent applicant who may wish to obtain the same mineral material by purchase. However, the mineral materials may not be removed by the permittee after the land has been included in a valid claim by reason of settlement, entry, mining location or similar rights obtained under the public land laws.

§ 3612.2-2 Procedures.

(a) *Applications.* An application for permit, in duplicate, must be made on Bureau approved forms and filed in any office or with any employee of the Bureau of Land Management authorized to issue a permit.

(b) *Term.* Permits shall be granted for periods not to exceed one year and shall terminate on the expiration dates shown therein unless extended by the authorized officer, such extension not to exceed one year. However, the authorized officer may grant permits to any Federal, State, or Territorial agency, unit, or subdivision including municipalities, for such periods as he may deem appropriate, not to exceed 10 years. The permittee must notify the officer in charge upon completion of removal.

(c) *Assignment.* A free-use permit issued under this section may not be assigned.

§ 3612.2-3 Permits.

(a) *Conditions.* A free-use permit, on a form approved by the Director, shall incorporate the provisions, if any, governing the selection, removal, and use of the mineral materials. Free-use permits shall not be issued where the applicant owns or controls an adequate supply of the mineral materials to meet his needs. The material applied for must be for the applicant's own use and may not be bartered or sold. No mineral materials shall be removed until the permit is issued.

(b) *Bond.* A bond satisfactory to the authorized officer may be required as a guarantee of faithful performance of the provisions of the permit and applicable regulations.

(c) *Cancellation.* The authorized officer may cancel a permit if the permittee fails to observe its terms and conditions, or if the permit has been issued erroneously.

§ 3612.2-4 Removal of minerals and improvements.

(a) *Conservation practices.* All mineral materials disposed of under free-use shall be extracted or removed in accordance with approved conservation practices so as to preserve to the maximum extent feasible all scenic, recreational, watershed, and other values of the land and resources.

(b) *Removal by agent.* A free-use permittee may procure the mineral materials by agent. Such agent shall not, however, be paid more than fair compensation for the time, labor, and money expended in procuring the material and processing it, and no charge shall be made for the material itself. No part of the material may be used in payment for services in obtaining or processing it.

(c) *Removal of improvements.* Upon expiration of the permit period the permittee will be given 90 days to remove equipment, personal property, and any improvements he has placed on the land, except roads, culverts, and bridges which are to be left in place and in good condition, and which will become the property of the United States upon expiration of the 90-day removal period.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 17, 1964.

[F.R. Doc. 64-6191; Filed, June 22, 1964;
8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15452, RM-586; FCC 64-549]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations, Columbus and Norfolk, Nebraska

1. The Commission has before it for consideration its Notice of Proposed Rule

Making (FCC 64-391) issued in this proceeding on May 1, 1964, in which comments were invited on a proposal to switch Channels 245 and 266 between Columbus and Norfolk, Nebraska. It was also pointed out in the Notice that since Station KJSK-FM is authorized to operate on Channel 245 in Columbus, it would be necessary to modify the authorization for that station to specify operation on Channel 266 in lieu of 245. Comments were filed by Cornhusker Television Corp., KJSK, Inc., and WJAG, Inc.

2. Cornhusker Television Corporation, licensee of television station KOLN-TV on Channel 10 at Lincoln, Nebraska, states that Station KOLN-TV places a Grade A signal over the city of Columbus, at a distance of about 45 miles from its transmitter, and that ever since FM Station KJSK-FM commenced program tests about February 19, 1964, hundreds of residents in and outside of the city of Columbus have been experiencing interference to the reception of KOLN-TV. They point out that the second harmonic of the FM signal falls very close to the picture carrier of KOLN-TV and that the interference caused is of two origins, direct second harmonic radiation from the transmitter, and overloading of TV receivers near the transmitter causing the generation of the second harmonic within the TV receivers themselves. Due to the widespread nature of the interference, the difficulty of removing the interference, and the availability of a simple solution to the problem by a shift in assignments, they urge that the instant proposal be expedited by the Commission. Cornhusker notes that Norfolk is about twice as far removed from the KOLN-TV transmitter as is Columbus; that it is beyond the Grade B contour of the station; and that a site for Channel 245 in Norfolk could carefully be selected away from the populous Norfolk area; and for these reasons the use of Channel 245 in Norfolk would not present any problem as far as KOLN-TV is concerned. They add, however, that they have no objection to the use of any other assignment in Norfolk such as Channel 290 or 294.

3. KJSK, Inc., permittee of radio station KJSK-FM on Channel 245 in Columbus, Nebraska, supports the proposed substitution of Channel 266 for 245 in Columbus. It states that it has constructed KJSK-FM on Channel 245 in full accord with its authorization; that the "interference" which developed was due to a phenomenon of overloading in the TV receivers beyond its control; and that in order to accommodate the licensee of KOLN-TV and its viewers in the area it supports the instant proposal. It urges that at the same time as the switch in channels is made that its authorization be modified to specify the new channel in order that it may provide the needed FM service with the least possible disruption.

4. WJAG, Inc., prospective applicant for a new FM station in Norfolk, Nebraska, opposes the assignment of Channel 245 to Norfolk. It submits that a recent survey reveals that at least 50% of the people interviewed watched Channel 10 in Lincoln on a regular basis. It

argues that since Norfolk is even farther from Lincoln than is Columbus that the removal of the "interference" problem from Columbus to Norfolk would make it worse for the viewers in the Norfolk area. WJAG suggests that an alternative solution, which would be more satisfactory, would be the assignment of Channel 294 to Norfolk rather than the proposed Channel 245. They point out that the only possibility of television interference from this assignment would be to the reception of Channel 13 from Sioux Falls but that due to the large distance from that city to Norfolk (110 miles) there are no substantial numbers of viewers of this station in Norfolk. A showing was made that Channel 294 could be assigned to Norfolk in full conformance with all the rules.

5. We have on several occasions stated that we believe the type of "interference" described in the subject petition is basically a problem of transmitter and receiver design and ordinarily not a factor in the assignment of FM channels. We have, however, in the past made changes in assignments where a simple solution to the problem was found to be acceptable to all the parties concerned. The proposed solution is simple and does not adversely affect any other station or the public interest. The proposed amendment would assign Channel 266 to Columbus. In a pending proceeding, Docket No. 15341, an interested party has proposed that Channel 268 be assigned to Grand Island, Nebraska. The assignment of Channel 266 to Columbus would be somewhat short-spaced to the proposed assignment in Grand Island. There are a number of other assignments which can be made to Grand Island and one of these will be assigned to that community instead of Channel 268. We are therefore of the view that the proposed amendment as modified by the WJAG counterproposal should be adopted.

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

7. In view of the foregoing: It is ordered, That effective July 24, 1964, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, to read as follows:

City	Channel No.
Columbus, Nebraska	266
Norfolk, Nebraska	294

8. It is further ordered, That effective July 24, 1964, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding construction permit held by KJSK, Inc., for radio station KJSK-FM is modified to specify operation on Channel 266 in lieu of Channel 245, subject to the following conditions:

(a) The permittee shall inform the Commission in writing by July 13, 1964, of its acceptance of this modification.

(b) The permittee shall submit to the Commission by July 13, 1964, all the technical information normally required for the issuance of a modified construction permit for operation on Channel 266, in-

cluding any changes in antenna and transmission line.

(c) The permittee may continue to operate on Channel 245 under its outstanding program test authority until, upon request by the permittee, the Commission authorizes interim operation on Channel 266, following which the permittee shall submit (within 30 days) the measurement data normally required of an applicant for an FM broadcast station license.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: June 17, 1964.

Released: June 18, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-6212; Filed, June 22, 1964;
8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 3221, 3222]

MINERAL LEASING ON ACQUIRED LANDS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given, that, pursuant to the authority vested in the Secretary of the Interior by R.S. 2478 (43 U.S.C. 1201), it is proposed to amend the regulations contained in 43 CFR 3221.4(f) and 3222.6-2 as set forth below. The purpose of the amendments is to provide for a mineral lease of not exceeding 20 years and for modification of the regulations pertaining to suspensions of operations and production under the lease terms.

The proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003). However, it is the policy of the Department that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Paragraph (f) of § 3221.4 is amended to read as follows:

§ 3221.4 Reward for discovery; preference right lease; bond.

(f) The terms and conditions of the lease, including the royalty rates, will be established on an individual case basis. If minerals other than that specified in the issued lease should be discovered and mined by the lessee, an applicable royalty rate will be established by the lessor for such mineral. The lessee will be required to post a lease bond on a form approved by the Director before the lease will be executed by the Government. The lease will be issued for a period not exceeding 20 years, the term to be determined upon the advice of the agency having jurisdiction over the surface and the United States Geological Survey. The lessee will be granted a right of renewal for successive periods, not exceeding 10 years each, under such reasonable terms and conditions as the Secretary of the Interior may prescribe, including the revision of or imposition of stipulations for the protection of the surface of the land as may be required by the agency having jurisdiction thereover. An application for renewal of the lease must be filed in a manner similar to that prescribed for extension of a permit in § 3221.3(a) and the provisions of § 3221.3(b) are applicable to leases.

2. Section 3222.6-2 is amended to read as follows:

§ 3222.6-2 Suspension of operations and production.

(a) Upon a showing of the need and upon application therefor, filed in triplicate in the office of the Regional Mining Supervisor and a copy filed in the proper land office, the lessee may be granted a suspension of the operating and/or producing requirements of the lease. A rental in lieu of royalty of not less than \$1 per acre shall be paid annually during the period of suspension. The period of suspension shall be specified in an appropriate order of the Secretary or his authorized representative.

(b) Notwithstanding the provisions of the preceding paragraph, the Secretary, in the interest of conservation of natural resources, may suspend all operating and producing requirements and waive, suspend, or reduce the rental or minimum royalty.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 17, 1964.

[F.R. Doc. 64-6192; Filed, June 22, 1964;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922]

APRICOTS GROWN IN WASHINGTON

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1964-65 Fiscal Year

Consideration is being given to the following proposals submitted by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses that are reasonable and likely to be incurred by said committee, during the fiscal period beginning April 1, 1964, and ending March 31, 1965, to enable it to perform its functions in accordance with the provisions of the said amended marketing agreement and order will amount to \$5,469.

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles apricots shall pay during the fiscal period ending March 31, 1965, in accordance with the applicable provisions of said amended marketing agreement and order, the rate of assessment of \$0.70 per ton of apricots

so handled by such handler during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Terms used in the amended marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

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

Dated: June 18, 1964.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-6234; Filed, June 22, 1964;
8:52 a.m.]

[7 CFR Part 1131]

[Docket No. AO-271-A7]

MILK IN CENTRAL ARIZONA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Phoenix, Arizona, on February 11-12, 1964, pursuant to notice thereof issued on January 20, 1964 (29 F.R. 611).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 1, 1964 (29 F.R. 7286; F.R. Doc. 64-5532) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (29 F.R. 7286; F.R. Doc. 64-5532) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

Changes are made in the fifth paragraph of Issue No. 1 and in the first paragraph of Issue No. 4.

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

1. Class I price and seasonal adjustment of blend price.
2. Class II price.
3. Transfers made by a cooperative association.
4. Definition of a fluid milk product.
5. Interest on overdue obligations.

A proposal to eliminate the plus price differential applicable to milk delivered to plants located at Tucson, Arizona, relative to the price for deliveries at Phoenix and Safford, Arizona, appeared in the hearing notice. Since no evidence with respect to this proposal was offered at the hearing, it will receive no further consideration in this decision.

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

1. **Class I price and seasonal adjustment of blend price.** The Class I price provisions should be amended to provide seasonally variable prices and a temporary increase of 10 cents per hundredweight should be effective for the period July 1964 through December 1964. This should be accomplished by the adoption of Class I price differentials which are added to the basic formula price of \$2.10 for the months of March through June and \$2.40 for all other months. For the months of July 1964 through December 1964 the differential should be \$2.50. The automatic supply-demand adjuster should be made ineffective for the months of July, August and September 1964. No seasonal adjustment of the blend price should be adopted on this record.

Three cooperative associations of producers representing most of the producers supplying the Central Arizona milk market proposed an increase of 20 cents per hundredweight in the Class I price level and an increase in the supply-demand adjuster norms to prevent minus adjustments until the ratio of producer receipts to Class I sales exceeded 125.5 percent. The cooperatives proposed the annual increase in the norms be applied seasonally to provide the greatest increases in the pricing months of June through October, with a decrease of one percent in February and March and no increase or smaller increases in other months. They also proposed a seasonal adjustment of the blend price to be accomplished by withholding 10 cents per hundredweight from the pool fund in each of the months of November through June and paying out the withheld funds in equal amounts during the immediately following months of July through October. Handlers opposed any change in the Class I price provisions.

The present Class I price differential of \$2.30 effective each month of the year has not brought forth an adequate supply of milk for the market during all months. The United Dairymen of Arizona imported milk for handlers who needed it for fluid product sales in the months of February, September, October and November 1962, January 1963 and in each of the months of July 1963 through January 1964. The cost of milk

purchased in 1962, f.o.b. Phoenix, was about equal to the Class I price but in 1963 for the months of September, October and November when imports totaled three and one-half million pounds, the average cost was \$5.85 per hundredweight, 43 cents more than the average Class I price in that period.

There are no Federal order markets from which Class I milk can be obtained for the Central Arizona area for less than the present Class I price. The Class I price under the Central Arizona order for milk delivered to plants located at Phoenix in 1963 was less than the Class I price in other Federal order markets plus the cost of transporting milk from such markets to Phoenix. Using a transportation cost factor of one and one-half cents per hundredweight per 10 miles the Central Arizona price was under the other market Class I price plus transportation cost by the following amounts: Great Basin, 79 cents; Wichita, 79 cents; Ozarks, 60 cents; Minneapolis-St. Paul, 96 cents; Texas Panhandle, 89 cents and Rio Grande Valley, 60 cents.

Handler witnesses claimed that milk could be obtained from California at a cost no greater than the present Class I price. However, these witnesses had no figures on cost of milk actually purchased since each handler has relied on the United Dairymen of Arizona to furnish him milk as he needed it, including the importation of milk when necessary. The witness for United Dairymen of Arizona testified that he purchased milk at the lowest prices at which it was obtainable when he needed it. The average cost of California milk purchased by United Dairymen of Arizona exceeded the Central Arizona Class I price by 33 cents per hundredweight in September 1963, by 67 cents in October 1963 and by 57 cents in November 1963. There were no purchases of California milk in December 1963 and cost data on January 1964 imports were not available at the hearing.

The tightening of the supply-Class I sales condition during the July-February period is reflected in the percentage of producer milk used in Class I during those months. In July 1960-February 1961 and in the same months the following year, the percentage of producer milk used in Class I was 82. In July 1962-February 1963 the percentage climbed to 84 and July 1963-February 1964 was 85. Official notice is taken of the official announcements of the market administrator concerning February 1964 data.

On the other hand, the percentage of producer milk used in Class I during the months of March-June 1963 was 77 percent, lower than in the same period of any other year since 1956 with the exception of 1961 when the percentage was 76.

It appears that any price incentive for greater milk production should be confined to the months of July through February. With some realignment of supply seasonally to more nearly match the needs for Class I sales, no permanent increase in the annual level of milk supply should be needed. Therefore, the annual level of the Class I price differen-

tial should be maintained at \$2.30 but the monthly differentials should be set at \$2.10 for the months of March through June and \$2.40 in all other months.

Some additional price incentive to attract a greater milk supply beginning in July is needed this year. The adoption of the proposed seasonal prices, if effective July 1, 1964, would raise the Class I price only 10 cents per hundredweight from June to July this year. An additional temporary increase of 10 cents per hundredweight for the months of July through December this year will emphasize the need for an immediate increase in milk supply during this period. The proposed Class I price will also be nearer to the cost of milk imports which are expected to be needed again this year.

Current trends in milk production and sales indicate the market will be at least as short of milk in the last half of 1964 as it was the last part of 1963. Class I sales in the Central Arizona area this year are expected to show another increase continuing the rise in sales in line with population growth. Receipts of milk from producers in recent months have shown a lower rate of increase than the rise in Class I sales. Higher concentrate feed costs and the sharp increase in the cost of hay compared to last year will tend to curb production. Hay prices in the Central Arizona area are increased by special costs attributable to necessary measures which must be taken to be sure that hay is not contaminated by pesticides used in the culture of cotton and fruit and vegetable crops. Also, grazing of pastures is not possible in some instances after the spraying season starts. The pesticide problem is particularly acute in Arizona where farm milk sales rank far below crops such as cotton lint and lettuce in terms of total cash receipts from marketers. Cash receipts from milk marketers in 1962 were 22 million dollars as compared to 140 million for cotton lint and 49 million for lettuce.

The lowering of Class I prices in the March-June period will tend to correct the tendency toward increasing producer receipts relative to Class I sales in that period. The trend toward greater seasonal production in this period is the principal basis for the producers' request that the supply-demand adjuster norms be raised to accommodate the increased production.

The proposed changes in the schedule of receipts-sales ratios used in computing the supply-demand adjuster should not be adopted. The norms proposed by the cooperative were calculated at a level three percentage units higher than the norms presently provided. The annual averages of the norms now provided are 115.5 minimum and 122.5 maximum. As heretofore concluded, there appears to be no need for an increase in the annual level of milk supply for the market. A realignment of the supply seasonally is needed and the price structure proposed herein should encourage a shift in seasonal supply to fit more nearly the Class I sales needs. The witness for producers testified that the present production pattern is not geared to Class I require-

ments. He pointed out that if annual supplies were delivered in line with Class I uses, imports could be reduced substantially.

The proposed change in the norms was largely to accommodate the bulge in production which has occurred in the March-June period. The supply-sales ratios in those months affect the supply-demand adjutor applicable to prices for the following July through September. If the pricing plan proposed herein accomplishes its purpose (retarding increases in supply during March-June and encouraging increases in July-February) the norms proposed by producers to reflect the 1963 production pattern would be inappropriate.

We must recognize that the proposed seasonal pricing plan cannot influence the supply-sales ratios during March-June this year. Hence, the oversupply in that period could bring minus adjustments again this year as it did in 1963 during the months immediately following. It is proposed, therefore, that the supply-demand adjutor provisions be ineffective in 1964 during the months of July through September.

The proposal to adjust the blend price seasonally by withholding 10 cents per hundredweight on Class I sales in the months November through June and paying out such funds to producers in equal amounts through the blend prices for July through October was made contingent on the adoption of a permanent increase in the Class I price. There was no support for such a seasonal price adjustment fund apart from the proposed price increase. Since no permanent increase in the Class I price is proposed herein, the plan for seasonally adjusting the blend price should not be adopted at this time.

2. Class II price. The Class II price should be established at a level 25 cents per hundredweight over the Class III price.

The three cooperative associations proposed that the Class II price be set at 30 cents over the Class III price. Handlers opposed a change in the Class II price which is now established by adding 15 cents to the Class III price.

Class II includes skim milk and butterfat in fluid milk products used to produce cottage cheese. Cottage cheese is the principal use in the market of skim milk not required for sales of fluid milk products. In 1963 the average use of skim milk per month in cottage cheese was more than three million pounds, nearly one-tenth of the average Class I volume of 32 million pounds.

Cottage cheese is made in pool plants primarily from producer milk, although nonfat milk solids are regularly used to some extent in the manufacture of cottage cheese. Also, some imported fluid milk is, at times, used to make cottage cheese. Cottage cheese has, at times, been imported from California.

Since there is a relatively constant, dependable market for milk to be used in cottage cheese in the Central Arizona area, the price for such milk should be set as near as possible to the cost of cheese from the lowest cost alternative sources.

The cost of nonfat dry milk, at the Government support price level of 14.40 cents per pound, is equal to \$1.22 per 100 pounds of liquid skim milk containing 8.5 pounds of nonfat milk solids. At 18 cents per pound, the price Central Arizona Dairymen charged for nonfat dry milk, 100 pounds of reconstituted skim milk containing 8.5 pounds nonfat solids would be \$1.53. The average order price per 100 pounds of skim milk used in cottage cheese in 1963 was \$0.85 and the price proposed herein would have averaged \$0.96 in that period.

Cottage cheese made in California plants appears to be the lowest cost source from which handlers might obtain their cottage cheese if producer milk were not available. One handler testified that skim milk for use in cottage cheese could be purchased at Los Angeles, California, plants for \$1.02 per 100 pounds. Another handler testified that skim milk used in cottage cheese in plants in the San Joaquin Valley of California is priced at about \$0.98 per 100 pounds. The cost of transporting cheese from Los Angeles was quoted at \$0.0144 per pound. No quotation on cost of transporting cheese from the San Joaquin Valley was available.

One handler testified that the relatively low nonfat solids content of Arizona milk makes it necessary to add nonfat dry milk to the skim to standardize the solids content before making cottage cheese. The added solids cost about five cents per 100 pounds of skim milk used.

The formula proposed herein for the Class II milk price would have averaged \$3.27 for milk of 3.5 percent butterfat in 1963. This is 25 cents over the Class III price but only 16 cents higher than the average price paid in Minnesota and Wisconsin for manufacturing grade milk.

There is no doubt that the price proposed is at least competitive with the cost of cottage cheese which might be obtained from other sources. Producers asked that the Class II price be set at 30 cents over the Class III price. It is possible that such higher price might be obtained for milk in this use without losing sales to other supplies. However, the moderate increase proposed herein with assurance of continued sales at the present level is more likely to bring producers a greater aggregate return for their milk which is in excess of Class I sales.

3. Transfers made by a cooperative. The order should be amended to provide that milk transferred by a cooperative association in its own trucks from one pool plant to another pool plant be accounted for as if such milk were physically moved through the cooperative's pool plant.

The United Dairymen of Arizona operates a pool plant in the marketing area which is used to receive milk not needed by handlers for their fluid sales. Whenever a market for such milk is available with another handler, the milk is moved from the cooperative's plant to such handler. If there is no need for the milk for fluid sales, it is manufactured at the cooperative's plant.

In some instances, the cooperative association is able to direct the delivery of milk in its trucks from the farm to the plant where it is needed for fluid sales. But not all its member milk is moved from the farms to pool plants in trucks it controls. Handlers operating pool plants have been willing to release milk from their plants when the cooperative could move the milk to another plant where it would be used in Class I. Under such circumstances, the cooperative moves the milk in its own trucks and has been hauling the milk to its own plant and then reloading it for transfer to the second plant. This hauling is costly because the cooperative's plant is some distance from most of the pool distributing plants.

Since the milk moved in this manner between plants is controlled by the cooperative, it can be accounted for by the cooperative the same as other receipts and dispositions at the cooperative's plant. Hence, the milk so moved in trucks controlled by the cooperative should be accounted for and classified as if transferred by the pool plant operator to the cooperative's pool plant and then by the cooperative to the second pool plant.

4. Definition of a fluid milk product. The definition of "fluid milk product" should be amended to state clearly that fluid milk products include those made by reconstituting or recombining concentrated or dehydrated milk products with water, with or without the addition of other ingredients, if the resulting product is designated as a milk product by the appropriate health authority.

The present fluid milk product definition names products such as milk, skim milk, flavored milk drinks and includes any mixtures of such products. The classification section states that all skim milk in such products, including reconstituted and concentrated milk solids, shall be Class I.

Reconstituted skim milk with some vegetable fat added has been marketed recently in the Central Arizona market area by at least two milk handlers. The Arizona State Department of Health regards such products as "reconstituted milk products" and the State Dairy Commissioner has advised the handlers that the products should be labelled "reconstituted Grade A skim milk, with the following ingredients—nonhydrogenated vegetable oil, etc."

These reconstituted products are kept under refrigeration and packaged in cartons similar to those used for other fluid milk products. They are processed in fluid milk plants and sold as substitutes for fluid milk products made from fresh skim milk.

Reconstituted fluid milk products are not readily distinguishable by appearance or composition from fresh liquid skim milk. Therefore, when reconstituted skim milk is processed and packaged in the same plant with fresh skim milk it is impossible to determine whether certain bottles were filled with reconstituted or fresh skim milk. This difficulty remains whether or not milk fat or vegetable fat is added to the liquid skim milk. Therefore, it is necessary to classify reconstituted and fresh skim milk

products in the same class. Even if it were possible to establish the quantities of liquid skim milk made by reconstituting water and dehydrated milk solids it would not be feasible to classify milk uses on that basis. To do so would be to establish a class use based on the intermediate use rather than the ultimate use. Such classification would encourage handlers to convert milk into a lower-priced product, nonfat dry milk, and then recombine that product with water to make fluid milk products.

No witnesses offered testimony in opposition to the proposal to clarify the fluid milk product definition with respect to its description of these reconstituted milk products. An attorney representing one of the handlers who markets these products appeared at the hearing and interrogated the proponent witness. This attorney also filed a brief in opposition to the proposed amendment citing inadequacy of the language of the proposed amendment to accomplish its declared purpose and claimed that the reconstituted skim milk product with vegetable fat added is not a milk product.

The positive evidence in the record shows that the product is a fluid milk product and that its character is such that it should be classified and priced as a Class I product. The market administrator has applied the present order language accordingly. This is a reasonable construction of the present language and is undoubtedly the intended purpose of the language. However, in order to avoid any possible misunderstanding in regard to any products of this nature the definition should make specific reference to such products. The proposed amendment language includes such specific terms.

5. Interest on overdue obligations. The Central Arizona order should be amended to provide that any unpaid obligation of a handler relative to payments to the producer-settlement fund be increased one-half of one percent on the 15th day of the month, two days following the due date of such obligation, and on the 15th day of each month thereafter until such obligation is paid.

The three cooperative associations of producers supplying the market proposed in the hearing notice that any unpaid obligation of a handler be increased one-half percent on the first day of the next month and on the first day of each successive month until the obligation is paid. At the hearing, the proponent's witness indicated that interest charges should begin at an earlier date in order to encourage prompt payment. There was no opposition to the proposal at the hearing.

The purpose of interest payment on unpaid obligations is to encourage prompt settlement of accounts. It is essential that payments, particularly to the producer-settlement fund, be made promptly so that the market administrator will have funds to make required payments out of the producer-settlement fund. Interest payments should be limited to obligations payable to the market administrator for the producer-settlement fund.

Some handlers would have an advantage over other handlers if their obligations

to the producer-settlement fund were not paid on the due date since they could use such monies as operating capital without any interest charge. In addition, other persons are affected in that payments from the producer-settlement fund would have to be reduced until the obligations to the producer-settlement fund were paid.

The interest charge proposed for unpaid obligations was reported to be in line with the cost of commercial short-term credit which handlers might have to pay to meet their obligations on the due date. The one-half of one percent interest rate is the rate provided in other Federal orders which assess interest payment on unpaid obligations.

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

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

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

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

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

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings

and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Arizona Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Central Arizona Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

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

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

Signed at Washington, D.C., on June 18, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Central Arizona Marketing Area

§ 1131.0 Findings and determinations.

The findings and determinations herein after 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 Central Arizona marketing area.

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.

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.

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Agricultural Marketing Service, on June 1, 1964, and published in the FEDERAL REGISTER on June 4, 1964 (29 F.R. 7286; F.R. Doc. 64-5532), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the revision of amendment No. 2 as follows:

§ 1131.8 [Amended]

1. The following sentence is added to § 1131.8(c): "Milk received by such cooperative, in a truck owned or under contract to the cooperative, from a pool plant and transferred in such truck to another pool plant for the account of the cooperative shall be considered a receipt at the cooperative's plant and a transfer from such plant."

2. Section 1131.15 is revised as follows:

§ 1131.15 Fluid milk product.

"Fluid milk product" means the following milk products, including such products made by reconstituting or recombining concentrated or dehydrated milk constituents with water. Milk (including frozen or concentrated milk), cream (sweet or sour), skim milk, buttermilk, flavored milk, flavored milk drinks, or any mixture in fluid form of milk, skim milk or cream, with or without other ingredients, which are designated as milk products by the appropriate health authority. This definition shall not include sterilized products packaged in hermetically sealed containers, eggnog, yogurt, ice cream mix or aerated, plastic or frozen cream,

3. The introductory text of § 1131.51 (a) and paragraph (b) are revised as follows:

§ 1131.51 Class prices.

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus \$2.50 for the months of July 1964 through December 1964 and thereafter \$2.10 for each of the months of March, April, May and June and plus \$2.40 for all other months and shall be increased or decreased by a "supply-demand adjustment" (except that such supply-demand adjustment shall not be applicable to the Class I prices computed for July, August and September 1964) of not more than 50 cents computed as follows:

(b) *Class II milk price.* The price for Class II milk shall be the Class III price for the month, plus 25 cents.

4. Section 1131.84 is revised as follows:

§ 1131.84 Adjustment of accounts.

(a) Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in monies due (1) the market administrator from a handler, (2) a handler from the market administrator, or (3) any producer or cooperative association from a 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 in the provisions under which such error occurred.

(b) Any unpaid obligation of a handler pursuant to § 1131.82 or paragraph (a) of this section relative to payments to the producer-settlement fund shall be increased one-half of one percent on the second day following the due date of such obligation and on the 15th day of each month thereafter until such obligation is paid.

[F.R. Doc. 64-6236; Filed, June 22, 1964; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-SO-10]

CONTROLLED AIRSPACE

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Fayetteville, N.C., Terminal area.

The following controlled airspace is presently designated in the vicinity of Fayetteville, N.C.:

The Fayetteville control zone is designated as that airspace within a 5-mile radius of Grannis Field, and within 2 miles either side of the 211° bearing from the Fayetteville RBN extending from the 5-mile radius zone to 10 miles SW of the RBN.

The Federal Aviation Agency, pending the completion of a comprehensive review of the terminal airspace structure requirements in the Fayetteville terminal area, proposes the following airspace action:

Alter the Fayetteville control zone by redesignating it as that airspace within a 5-mile radius of Grannis Field (Lat. 34°59'25" N, Long. 78°52'50" W), within 2 miles each side of the Fayetteville, VOR 233° True radial extending from the 5-mile radius zone to 8 miles southwest of the VOR, and within 2 miles each side of the 209° True bearing from the Fayetteville radio beacon extending from the 5-mile radius zone to 8 miles southwest of the radio beacon.

The Federal Aviation Agency approved an approach to Grannis Field based upon the Fayetteville VOR on July 26, 1963. A portion of this approach procedure extends into uncontrolled airspace. The proposed control zone extension based upon the VOR 233° True radial provides protection for aircraft executing this approach. A review of the controlled airspace revealed that the extension based upon the Fayetteville radio beacon 211° True bearing should in fact be based upon the 209° True bearing, and may be reduced to 8 miles in length. These revisions are proposed herein.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga. 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel; Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. 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 June 15, 1964.

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

[F.R. Doc. 64-6182; Filed, June 22, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15511, RM-607; FCC 64-546]

FM BROADCAST STATIONS, BEAUFORT AND JACKSONVILLE, N.C.

Amendment of § 73.202, Table of Assignments

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

2. The Commission has before it for consideration a joint petition for rule making filed on May 25, 1964 (RM-607) by Onslow Broadcasting Corp., licensee of Station WJNC(AM) and Marine Broadcasting Corp., licensee of Station WLAS(AM), both of Jacksonville, North Carolina. This petition requests the institution of rule making to amend the FM Table of Assignments so as to assign Channel 221A to Jacksonville by substituting Channel 249A for Channel 221A at Beaufort, North Carolina.

3. Petitioners urge that this second Class A assignment be made available to Jacksonville (a community with a population of 13,491) in order to resolve the conflict between the two applicants for the sole FM channel assigned to Jacksonville, without the expenditure of time and money for both the applicants and the Commission.¹ They submit that the proposal is in complete accord with the mileage separation rules and will result in the early institution of FM service in the Jacksonville area.

4. The Commission believes that rule making should be instituted on the subject petition in order that all interested parties may submit their views and relevant data. Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
Jacksonville, N.C.	228A	221A, 288A
Beaufort, N.C.	221A	249A

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

6. Pursuant to applicable procedures set out in Section 1.415 of the Commission's rules, interested persons may file comments on or before July 20, 1964, and reply comments on or before July 31, 1964. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of Section 1.419 of the Rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of Section 1.419 which require that any person desiring to file

identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: June 17, 1964.

Released: June 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 64-6213; Filed, June 22, 1964; 8:50 a.m.]

[47 CFR Part 73]

[Docket No. 15512, RM-518; FCC 64-547]

TELEVISION BROADCAST STATIONS; RHINELANDER, WIS., IRONWOOD, MICH.

Table of Assignments

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

2. The Commission has before it for consideration a "Petition for Rule Making and Order to Show Cause," and an "Amendment to Petition for Rule Making and Order to Show Cause," filed by Alvin E. O'Konski on October 30, 1963, and March 17, 1964, respectively.

3. Section 73.606 of the Commission rules—the television table of assignments—indicates channel assignments for the communities listed below as follows:

City	Channel
Ironwood, Michigan	12+ .31
Hurley, Wisconsin	None
Merrill, Wisconsin	None
Rhineland, Wisconsin	22

¹ The 1960 populations of these four cities and the counties in which they are located are as follows:

Ironwood	10,265	Gogebic	
Hurley	2,763	County	24,370
Merrill	9,451	Iron County	7,830
Rhine-		Lincoln	
lander	8,790	County	22,338
		Oneida	
		County	22,112

Ironwood is located on the banks of the Montreal river, which separates Michigan from Wisconsin, across from Hurley. Rhineland is about 70 miles southeast of Hurley, and Merrill is roughly 35 miles south of Rhineland.

Petitioner O'Konski presently holds a construction permit for Station WAEO-TV at Hurley utilizing the Channel 12 assignment of Ironwood which is less than 15 miles from Hurley. There are no outstanding authorizations for the other two channels mentioned above, and no applications for them are pending.

4. Petitioner's first pleading requested rule making for the purpose of reassigning Channel 12 from Ironwood to Merrill, and also requested the Commission to issue an order to show cause why his permit for Station WAEO-TV should not be modified to specify station location at Merrill instead of Hurley. In addition, petitioner declared his intention to apply for a construction permit for a station on Channel 31 at Hurley (using

the Ironwood Channel 31 assignment) to operate as a satellite of WAEO-TV at Merrill, and stated that the satellite would have sufficient power to provide service to the area that would have been served by WAEO-TV operating on Channel 12 at Hurley. Mr. O'Konski indicated his willingness to have modification of his present permit for WAEO-TV conditioned on his constructing a UHF station at Hurley.

5. The second pleading amended the first by requesting rule making to reassign Channel 12 from Ironwood to Rhineland rather than to Merrill. It also contained a request for an order to show cause why the permit for WAEO-TV should not be modified to specify station location at Rhineland, but made no mention of conditioning the modification on construction of a UHF satellite station at Hurley.

6. Petitioner states that he was diligent in pursuing plans for construction after having been granted a permit for Station WAEO-TV, until he learned from a study, the details of which he presents, that a television station at Hurley could not become self-supporting. It is averred that this fact, plus the requests of many persons in the north central area of Wisconsin who presently receive unsatisfactory television service, led him to explore the possibility of expanding his facilities and locating his station where it might satisfy their needs.

7. It is petitioner's expressed intent, if Channel 12 is assigned to Rhineland and if his permit for Station WAEO-TV is modified to specify station location at that city, to take necessary steps to modify the permit further to specify an antenna height of 1000 feet and power of 316 kw. This, it is alleged, would bring acceptable service to a television "white area" which includes about 83,000 persons. Business and other data submitted in support of the amended request have convinced petitioner that a Rhineland station would be successful. It appears that assignment of Channel 12 to Rhineland would meet the mileage separation requirements of the Commission rules.

8. Rhineland is within the Grade B contour of Station WSAU-TV, Channel 7, Wausau, Wisconsin. Four UHF television broadcast translator stations are licensed to serve the community. They have call letters and pick up the signals of stations as follows: W73AD—WBAY-TV, Channel 2, Green Bay, Wisconsin; W71AC—WFRV, Channel 5, Green Bay, Wisconsin; W80AC—WLUC-TV, Channel 11, Green Bay, Wisconsin; W76AB—WSAU-TV, Channel 7, Wausau, Wisconsin.

9. The M & M Broadcasting Company, licensee of Station WLUC-TV, Channel 11, Green Bay, Wisconsin, has filed a pleading which suggests that, if rule making is instituted herein, the Commission invite comments on the possible assignment of Channel 4 to Rhineland instead of Channel 12. In support of this proposal, it is urged, among other things, (1) that although a Channel 12 assignment at Rhineland may meet the Commission mileage spacing requirements, a station operating on that chan-

¹ Docket Nos. 15438 and 15439.

nel at Rhinelander would destroy service from WLUC-TV in a significant area south and east of Rhinelander, and would have similar effects on the service of other existing stations, (2) that the assignment of Channel 4 to Rhinelander would eliminate the aforementioned difficulty and would also leave Channel 12 free for continued assignment at Ironwood or elsewhere in the area north and west of Rhinelander, and (3) that the public interest would best be served by having a comprehensive record containing comments on the full range of possibilities for channel assignments in the area.

10. The Wisconsin Valley Television Corporation, licensee of Station WSAU-TV, Channel 7, Wausau, Wisconsin, has filed a statement suggesting that because the status of Channel 9 at Wausau is still subject to Commission action, because a decision with respect to that channel is likely to be rendered in the relatively near future, and because whether Channel 9 is used for commercial or noncommercial purposes has a bearing on the overall distribution of channels in the area involved, action in the instant matter should be held in abeyance until such time as the Wausau Channel 9 matter has been decided. (The proceedings referred to are those in Docket Nos. 14933 and 14934, and RM-321, the outcome of which might ultimately result in having two commercial VHF stations at Wausau, or one commercial and one noncommercial educational station.)

11. We are of the opinion that a notice of proposed rule making should issue herein and that comments should, among other things, be directed at the needs of the Hurley and Rhinelander areas with regard to television service, and the relative merits of reassigning Channel 12 from Ironwood to Rhinelander as compared with leaving Channel 12 in Ironwood and assigning Channel 4 to Rhinelander.² The bearing of the Channel 9 (Wausau) proceedings on the instant proposals may, of course, be noted in comments, and we shall also take cognizance of developments with respect to that channel as they may occur.

12. In view of the foregoing, comments and reply comments are invited on the following alternative proposals:

²On January 30, 1964, Midwest Radio-Television, Inc., licensee of Station WCCO-TV, Channel 4, Minneapolis, Minnesota, filed an application (BPCT-3292) to change its existing facilities by moving its transmitter site and making other changes. The site specified is such that if the application were granted, and if Channel 4 were assigned to Rhinelander, a permittee of a Rhinelander Channel 4 station would have to locate its tower about 6 miles east of where it might have been placed with the WCCO-TV tower at its present site to meet the 190-mile spacing requirement. This would place the Rhinelander transmitter roughly 6 miles east of the city. (These statements assume site availability and no air space problems for the Rhinelander station.)

City	Channel No.	
	Present	Proposed
Alternative No. 1		
Ironwood, Mich.....	12+, 31-	31-
Rhinelander, Wis.....	22	12+, 22
Alternative No. 2		
Rhinelander, Wis.....	22	4+, 22

13. If it is determined that either of the proposed alternative amendments will serve the public interest, the Commission will take such further action as may be appropriate with respect to outstanding authorizations. We accordingly defer action upon petitioner's request for issuance of an order to show cause.

14. Inasmuch as Rhinelander is within 250 miles of the U.S.-Canadian border, the proposals require the concurrence of the Canadian authorities in accordance with the provisions of the U.S.-Canadian Agreement of 1952. No final action on either proposal would be taken without formal Canadian concurrence.

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

16. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before July 31, 1964, and reply comments on or before August 17, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

17. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: June 17, 1964.

Released: June 18, 1964.

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

[F.R. Doc. 64-6214; Filed, June 22, 1964;
8:50 a.m.]

[47 CFR Part 73]

[Docket No. 15513, RM-582; FCC 64-548,
51895]

FM BROADCAST STATIONS; MINNEAPOLIS AND ST. PAUL, MINN.

Table of Assignments

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

2. The Commission has before it for consideration a petition for rule making (RM-582), filed by WMIN, Inc., licensee of radio station WMIN (AM), St. Paul, Minnesota on March 16, 1964, requesting the reassignment of Channel 271 from Minneapolis to St. Paul, Minnesota. An opposition to this request was filed by Hennepin Broadcasting Associates, Inc., applicant for a new FM station in Minneapolis on Channel 271 and a reply thereto filed by WMIN.¹

3. Minneapolis has a population of 482,872 and has 9 FM assignments all of which are in use, except for two channels, 233 and 271. These are all Class C assignments. There are two additional FM assignments to communities close to Minneapolis, Golden Valley and St. Louis Park. These are also Class C assignments. St. Paul, the capital city of Minnesota, has a population of 313,411, and has only one FM assignment, Channel 237A, which is in operation. Applications are on file for the two remaining unoccupied Minneapolis assignments. WMIN urges that Channel 271 should be removed from Minneapolis and assigned to St. Paul. It submits that St. Paul is the second largest city in the state; that it is a separate and distinct city having its own government, police and fire departments, school system, etc.; that a Class C station can best serve the interests of St. Paul as opposed to a station serving the much larger city of Minneapolis; and that it will file an application for a St. Paul station in the event the proposal is adopted.²

4. In its opposition to the request for rule making by WMIN, Hennepin argues that the concept of a "separate and distinct community" is no longer a governing criterion in allocating Class C FM facilities; that WMIN has not presented any evidence that the existing stations in Minneapolis do not serve the needs of the people of St. Paul; and that the need for its own Class C station cannot be presumed. Hennepin further urges that there is no need for rule making in this case since WMIN could request a waiver of the "25 mile rule" in order to have its proposed application for Channel 271 at St. Paul considered by the Commission.

¹In another rule making proceeding which concerned, among other things, the assignments to Minneapolis, Docket No. 15256, WMIN filed a counterproposal requesting the same shift of Channel 271 to St. Paul. This pleading was stricken from the record in that proceeding. However, the Commission noted therein (See Report and Order in Docket 15256, FCC 64-515) that WMIN had filed the instant request and stated that "we have under consideration the making of one or more additional assignments to St. Paul, or the hyphenated communities of Minneapolis-St. Paul, and action in this matter will be taken shortly."

²WMIN further discusses the relative merits of Channel 271 and Channel 281. In Docket 15256 the Commission gave consideration to the possible substitution of Channel 281 for 271 in Minneapolis. Since this request was denied in that proceeding no further consideration will be given herein to the comments relating to this matter.

It further suggests that both remaining assignments could be made available to both communities designated as Minneapolis-St. Paul or St. Paul-Minneapolis, as was done with all the television channels.

5. Upon careful review of the petition and the opposition filed herein we are of the view that we should invite comments on the advisability of making one or more Class C assignments available to St. Paul. Prior to the adoption of the Table of Assignments in the Third Report in Docket 14185, assignments were made on a "demand" basis in accordance with certain protection rules. In the area in question, seven interested parties filed for stations in Minneapolis on Class C channels and one party filed for St. Paul on a Class A channel. Had we used a Table of Assignment procedure in FM as we do in television, consideration would no doubt have been given to a distribution of available facilities to both communities in a fair and equitable manner. In view of this and the arguments made by the petitioner we are of the view that we should institute a rule making proceeding on alternative ways to make a Class C assignment available to St. Paul. Comments are therefore invited on the following alternatives:

(a) Whether to assign Channel 233 or 271 or both to St. Paul rather than to Minneapolis.

(b) Whether to assign Channel 233 or 271 or both to Minneapolis-St. Paul, Minnesota.

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

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before July 20, 1964, and reply comments on or before July 31, 1964. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: June 17, 1964.

Released: June 18, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[47 CFR Part 73]

[Docket No. 15514, RM-583; FCC 64-550]

FM BROADCAST STATIONS; CEDAR RAPIDS, DUBUQUE, AND MUSCATINE, IOWA

Table of Assignments

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

2. The Commission has before it for consideration a petition requesting rule making filed on March 17, 1964 (RM-583) and amended on May 20, 1964, by Dubuque Broadcasting Company, applicant for a new FM station in Dubuque, Iowa, requesting the assignment of Channel 225 to Dubuque by making other changes in the FM Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Dubuque, Iowa.....	257A, 261A, 287	225, 257A, 261A, 287
Muscatine, Iowa.....	225, 259	237A, 259
Cedar Rapids, Iowa.....	238, 251, 275, 283	243, 251, 275, 283

Muscatine Broadcasting Company, licensee of Station KWPC-FM on Channel 259 at Muscatine, Iowa, filed an opposition to the subject petition.

3. Dubuque submits that Dubuque has a population of 56,606 and is a metropolitan area while Muscatine has a population of 20,997 and is not a metropolitan area. There are two applications on file¹ for the sole Class C assignment in Dubuque while there is no application on file for the second Class C assignment in Muscatine or for Channel 238 at Cedar Rapids. There are two standard broadcast stations in Dubuque and one in Muscatine. Dubuque urges that the assignment of two Class C channels to Dubuque would more effectively implement the Commission's allocation plan in that it would make two wide-area assignments in a metropolitan area and that it would permit the resolution of the conflict between the two applications on file for the sole Class C assignment presently in Dubuque. It finally points out that the changes suggested all conform to the rules.

4. In its opposition Muscatine submits that it operates Station KWPC-FM on Channel 259 with less than the minimum facilities for a Class C assignment; that its plans for improving the facilities of the station were frustrated by the fact that Channel 259 is short-spaced with other assignments; and that since Channel 225 is an assignment which meets all the mileage requirements of the rules, it instituted steps toward preparing an ap-

plication to change channels for Station KWPC-FM from 259 to 225. Muscatine argues that the deletion of Channel 225 from Muscatine would deprive that community of an effective Class C assignment. It states that the only reason given for the proposal is to resolve a conflict between two applicants for a single Class C assignment and that this can be resolved also by the use of one of the Class A assignments in Dubuque.

5. The basic objection which Muscatine has to the proposed amendment is that it may be precluded from improving the facilities of KWPC-FM. However, there are only two short spacings in which KWPC-FM is involved, one of which is very moderate. It therefore appears that some measure of relief will be forthcoming to this station toward an improvement of its present facilities (780 watts of power and 290 feet antenna height) from the pending rule making proceeding, Docket No. 14185, which concerns alternative methods for increased facilities for existing short-spaced stations. In view of this, we are of the view that rule making should be instituted on the subject petition in order that all interested parties may submit their views and relevant data. Comments are therefore invited on the proposal outlined in paragraph 2 above.

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

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before July 20, 1964, and reply comments on or before July 31, 1964. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: June 17, 1964.

Released: June 18, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

¹ BPH-3920, Docket No. 15442 and BPH-4288, Docket No. 15443.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. No. 1]

ALLIED MUTUAL INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

JUNE 18, 1964.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6-13.

An underwriting limitation of \$1,188,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

Iowa; Allied Mutual Insurance Company; Des Moines, Iowa.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-6204; Filed, June 22, 1964; 8:48 a.m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

The Statement of the Department's Organization and Administration, as published in the FEDERAL REGISTER of September 11, 1962, at pages 8982 and 9007, and as amended by 27 F.R. 11558-11559, 12452-12453, 28 F.R. 914, 2690, 3674, 7362, 8295-8296, 11322-11323, 29 F.R. 1661, 29 F.R. 3444, and 29 F.R. 5840, is further amended by making the following changes:

PART 812—DELEGATIONS OF AUTHORITY

I. Section 812.5 is rearranged and amended to include authority of the Director, Postal Data Center. As so amended 812.5 reads as follows:

812.5 AUTHORITY TO EFFECT PERSONNEL ACTIONS

.51 *Delegation.* The following officials and employees are delegated authority, to approve and sign POD Forms 50, "Notification of Personnel Action," for appointments, changes during employment, and separations affecting employees under their jurisdiction in the postal field service, except as may be limited by other provisions of the Postal Manual or by the Regional Director:

a. Regional Headquarters.

Regional Director.
Deputy Regional Director.
Director, Personnel Division.
Chief, Employment and Placement Branch.

b. Postal Data Centers.

Director, Postal Data Center.

c. Postal Installations.

Postmaster.
Assistant Postmaster.
Supervisor assigned to personnel office.
Area Supply Manager and Superintendent, Supply Center.
Manager and Assistant Manager, Mail Equipment Shops.

.52 *Redelegation.* The authority to approve and sign POD Forms 50 may be redelegated by the Regional Director or Director, Postal Data Center to officers and supervisors under his jurisdiction as considered necessary and essential.

.53 *Administrative clearances and approval.* Authority delegated herein does not preclude securing administrative clearances and approvals that may be required by instructions implementing this section issued through other media.

II. Section 812.6 is rearranged and amended to add Postal Data Centers; Director, Postal Data Center; and Director, Systems and Planning Division who also have authority to administer oaths of office. As so amended 812.6 reads as follows:

812.6 AUTHORITY TO ADMINISTER OATHS OF OFFICE

.61 *Delegation.* The following officials are authorized to administer oaths of office in connection with employment:

a. Regional Headquarters.

Regional Director.
Deputy Regional Director.
Director, Personnel Division.
Regional Controller.
Chief, Employment and Placement Branch.
Employment and Placement Officers.
Personnel Assistant.
Postal Service Officer.

b. Postal Data Centers.

Director, Postal Data Center.
Director, Systems and Planning Division.

c. Postal Installations.

Postmasters.
Assistant Postmasters.
Superintendent and Administrative Assistant, Mail Bag Depository.
Superintendent, Assistant Superintendent where authorized, and Administrative Assistant of Combined Mail Bag Depository and Mail Bag Repair Center.
Supervisor assigned to Personnel Office in postal installation.
Executive Secretary, Postal Board of Civil Service Examiners.
Area Supply Manager; Superintendent and Personnel Officer, Supply Center.
Manager, Assistant Manager, and Administrative Assistant, Mail Equipment Shops.
U.S. Postal Agent.
U.S. Stamped Envelope Agent.

d. Inspection Service.

Postal Inspector in Charge.
Deputy Postal Inspector in Charge.

Assistant Postal Inspector in Charge.
Postal Inspector.
Area Manager, Internal Audit Division.

.62 *Prohibition on redelegation.* Authority delegated to officers and supervisors specified in 812.61 cannot be redelegated by them to any officials or employees under their jurisdiction.

.63 *Administration of the oath of office.* .631 POD Forms 61, "Appointment Affidavit", and 62, "Oath of Office and Appointment Affidavit", shall be used to ascertain that the personnel action being taken conforms to the Civil Service Act and rules and applicable laws. These pertain to holding of office, pensions, suitability when there is a record of discharge or arrest, age, citizenship, and other requirements relating to employment in the Postal Service. No employee shall be assigned to duty if the form indicates he does not meet requirements. Appointing officers shall guard against impersonation and determine beyond reasonable doubt that the appointee is the same person who qualified for the appointment. It is incumbent upon officials and supervisors administering oaths of office to be familiar with those organizations listed in 837.113 in which membership, past or present, may constitute a bar to employment or retention in the Postal Service.

.632 Oath of office incident to entrance into the Postal Service (or to a conversion to career status) shall be administered without charge or fee.

III. Sections 812.7 and 812.8 are added to include the authority to designate certifying officers at Headquarters and in the field. As so added sections 812.7 and 812.8 read as follows:

812.7 AUTHORITY TO DESIGNATE CERTIFYING OFFICERS—HEADQUARTERS

.71 *Delegation.* The following officials are delegated authority to designate certifying officers at Headquarters to certify payment of items specified:

a. Chief Postal Inspector certifies (1) payments from his special deposit account; (2) disbursements for rewards based on Postmaster General Notices of Reward; (3) payments from confidential funds; (4) salary payments to office division inspectors; (5) advances of funds for confidential purposes; (6) inspection service travel, travel advances, transportation of things; (7) payments for special analyses and services, and (8) Headquarters' payments for TWX, teletype, telegram and cablegram services.

b. General Counsel certifies payments relating to tort claims and claims under 39 U.S.C. 2409.

c. Assistant Postmaster General, Bureau of Finance and Administration, certifies all Headquarters payments not covered by a and b.

.72 *Redelegation.* These officials are also authorized to redelegate their authority to designate certifying officers. The redelegation shall be made by letter to the Headquarters Disbursing Officer

and must bear the specimen signature of the person to whom the authority is redelegated.

73 Designating certifying officers—Bureau of Chief Postal Inspector and the General Counsel. The officials authorized to designate certifying officers in accordance with 812.71 will complete Standard Form 210, "Signature Card for Certifying Officer", in duplicate to show:

- Name of bureau or office for which vouchers will be certified.
- Signature of certifying officer written in the same manner that he will sign vouchers.
- Class of vouchers to be certified.
- His signature and effective date.

732 Other Bureaus or Offices. Other bureaus or offices requiring certifying officers will complete SF 210 in duplicate as prescribed in 812.731, except for signature and date. Forward both copies of the form to the Assistant Postmaster General, Bureau of Finance and Administration.

733 Submitting SF 210 to Disbursing Officer. The Chief Postal Inspector, General Counsel and Assistant Postmaster General, Bureau of Finance and Administration, or their designees, will forward the signed originals of SF 210 to the Headquarters disbursing officer and retain the duplicates. These will be the official designations of the employees named on the SF 210 as certifying officers.

74 Maintaining designations. It is the responsibility of each bureau and office to maintain currently its designation of authorized certifying officers. As certifying officers die, retire, transfer or otherwise leave, bureaus and offices must inform the disbursing officer promptly so that signature cards may be removed from active files. When new or additional designations are made, procedures outlined in 812.7 will be followed.

812.8 AUTHORITY TO DESIGNATE CERTIFYING OFFICERS—FIELD

81 Delegation. The following officials are delegated authority to designate certifying officers in regions, inspection service divisions and internal audit areas:

a. The Chief Postal Inspector certifies obligations incurred by the Postal Inspection Service.

b. Postal Data Center Directors certify all other regional functions.

c. Regional Directors and regional controllers certify functions under their direction until the disbursing functions are transferred to the postal data centers.

82 Redelegation. These officials are also authorized to redelegate their authority to designate certifying officers. The redelegation shall be made by letter to the Assistant Disbursing Officer and must bear the specimen signature of the person to whom the authority is redelegated.

83 Designating certifying officers—831 Inspectors in Charge and Internal Audit Area Managers. These officials,

who are designated certifying officers, subject to any limitations set forth by the Chief Postal Inspector, are authorized to designate certifying officers for obligations incurred by the Postal Inspection Service. They will complete Standard Form 210, "Signature Card for Certifying Officer", in duplicate to show:

- Inspection service division or internal audit area for which vouchers will be certified.
 - Signature of certifying officer written in the same manner that he will sign vouchers.
 - Class of vouchers to be certified.
 - His signature and effective date.
- Inspectors in charge and internal audit area managers shall not redelegate their authority to designate authorized certifying officers.

832 Postal Data Center Directors. Offices under direction of postal data center directors will complete SF 210 in duplicate as in 812.831 except for the signature and date. Forward both copies of the form to the Postal Data Center Director for completion.

833 Submitting SF 210 to Assistant Disbursing Officer. The Inspector in Charge, Internal Audit Area Manager, and Postal Data Center Director or designees of Postal Data Center Director will forward the signed originals of SF 210 to the assistant disbursing officer and retain the duplicates. These will be the official designations of the employees named on the SF 210 as certifying officers.

84 Maintaining Designations. It is the responsibility of each office under jurisdiction of the officials named in 812.8 to maintain currently its designation of authorized certifying officers. As certifying officers leave the sphere of certifying activity, notices of termination and appointment must be forwarded through the offices of the named officials to the assistant disbursing officer.

PART 823—BUREAUS AND OFFICES

IV. Section 823.752b is amended to clarify responsibilities of the contracting officer of the Contract Branch, Procurement Division, and to permit flexibility in delegating procurement authority to other branches. As so amended 823.752b reads as follows:

823.7 ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

752 Contract Branch. * * *

b. Provides a contracting officer who executes and administers all contracts awarded by the Procurement Division for supplies, services, equipment and mechanization, except those contracts specifically assigned to other branches of the division.

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

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-6200; Filed, June 22, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 308]

AGENCIES AT SIOUX CITY STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on July 16, 1962 (21 A.D. 774), which as modified by an order issued on August 27, 1962 (21 A.D. 891), authorizes the respondents, Market Agencies at the Sioux City Stock Yards, Sioux City, Iowa, to assess the current temporary schedule of rates and charges to and including July 31, 1964, unless modified or extended by further order before the latter date.

On June 9, 1964, a petition was filed on behalf of the respondents requesting authority to modify the current temporary schedule of rates and charges as indicated below, and requesting that the current schedule, as so modified, be continued in effect to and including July 31, 1966.

SELLING AND RESELLING CHARGES

SECTION A

	Rate per head	
	Present	Proposed
Cattle * * *		
Consignments of more than 1 head:		
First 5 head in each consignment	\$1.35	\$1.40
Next 10 head in each consignment	1.30	1.35
Each head over 15 in each consignment	1.15	1.25
Calves * * *		
Consignments of more than 1 head:		
First 5 head in each consignment	0.90	0.95
Next 10 head in each consignment	.85	.90
Each head over 15 in each consignment	.75	.85
Bulls , irrespective of manner of arrival	1.90	2.00
T. B. Reactors, Bangs Reactors, Cripples, Suspects or Subjects, or Condemned	1.90	2.00

BUYING CHARGES

SECTION B

Cattle * * *		
Consignments of more than 1 head:		
First 5 head in each consignment	\$1.25	\$1.35
Next 10 head in each consignment	1.20	1.30
Each head over 15 in each consignment	1.05	1.15
Calves * * *		
Consignments of more than 1 head:		
First 5 head in each consignment	0.80	0.85
Next 10 head in each consignment	.75	.80
Each head over 15 in each consignment	.65	.75
Bulls * * *	1.75	2.00
T. B. Reactors, Bangs Reactors, Cripples, Subjects or Suspects, or Condemned	1.75	2.00

Note No. 1 would be deleted [This note pertains to the maximum and minimum buying charges on hogs shipped out by truck or rail].

The following would be substituted as Notes Nos. 1, 2 and 3:

NOTE No. 1. The charge on butchers for immediate slaughter, shipped out by rail or truck, shall be 13 cents per hundredweight.

NOTE No. 2. The charge on sows for immediate slaughter, shipped out by rail or truck, shall be 12 cents per hundredweight.

NOTE No. 3. The charge on boars for immediate slaughter, shipped out by rail or truck, shall be 85 cents per head.

Note No. 2 would be renumbered as Note No. 4.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, within 15 days after the publication of this notice.

Done at Washington, D.C., this 17th day of June 1964.

DONALD A. CAMPBELL,
Director, Packers and Stock-
yards Division, Agricultural
Marketing Service.

[F.R. Doc. 64-6195; Filed, June 22, 1964;
8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Trade Route No. 4]

U.S. ATLANTIC/CARIBBEAN

Conclusions and Determinations Regarding the Essentiality and United States Flag Service Requirements

Notice is hereby given that on June 16, 1964, the Deputy Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 4 and ordered that the following conclusions and determinations reached by the Deputy Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 4 as redescribed below is reaffirmed as an essential foreign trade route of the United States: Trade Route No. 4—U.S. Atlantic/Caribbean Between U.S. Atlantic ports (Maine—Atlantic Coast Florida to but not including Key West) and foreign ports in the Gulf of Mexico, Caribbean Sea, the Guianas (Mexico to southern border of French Guiana, all islands of the Caribbean and West Indies), the Bahama Islands and Bermuda.

2. Requirements for United States flag operations exclusively or predominantly on Trade Route No. 4 are approximately two sailings per week of combination passenger-cargo ships and approximately two sailings per week of freight ships, with some additional passenger and freight service by other regularly scheduled U.S. flag sailings serving the route in part only.

3. Existing C-2 and C-3 type freight ships and C-2 type combination ships continue to be suitable for operation on Trade Route No. 4 on an interim basis, pending replacement. The SS's SANTA PAULA and SANTA ROSA continue to be suitable for long range operation.

4. Replacement ships constructed for this route should have adequate refrigerated space and provision for carrying some containerized cargo.

erated space and provision for carrying some containerized cargo.

Dated: June 16, 1964.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-6193; Filed, June 22, 1964;
8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additive Modified Polymethyl Methacrylate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1219) has been filed by American Cyanamid Company, Berdan Avenue, Wayne, New Jersey, 07470, proposing the issuance of a regulation to provide for the use of modified polymethyl methacrylate as an ingredient or component of articles intended for food-contact use.

Dated: June 16, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 64-6208; Filed, June 22, 1964;
8:49 a.m.]

[Docket No. FDC-D-83]

[Supplemental NDA No. 8851]

NDK CO.

Notice of Opportunity for Hearing Regarding Refusal of Approval of Supplemental New-Drug Application

Notice is given to the applicant NDK Company, formerly Surfluoride Company, New Iberia, Louisiana, that the Commissioner of Food and Drugs proposes to issue an order refusing approval of supplemental new-drug application No. 8851, dated October 2, 1963, submitted by the NDK Company, formerly Surfluoride Company, for the drug "NDK, a brand of sodium monofluorophosphate 6 percent and hyamine 1622 ---- 0.05", the applicant having made written request to file the supplemental application over protest, on the grounds that the supplemental application is incomplete and inadequate to show that said drug is safe and effective for use as prescribed, recommended, or suggested in the proposed labeling, in that:

1. The reports of investigations submitted as part of the supplemental new-drug application, considered together with the reports contained in the original application as amended, do not include adequate tests by all methods reasonably applicable to show whether or not the

drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, in that said reports do not include adequate case reports of clinical tests in children under 6 years of age showing the amount of sodium monofluorophosphate or fluoride ion that may be absorbed or retained in the body by use of the drug by children under 6 years of age or adequate studies with respect to the possible chronic toxic effects of such use of the drug by children under 6 years of age;

2. The reports of investigations submitted as part of the supplemental application, considered together with the reports contained in the original application as amended, do not show that the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, in that said reports do not contain adequate case reports of clinical tests in children under 6 years of age showing the amount of sodium monofluorophosphate or fluoride ion that may be absorbed or retained in the body by use of the drug by children under 6 years of age or adequate studies with respect to the possible chronic toxic effects of such use of the drug by children under 6 years of age to show that the drug is safe;

3. On the basis of available information, there is insufficient information to determine whether or not the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling. In particular, there have been no studies of the amount of monofluorophosphate or fluoride ion that may be absorbed or retained in the body by use of the drug by children under 6 years of age or adequate studies with respect to the possible chronic toxic effects of such use of the drug;

4. There is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling in that:

a. The information submitted as part of the supplemental new-drug application, considered together with the information contained in the original new-drug application as amended, and the information contained in the published literature do not include reports of well-controlled clinical investigations of the effectiveness of the drug in children under 6 years of age, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug, upon which it could fairly and responsibly be concluded that the drug will have the effect it purports or is represented to have in children under 6 years of age;

b. The reports of investigations submitted as part of the supplemental new-drug application, considered together with the reports of investigations contained in the original new-drug application as amended, and reports in the published literature do not include reports of well controlled clinical investigations comparing the drug with other fluoride dentifrices, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug, upon which it could fairly and responsibly

by be concluded that the drug will have the effect it purports or is represented to have, by reason of the statement in the proposed labeling that the drug is "America's most effective fluoride dentifrice";

5. Based on a fair evaluation of all material facts, the proposed labeling is false and misleading, in that the statement in the proposed labeling that the drug is "America's most effective fluoride dentifrice" is false and misleading in the absence of substantial evidence that the article is effective, and comparative studies establishing it as superior to other dentifrices.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), and the regulations appearing in Title 21, Code of Federal Regulations, Part 130, the Commissioner will give the applicant opportunity for a hearing, at which time he may produce evidence and arguments to show why supplemental new-drug application No. 8851, dated October 2, 1963, is approvable.

On or before the thirtieth day after receipt of this notice, the applicant is required to file with the Hearing Clerk of the Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, North Building, Department of Health, Education, and Welfare, 3d and Independence Avenue SW., Washington, D.C., 20201, a written appearance electing whether:

1. To avail himself of the opportunity for a hearing; or
2. Not to avail himself of the opportunity for a hearing.

If the applicant elects not to avail himself of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order refusing to approve supplemental new-drug application No. 8851, dated October 2, 1963.

Failure of the applicant to file such a written appearance of election on or before the thirtieth day after receipt of this notice of opportunity for hearing will be construed as an election by the applicant not to avail himself of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing which concerns a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the applicant specifies otherwise in his appearance.

If the applicant elects to avail himself of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing. At the hearing the applicant may present such evidence and argument as are relevant and material to the above-specified grounds on which it is proposed to refuse to approve the supplemental application. The Food and Drug Administration of the Department of Health, Education, and Welfare will also be permitted to produce evidence and argument relevant and material to such grounds.

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

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

[F.R. Doc. 64-6209; Filed, June 22, 1964;
8:50 a.m.]

ROHM AND HAAS CO.

Notice of Filing of Petition Regarding Pesticide Coordination Product of Zinc Ion and Maneb

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 422) has been filed by Rohm & Haas Company, Washington Square, Philadelphia, Pa., 19105, proposing the establishment of a tolerance for residues of a fungicide consisting of a coordination product of zinc ion and manebe (manganous ethylenebisdithiocarbamate), containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product of which is calculated as zinc ethylenebisdithiocarbamate), at 10 parts per million in or on papayas, of which zero shall be in the edible portion.

The analytical method proposed in the petition for determining residues of this coordination product of zinc ion and manganous ethylenebisdithiocarbamate as above described is a modification of the basic dithiocarbamate method of Pease, Journal of the Association of Official Agricultural Chemists, Volume 40, page 1113 (1957).

Dated: June 16, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 64-6210; Filed, June 22, 1964;
8:50 a.m.]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additive Carbophenothion

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1423) has been filed by Stauffer Chemical Company, 380 Madison Avenue, New York 17, New York, proposing the issuance of a regulation to establish a tolerance of 10 parts per million for residues of the insecticide carbophenothion (S-(p-chlorophenylthiomethyl)-O,O-diethyl phosphorodithioate) in or on dehydrated citrus pulp and meal when present therein as a result of application of this insecticide in the production of grapefruit, lemons, limes, oranges, tangelos, and tangerines.

Dated: June 16, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 64-6211; Filed, June 22, 1964;
8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-102-A]

NATIONAL COAL POLICY CONFERENCE, INC., ET AL.

Filing of Petition for Rule Making

National Coal Policy Conference, Inc., National Coal Association, and United Mine Workers of America.

Notice is hereby given that the National Coal Policy Conference, Inc., 1000 Sixteenth Street NW., Washington, D.C.; the National Coal Association, 1130 Seventeenth Street NW., Washington, D.C.; and the United Mine Workers of America, 900 Fifteenth Street NW., Washington, D.C.; have filed a petition requesting that the Commission issue a rule pursuant to section 102 of the Atomic Energy Act of 1954, as amended, finding that boiling light water reactors and pressurized light water reactors are types of utilization or production facilities that have been sufficiently developed to be of practical value for industrial or commercial purposes.

The petition also requests that the Commission (1) publish a notice of proposed rule making, setting forth the terms of the rule requested, (2) set the matter down for public hearing, and (3) accord the petitioners certain procedural rights in connection with the hearing.

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

Dated at Germantown, Md., this 17th day of June 1964.

For the Atomic Energy Commission.

W. B. McCool,
Secretary to the Commission.

[F.R. Doc. 64-6202; Filed, June 22, 1964;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

MEMBER LINES OF THE BRAZIL/UNITED STATES COFFEE AGREEMENT

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 9040-2, between the member lines of the Brazil/United States Coffee Agreement, provides for an extension through June 30, 1964 of the effectiveness of the agreement and the present percentages established for the division of revenues derived from the transportation of coffee from Brazil to United States Atlantic and Gulf ports. The agreement also provides for proportionate increases in the number of sailings each member line is to make in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Fed-

eral 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 3 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: June 19, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-6290; Filed, June 22, 1964;
8:52 a.m.]

THE MEMBER LINES OF THE BRAZIL/ UNITED STATES COFFEE AGREEMENT

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 9040-3 between the member lines of the Brazil/United States Coffee Agreement, provides for an extension through August 31, 1964 of the effectiveness of the agreement and the present percentages established for the division of revenues derived from the transportation of coffee from Brazil to United States Atlantic and Gulf ports. The agreement also provides for proportionate increases in the number of sailings each member line is to make in accordance with the terms and conditions 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 3 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: June 19, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-6291; Filed, June 22, 1964;
8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7169]

IOWA POWER AND LIGHT CO.

Notice of Application

JUNE 16, 1964.

Take notice that on June 8, 1964, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act by Iowa Power and Light Company (Applicant) a corporation organized under the laws of the State of Iowa and doing business in that State with its principal business office at Des Moines, Iowa, seeking an order authorizing it to acquire certain facilities from the Incorporated Town of Grimes, Iowa.

Applicant is engaged in the generation, transmission, distribution and sale of electric energy in the central and southwest sections of Iowa in an area having an estimated aggregate population as of December 31, 1963 of 520,000. Both electric and natural gas service is furnished in and around Des Moines and in 44 other municipalities (estimated 1963 population 300,000); electric service only is furnished in Council Bluffs, 66 other municipalities, 75 unincorporated communities and rural territory (estimated 1963 population 200,000); and natural gas service only is furnished in 12 municipalities (estimated 1963 population 20,000).

The Town of Grimes maintains its own electric light plant and distribution system used to supply electric energy to consumers in and adjacent to the Town which includes a street lighting system. According to the application, Town's generating plant is inadequate to supply the needs of the Town and its customers and is operated only as standby. At the present time Applicant has two contracts to supply the total electric requirements to the Grimes Municipal System.

Pursuant to a contract of sale, between the Town of Grimes and applicant, entered into on the 11th day of May 1964, Applicant proposes to acquire from the Town of Grimes and merge or consolidate with its own facilities the entire municipal electric light plant and distribution system used and useful in supplying electric energy to consumers in and adjacent to the Town, including the street lighting system, but excluding the lot or lots on which the electric light plant is located and the building housing such plant and the oil tank located on the premises.

The applicant has agreed to pay the Town \$190,000 for the facilities which include all facilities used and useful in the generation, distribution and sale of electric energy to consumers within or adjacent to the Town or to the Town for municipal purposes including water and sewage pumping, street lighting, and other municipal uses.

According to the application, after the acquisition, applicant will charge rates in the Town of Grimes in accordance with its standard residential, commercial and industrial rates now on file with the Iowa State Commerce Commission that

shall be the same as its rates generally applicable throughout its system for towns of comparable size, area and utilization as the Town of Grimes.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6187; Filed, June 22, 1964;
8:47 a.m.]

[Dockets RI64-764, etc.]

CITIES SERVICE OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

JUNE 12, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereto.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(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 August 1, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

¹ Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplemental 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 subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
R164-764...	Cities Service Oil Co., Bartlesville, Okla., 74004, Attn: Mr. P.H. DuVal.	27	5	El Paso Natural Gas Co. (Lea County, N. Mex.) (Permian Basin Area).	\$855	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20393.
	Cities Service Oil Co.	28	4	do.	28	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20393.
	do.	31	2	do.	(7)	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20393.
	do.	43	8	El Paso Natural Gas Co. (Dollard Field, Andrews County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area).	3,523	5-18-64	2 8- 1-64	1- 1-65	17.1148	\$ 4 18.1215	G-20393.
	do.	52	7	El Paso Natural Gas Co. (Northwest Wheeler Field, Winkler County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area).	118	5-18-64	2 8- 1-64	1- 1-65	15.2025	\$ 4 16.2160	G-20393.
	do.	18	15	El Paso Natural Gas Co. (Lea County, N. Mex.) (Permian Basin Area).	13,580	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20393.
	do.	20	7	do.	1,253	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20393.
	do.	21	8	do.	589	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20393.
	do.	22	6	do.	192	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20393.
	do.	23	6	do.	34	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20393.
	do.	26	4	do.	9	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20393.
	do.	135	5	do.	694	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20393.
	do.	24	8	do.	1,778	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20393.
	do.	25	2	do.	(8)	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20393.
	do.	177	13	El Paso Natural Gas Co. (Pecos and Ward Counties, Tex.) (R.R. Dist. No. 8) (Permian Basin Area).	2,392	5-18-64	2 8- 1-64	1- 1-65	\$ 15.7093	\$ 4 9 16.7228	G-20393.
R164-765...	Cities Service Oil Co. (Operator), et al.	51	15	El Paso Natural Gas Co. (Clara Couch and Noelke Fields, Crockett County, Tex.) (R.R. Dist. No. 7-c) (Permian Basin Area).	4,257 112	5-18-64	2 8- 1-64	1- 1-65	\$ 15.7093 \$ 14.6958	\$ 4 12 16.7228 \$ 4 11 15.7093	G-20394. G-20394.
	do.	19	8	El Paso Natural Gas Co. (Lea County, N. Mex.) (Permian Basin Area).	3,207	5-18-64	2 8- 1-64	1- 1-65	\$ 15.5599	\$ 4 5 16.6318	G-20394.
R164-766...	Cities Service Oil Co. (Operator).	105	7	El Paso Natural Gas Co. (Lehman Plant, Cochran County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area).	32,697	5-18-64	2 8- 1-64	1- 1-65	17.1148	\$ 4 18.1215	G-20395.
R164-767...	Blanco Oil Co., P.O. Box 2641, San Antonio, Tex., 78206.	6	2	El Paso Natural Gas Co. (Ingham (Devonian) Field, Crockett County, Tex.) (R.R. Dist. No. 7-c).	6,952	5-13-64	2 8- 1-64	1- 1-65	15.5	\$ 4 16.7228	G-20402.
R164-768...	Dixon Management Corp., et al., 1838 Bank of the Southwest Building, Houston, Tex., 77002.	4	4	Tennessee Gas Transmission Co. (Southwest Hutchins Field, Wharton County, Tex.) (R.R. Dist. No. 3).	3,439	5-21-64	12 6-21-64	11-21-64	\$ 13 13.49751	\$ 13 14 16.16947	
	Dixon Management Corp., et al.	5	6	Tennessee Gas Transmission Co. (Mach Field, Wharton County, Tex.) (R.R. Dist. No. 3).	4,280	5-21-64	12 6-21-64	11-21-64	\$ 13 13.49751	\$ 13 14 16.16947	
R164-769...	Dixon Management Corp. (Operator), et al.	13	3	Tennessee Gas Transmission Co. (West Rock Island Field, Colorado County, Tex.) (R.R. Dist. No. 3).	8,862	5-21-64	12 6-21-64	11-21-64	\$ 13 13.49751	\$ 13 14 16.16947	
R164-770...	J. S. Michael, 943 San Jacinto Building, Houston 2, Tex.	3	1	Valley Gas Transmission, Inc. (West Bay City Field, Matagorda County, Tex.) (R.R. Dist. No. 3).	11,160	5-21-64	12 6-21-64	11-21-64	\$ 14.0	\$ 4 15 15.0	
R164-771...	Humble Oil & Refining Co. (Operator), et al. P.O. Box 2180, Houston, Tex., 77002. Attn: Mr. John J. Carter.	156	1	American Louisiana Pipe Line Co. (East Cheniere Perdus Field, Cameron Parish, La.) (South Louisiana).	7,203	5-25-64	12 7- 7-64	12- 7-64	\$ 19.75	\$ 13 19 22.25	

² Contractually provided effective date.

³ Periodic rate increase.

⁴ Pressure base is 14.65 psia.

⁵ Subject to reduction of 0.4467 cent per Mcf for compression of low pressure gas (below 600 psig).

⁶ Includes partial reimbursement for 0.55 percent of increase in New Mexico Emergency School Tax.

⁷ No production of gas well gas. Cashinghead gas sold under Rate Schedule No. 41.

⁸ No production of gas well gas. Cashinghead gas sold under Rate Schedule No. 64.

⁹ Subject to reduction of 0.5 cent per Mcf for compression of low pressure gas (below 600 psig).

Dixon Management Corporation, et al., and Dixon Management Corporation (Operator), et al. (both referred to herein as Dixon), request waiver of notice to make their proposed rate increases effective as of the date of filing, May 21, 1964. 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 earlier effective dates for Dixon's proposed

rate filings and such requests are denied. Humble Oil & Refining Company (Operator), et al. (Humble), request that should the Commission suspend their proposed increased rate that the suspension period with respect thereto be shortened to one day. Good cause has not been shown for limiting to one day the suspension period with respect to Humble's rate filing and such request is denied.

¹⁰ For gas produced from Clara Couch Field.

¹¹ For gas produced from Noelke Field.

¹² The stated effective date is the first day after expiration of the required statutory notice.

¹³ Favored-nation rate increase.

¹⁴ Rate is for pipeline quality gas and is inclusive of applicable tax reimbursement.

¹⁵ Rate subject to downward Btu adjustment.

¹⁶ Rate is inclusive of tax reimbursement and is subject to a 0.21931 cent per Mcf charge deducted by buyer for dehydration.

¹⁷ The stated effective date is the effective date requested by Respondent.

¹⁸ Pressure base is 15.025 psia.

¹⁹ Inclusive of 1.5 cents per Mcf tax reimbursement.

²⁰ Initial rate. Includes 1.5 cents per Mcf tax reimbursement.

All of the proposed increased rates and charges exceed the applicable area price levels 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).

[F.R. Doc. 64-6082; Filed, June 22, 1964; 8:45 a.m.]

[Docket RI64-775]

THOMAS A. DUGAN ET AL.**Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Change To Become Effective Subject to Refund**

JUNE 12, 1964.

On May 22, 1964, Thomas A. Dugan (Operator), et al. (Dugan), tendered for filing proposed changes in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are set forth in appendix A hereof.

Dugan filed two two-step periodic rate increases, including partial tax reimbursement; one is for gas delivered at 250 psig and the other is for gas delivered at 500 psig. The proposed rate of 12.0495 cents per Mcf for 250 psig delivered gas is below the 13.0 cents per Mcf area ceiling for increased rates. However, after adding a 1.0 cent per Mcf price adjustment for compression to make the gas pipeline quality, the increased rate exceeds the ceiling by the amount of the tax reimbursement. Under the circumstances, we believe that Dugan's 12.0495 cents per Mcf rate for gas delivered at 250 psig should be suspended for 1 day from June 22, 1964, the date of expiration of the required statutory notice. Dugan's other increased rate of 14.0578 cents per Mcf for gas delivered at 500 psig exceeds the 13.0 cents per Mcf area ceiling rate as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56) and should

be suspended for five months from June 22, 1964, the date of expiration of the statutory notice.

Dugan requests an effective date of March 1, 1964, for his 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 Dugan's rate filing and such request is denied.

The proposed changed rates and charges 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 changes, and that Supplement No. 4 to Dugan'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 held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 4 to Dugan's FPC Gas Rate Schedule No. 1.

(B) Pending a hearing and decision thereon, the above-designated rate supplement is hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column

set forth in appendix A hereof, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That Supplement No. 4 to Dugan's FPC Gas Rate Schedule No. 1, insofar as it relates to gas delivered at 250 psig and suspended herein for one day shall become effective subject to refund on June 23, 1964, if within 20 days from the date of the issuance of this order Dugan shall execute and file under Docket No. RI64-775, with the Secretary of the Commission, his agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder, accompanied by a certificate showing service of copies thereof upon the purchaser under the rate schedule involved with respect to gas delivered at 250 psig. Unless Dugan is advised to the contrary within 15 days after the filing of his agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(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 periods of suspension have 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 August 1, 1964.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.**APPENDIX "A"**

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 subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-775....	Thomas A. Dugan (Operator), et al., P.O. Box 234, Farmington, N. Mex.	1	4	El Paso Natural Gas Co. (South Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	\$205 206	5-22-64 5-22-64	6-22-64 6-22-64	6-23-64 11-22-64	\$10.00 \$12.00	\$12.0495 \$14.0578	

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 Two-step periodic increase plus applicable tax reimbursement.

⁴ Pressure base is 15.025 psia.

⁵ For gas delivered at 250 psig.

⁶ Includes partial tax reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.

⁷ Rate is suspended for five months from date of expiration of the required thirty days' notice.

⁸ For gas delivered at 500 psig.

[F.R. Doc. 64-6083; Filed, June 22, 1964; 8:45 a.m.]

[Dockets RI64-772, etc.]

GULF OIL CORP., ET AL.**Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹**

JUNE 12, 1964.

The Respondents named herein have filed proposed changes in rates and

¹ Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supple-

ments to the rate schedules filed by Respondents, as set forth herein, 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 August 1, 1964.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX "A"

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 subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-772---	Gulf Oil Corp. (Operator), et al., P.O. Box 1589, Tulsa, Okla., 74102, Attn: Donald R. Arnett, attorney.	111	5	Northern Natural Gas Co. (Homann Gas Field, Gaines County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area).	\$333	5-13-64	*6-14-64	*6-15-64	10.0960	**11.1056	
RI64-773---	Roy L. Cook, P.O. Box 696, Albuquerque, N. Mex., 87103.	2	1	El Paso Natural Gas Co. (Dakota Formation, San Juan County, N. Mex.) (San Juan Basin Area).	1,513	5-13-64	*6-13-64	*6-14-64	*13.0	**14.0	
RI64-774---	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla., 74102, Attn: Mr. Richard J. Dent.	121	1	Phillips Petroleum Co. (Sombbrero Unit, Seaman Pool, Lea County, N. Mex.) (Permian Basin Area).	3,145	5-14-64	*6-14-64	*6-15-64	9.5	**10.5	

* Contractually provided effective date.

* The suspension period is limited to one day.

* Periodic rate increase.

* Pressure base is 14.65 psia.

* Pressure base is 15.025 psia.

* Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.

* The stated effective date is the effective date requested by Respondent.

* Buyer's resale rate (14.20421 cents per Mcf) is in effect subject to refund in Docket No. RI63-453 (Phillips Petroleum Company (Operator) Rate Schedule No. 243, Supplement No. 16).

[Dockets G-10692, etc.]

WOODS PETROLEUM CORP. AND MINERAL MINING CO.

Certificate of Public Convenience and Necessity and FPC Gas Schedules

JUNE 12, 1964.

Woods Petroleum Corporation, Docket G-10692; Woods Petroleum Corporation, Docket G-11372; Woods Petroleum Corporation (Operator), et al., and Mineral Mining Company, Docket G-20437; Woods Petroleum Corporation (Operator), et al., Docket CI63-1321; Mineral Mining Company (Operator), et al. (Successor to Woods Petroleum Corporation (Operator), et al.), Docket CI64-1093.

Findings and order after statutory hearing issuing Certificate of Public Convenience and Necessity amending certificates, terminating certificate, dismissing application to amend certificate, making successor in interest correspondent, redesignating proceeding, requiring filing of surety bond, redesignating FPC gas rate schedule, and accepting FPC gas rate schedules and supplements for filing.

On March 12, 1964, Mineral Mining Company (Applicant) filed in Docket No. CI64-1093 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 com-

merce to Cities Service Gas Company for resale, all as more fully set forth in the application and in the Appendix hereto.

Applicant proposes to continue in part sales of natural gas initiated by Woods Petroleum Corporation (Woods) which sales were authorized in Docket Nos. G-10692 and G-11372. Applicant proposes to continue in toto a sale of natural gas initiated by Woods which was authorized in Docket No. CI63-1321.

On October 9, 1963, Woods filed in Docket No. G-10692 an application to amend the order issuing a certificate in said docket by authorizing the sale of natural gas from additional acreage. Applicant proposes to continue the sale of natural gas from the additional acreage. The letter agreement between Woods and Cities Service Gas Company for the sale of gas from the additional acreage contains price-changing provisions other than those permitted by § 154.93 of the regulations under the Natural Gas Act. Authorization to sell natural gas from the subject acreage will be conditioned upon the deletion of such provisions.

Applicant proposes to sell natural gas pursuant to contracts, inter alia, heretofore designated as Woods Petroleum Corporation (Operator), et al., FPC Gas Rate Schedule Nos. 1 and 2. The presently effective rates under said rate schedules are in effect subject to refund in Docket No. G-20437. Applicant has filed a motion to be made a correspondent in said proceeding.

Gulf Oil Corporation's (Operator), et al. (Gulf), proposed rate exceeds the applicable area ceiling price for increased rates in the Permian Basin Area by the amount of the tax reimbursement. Since Gulf's proposed rate increase reflects tax reimbursement, the suspension period may be shortened to one day from June 14, 1964, the contractually provided effective date.

Roy L. Cook (Cook) did not include as part of his proposed rate the contractually provided 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate plus the periodic increase results in a total rate in excess of 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area. We believe, in this situation, Cook's rate filing should be suspended for one day from June 13, 1964, the contractually provided effective date.

Skelly Oil Company's (Skelly) proposed rate increase to 10.5 cents per Mcf for gas sold to Phillips Petroleum Company (Phillips) is below the applicable area increased ceiling of 11.0 cents per Mcf. Phillips gathers and processes the gas and thereafter resells it to El Paso Natural Gas Company. Phillips' resale rate of 14.20421 cents per Mcf is in effect subject to refund in Docket No. RI63-453. The area rate ceiling is considered to be applicable to the sale of gas by Phillips after gathering and processing. Accordingly, the proposed rate involved here, although not in excess of the applicable increased rate ceiling for pipeline quality gas as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56), should be suspended for one day because the sale related thereto is considered to be for nonpipeline quality gas within the meaning of the policy statement.

[F.R. Doc. 64-6084; Filed, June 22, 1964; 8:45 a.m.]

* Consolidated with Docket No. AR64-1, et al.

After due notice no petition to intervene, notice of intervention, or protest to the granting of the application has been received.

At a hearing held on June 10, 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, Mineral Mining Company, will be engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption and therefore will be a "natural-gas company" within the meaning of the Natural Gas Act upon commencement of the service proposed herein.

(2) The sales of natural gas hereinbefore described, as more fully described in the application in this proceeding and in the appendix hereto, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are 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 sales of natural gas by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are 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 and the public convenience and necessity require that the certificate heretofore issued in Docket No. CI63-1321 should be terminated and that the certificate heretofore issued in Docket Nos. G-10692 and G-11372 should be amended by deleting therefrom authorization to sell natural gas from the acreage assigned to Applicant.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application to amend filed in Docket No. G-10692 on October 9, 1963, by Woods Petroleum Corporation should be dismissed as moot.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be joined as a co-respondent with Woods in the rate proceeding pending in Docket No. G-20437, that said proceeding should be redesignated accordingly, and that

Applicant should be required to file a surety bond in Docket No. G-20437 to assure refund with interest any amount collected in excess of the amount to be determined to be just and reasonable in said proceeding with respect to sales made on or after October 1, 1963, from the properties assigned by Woods to Applicant.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the notice of succession to Woods Petroleum Corporation (Operator), et al. FPC Gas Rate Schedule No. 7 should be accepted for filing and that said rate schedule should be redesignated as a rate schedule of Applicant, and that the other related rate schedules and supplements submitted by Applicant should be accepted for filing.

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 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 in this proceeding and in the appendix hereto.

(B) The certificate granted in paragraph (A) above shall include the sale of natural gas from acreage described in the application to amend filed in Docket No. G-10692 on October 9, 1963, by Woods, and said application to amend be and the same is hereby dismissed as moot. However, with respect to the sale of gas from said acreage, the authorization granted in paragraph (A) above is conditioned to require Applicant to amend the supplement to the related FPC gas rate schedule so as to eliminate the pricing provisions contained therein by reference which are proscribed by §§ 154.93 and 157.14(a) (10) and the proviso of Exhibit "B" of § 157.25 of the Commission's regulations under the Natural Gas Act.

(C) 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.

(D) 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 contracts 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 contracts, 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.

(E) The orders issuing certificates to Woods in Docket Nos. G-10692 and G-11372 be and the same are hereby amended by deleting therefrom authorization to sell natural gas from the properties assigned to Applicant, and in all other respects said orders shall remain in full force and effect.

(F) The certificate heretofore issued in Docket No. CI63-1321 be and the same is hereby terminated.

(G) Applicant be and it is hereby joined as a co-respondent with Woods in the pending rate proceeding in Docket No. G-20437, and said proceeding is redesignated accordingly.

(H) Within 30 days from the issuance of this order, Applicant shall execute, in the form set out below, and shall file with the Secretary of the Commission, a surety bond for \$7,800 in Docket No. G-20437 to assure the refund of any amounts, together with interest at the rate of seven percent per annum, collected in excess of the amount to be determined to be just and reasonable in said docket, insofar as said proceeding concerns sales made on or after October 1, 1963, from the properties assigned to Applicant by Woods. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(I) The notice of succession to Woods Petroleum Corporation (Operator), et al., FPC Gas Rate Schedule No. 7 be and the same is hereby accepted for filing, said rate schedule is redesignated as a rate schedule of Applicant, and the other rate schedules and supplements submitted by Applicant are accepted for filing, all as set forth in the appendix hereto.

(J) 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 surety bond filed in Docket No. G-20437 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL]

JOSEPH H. GUTRIE,
Secretary.

APPENDIX

New designation Mineral Mining Company		Former designation and description and date of instrument	Effective date	Location	Predecessor certificate authori- zation
Rate schedule	Supple- ment				
1		Contract 6-25-56	10-1-63	Eureka Field, Grant and Alfalfa Counties, Okla.	G-10692
1	1	Letter agreement 12-13-62	10-1-63		
1	2	Sales agreement 9-30-63	10-1-63		
2		Woods Petroleum Corp. (Oper- ator), et al., FPC Gas Rate Schedule No. 7		Eureka Field, Alfalfa County, Okla.	CI63- 1321
		Notice of succession 2-27-64	10-1-63		
2	1	Sales agreement 9-30-63	10-1-63		
3		Contract 10-9-56	10-1-63	Medford Field, Grant County, Okla.	G-11372
3	1	Sales agreement 9-30-63	10-1-63		

(Operator), et al.

SUGGESTED SURETY BOND FORM

SURETY BOND

Know all men by these presents,
That we (Name and address of the natural
gas company) (hereinafter called "Prin-
cipal"), as Principal, and (Name and address
and place of incorporation of Surety Bond
Company) (hereinafter called "Surety"), as
Surety, are held and firmly bound unto the
Federal Power Commission (Agency of the
United States of America) (hereinafter called
the "Obligee") in the sum of (Amount of
proposed annual increased rates in dollars)
for the payment of which well and truly to
be made, we, the said Principal and the said
Surety, bind ourselves, our heirs, executors,
administrators, successors, and assigns, joint-
ly and severally, firmly by these presents.
The condition of this obligation is such
that:

Whereas (Name of Respondent), on (Date
of Original Filing), filed with the Federal
Power Commission (herein called the Com-
mission) Supplement No. _____ to Re-
spondent's FPC Gas Rate Schedule No. _____,
proposing to increase a rate and charge over
which the Commission has exercised juris-
diction; and

Whereas, by order issued (Suspension Order
Issuance Date), the Commission suspended
the operation of the proposed supplement
and ordered a hearing to be held concerning
the lawfulness of the proposed rate, charge,
and classification, subject to the Com-
mission's jurisdiction, as therein set forth; and
by said order the use of such supplement was
deferred until (Suspended Until Date), and
until such further time as it is made effective
in the manner prescribed by the Natural Gas
Act; and

Whereas, a hearing has not been held and
this proceeding has not been concluded;
and (Name of Respondent), pursuant to the
provisions of section 4(e) of the Natural Gas
Act, having on (Date Motion Filed), filed a
motion to make the change in rate effective
as of (Requested Effective Date); and

Whereas, the Commission, in response to
said motion, on (Date of Notice), issued its
notice making the rate, charge, and classifica-
tion set forth in the aforesaid Supplement
No. _____ to Respondent's FPC Gas Rate
Schedule No. _____ effective as of (Effective
Date), subject to Respondent's furnishing a
bond in the sum of \$_____, satisfactory to
the Commission, and requiring that Re-
spondent refund any portion of the increased
rate and charge found by the Commission
in Docket No. _____ not justified;

Now, therefore, if (Name of Respondent),
its corporate surety (and their heirs, execu-
tors, administrators), successors and as-

¹To be included if a noncorporate re-
spondent.

No. 122—7

signs, in conformity with the terms and con-
ditions of the notice issued (Date of Notice)
by the Federal Power Commission, Docket No.
_____, (Name of Respondent), shall:

(1) Well and truly repay at such times
and in such amounts, to the persons entitled
thereto, and in such manner as may be re-
quired by the final order of the Commission
in said proceeding, subject to court review
thereof, any portion of such rate and charge
collected by (Name of Respondent) after
(Effective Date) as such final order may find
not justified, together with interest thereon
at the rate of seven (7) percent per annum
from the date of payment thereof to (Name
of Respondent) until refunded; and

(2) Comply otherwise with the terms and
conditions of the notice issued (Date) in
Docket No. _____, and with the provisions
of the Natural Gas Act relating thereto,

then this obligation shall be terminated,
otherwise to remain in full force and effect.

In witness whereof, the parties hereto have
placed their hands and seals on this _____
day of _____.

Attest:

By _____
(Principal)By _____
(Surety)[F.R. Doc. 64-6089; Filed, June 22, 1964;
8:45 a.m.]

[Project No. 2458]

GREAT NORTHERN PAPER CO.

Notice of Application for License

JUNE 16, 1964.

Public notice is hereby given that ap-
plication has been filed under the Fed-
eral Power Act (16 U.S.C. 791a-825r) by
Great Northern Paper Company (cor-
respondence to: Mr. Robert Hellendale,
Secretary, Great Northern Paper Com-
pany, 522 Fifth Avenue, New York, New
York, 10036) for license for constructed
Project No. 2458, known as the Penobscot
Mills Project, located on the West
Branch of the Penobscot River in the
vicinity of Millinocket and East Milli-
nocket, Penobscot and Piscataquis Coun-
ties, Maine.

The Penobscot Mills Project consists
of the following four developments:

North Twin—Located at the outlet of
North Twin Lake. The development in-
cludes: (1) a composite dam about 972
feet long (maximum height about 35
feet) including two earth wings (total
length about 620 feet) with concrete core

walls, spillway section, a 70 foot section
with 2 low log sluices (each about 9 feet
wide) and 2 high log sluices (one about
24 feet wide and one about 8 feet wide)
and a fishway about 10 feet wide, an in-
take section about 108 feet long, 5 auxil-
iary earth dikes (total length about
2,326 feet); (2) a concrete spillway about
168 feet long, including 14 waste gates
(about 8' w x 9' h), with about 7 feet of
stoplogs on the crest; (3) a reservoir
(area of about 16,100 acres at elevation
of 491.92 feet, U.S.G.S.) containing about
340,000 acre-feet of usable storage with
drawdown of about 22 feet; (4) an in-
door powerhouse, integral with the dam,
containing one 3,250 hp and two 3,050
hp turbines (9,350 hp total) direct con-
nected to one 3,000 kw and two 2,600 kw
generators (8,200 kw total); (5) a 34.5 kv
substation; (6) 34.5 kv transmission line,
about 5 miles long; (7) and appurtenant
facilities.

Millinocket—The development in-
cludes: (1) a concrete gravity dam at
outlet of Quakish Lake (area of about
1,400 acres, negligible storage), with
spillway section about 1,086 feet long
(maximum height about 24 feet, topped
with 2.5 foot flashboards), auxiliary
dikes, a 52 foot waste gate and log sluice
section; (2) a headgate section (10 gates,
about 8' w x 11' h, and a 12 foot sluice-
way with stop logs) serving a canal to
Ferguson Pond; (3) outlet canal head-
gate structure; (4) outlet canal; (5) pen-
stock headgate structure six gates each
12.5' x 12.5', and 1 gate 13.5' x 13.5',
(6) six steel penstocks 10 feet in diam-
eter and about 1,007 feet long, one steel
penstock 11 feet in diameter and about
1,024 feet long; (7) a hydro-mechanical
installation of six 5,250 hp turbines
(total 31,500 hp), and a hydroelectrical
installation of two 5,500 hp turbines
(total 11,000 hp), connected to two 4,000
kw generators (total 8,000 kw); a 34.5
kv substation; (8) short 34.5 kv line
(several hundred feet); (9) and appur-
tenant facilities.

Dolby—The development includes: (1)
a composite dam about 1,390 feet long
(maximum height about 56 feet) at the
outlet of Dolby Pond (area of about 2,300
acres), with concrete gravity spillway
section about 502 feet long (topped with
4 foot flashboards), a 34 foot log sluice
section, a 76 foot waste gate section (6
gates, about 6' w x 9' h), an integral
powerhouse, and an earth dike (about
569 feet long) with concrete core wall;
(2) a pond (about 2,300 acres); (3) an
indoor powerhouse, integral with the
dam, containing one 3,900 hp, one 2,400
hp, three 2,100 hp and three 1,800 hp
turbines (total 18,000 hp) direct con-
nected to one 3,000 kw, four 1,800 kw
and three 1,300 kw generators (total
14,100 kw); (4) a 6.6/34.5 kv substation;
(5) five 6.6 kv circuits (about 1.8 miles
long) to East Millinocket Mill; (6) and
appurtenant facilities.

East Millinocket—Located at East
Millinocket. The development includes:
(1) an earth dike (about 100 feet long)
with concrete core wall, a concrete grav-
ity spillway about 423 feet long (maxi-
mum crest height about 21 feet) topped

with 4 foot flashboards, a 9 foot wide pier, a 23 foot wide log sluice, a concrete non-overflow section about 146 feet long with 6 flumes (each about 20' w x 52' 1, with 2 headgates about 9' w x 12' h); (2) a hydromechanical installation of 6x1,648=9,888 hp turbines (total 9,888 hp); (3) and appurtenant facilities.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 3, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6186; Filed, June 22, 1964;
8:47 a.m.]

[Docket Nos. G-7079, etc.]

BLAIR JOHNSON ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

JUNE 16, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or notice to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-7079 E 6-5-64 G-7193 D 6-11-64	Blair Johnson (successor to Columbian Fuel Corp.). The Pure Oil Co. (partial abandonment).	Cumberland and Allegheny Gas Co. acreage in Lewis County, W. Va. Humble Gas Transmission Co., Carthage Point Field, Adams County, Miss.	20.0 Assigned	15.325
G-9928 C 6-5-64	Gulf Oil Corp.	Natural Gas Pipeline Co. of America, Quinduno Field, Roberts County, Tex.	12.0	14.65
G-12379 E 6-1-64	Expando Production Co. (successor to Fain & McGaha).	Warren Petroleum Corp., East Panhandle Sweet Gas Field, Wheeler County, Tex.	6.25	14.65
G-13746 D 6-4-64	Socony Mobil Oil Co., Inc. (partial abandonment).	Transcontinental Gas Pipe Line Corp., West Cameron Block 110, et al., Field, St. Mary and Terrebonne Parishes, La.	Assigned	-----
G-14653 C 6-9-64 G-14651 E 6-11-64	Smith & Barker Oil & Gas Co. Inc. C. Michael Paul (successor to Josephine P. Bay (Operator), et al.).	Hope Natural Gas Co., Sherman Dist., Calhoun County, W. Va. Northern Natural Gas Co., North Spearman Morrow Field, Hansford County, Tex.	20.0 16.5	15.325 14.65
G-18901 E 6-8-64	Graridge Corp. (Operator), et al. (successor to Graridge, Ibbex & Williams, Ltd.).	Banquette Gas Co., a division of Crestmont Consolidated Corp., Plymouth and East Taft Fields, San Patricio County, Tex.	7.0896	14.65
G-18977 C 6-9-64	Gulf Oil Corp.	Michigan Wisconsin Pipe Line Co., Laverne and Northwest Doby Springs Fields, Harper County, Okla.	17.0	14.65
CI61-18 D 6-4-64	Socony Mobil Oil Co., Inc. (partial abandonment)	Mountain Fuel Supply Co., Alkali Creek Field, Sweetwater County, Wyo.	Assigned	-----
CI63-147 C 6-10-64 CI63-234 D 6-8-64	Hollandsworth & Travis (Operator), et al. Socony Mobil Oil Co., Inc. (partial abandonment).	Arkansas Louisiana Gas Co., Scottsville Field, Harrison County, Tex. Arkansas Louisiana Gas Co., Red Oak Field Area, Latimer and Le Flore Counties, Okla.	11.2996 Assigned	14.65 -----
CI63-951 C 6-4-64 CI64-444 E 6-1-64	W. H. Hildreth, et al. Expando Production Co. (successor to Fain & McGaha (Operator), et al.). C. B. Webster (Operator), et al.	Hope Natural Gas Co., Spencer Dist., Roane County, W. Va. Warren Petroleum Corp., East Panhandle Sweet Gas Field, Wheeler County, Tex.	25.0 6.25	15.325 14.65
CI64-1350 B 5-8-64 CI64-1448 A 5-28-64 CI64-1449 B 5-26-64	E. J. Pearl Ted Weiner (Operator), et al.	Trunkline Gas Co., Hinkle Field, Harris County, Tex. Almos Gas Gathering Co., Seeley Field, Bee County, Tex.	8.0 Depleted	14.65 -----
CI64-1450 A 6-4-64	Dwight J. Wilson	Transcontinental Gas Pipe Line Corp., South Bayou Mallet Field, Acadia Parish, La.	Depleted	-----
CI64-1451 A 6-4-64	Ashmun & Hilliard No. 5 Ltd. (Operator), et al.	Natural Gas Pipeline Co. of America, Quinlan Field, Woodward County, Okla.	17.0	14.65
CI64-1452 A 6-4-64 CI64-1453 A 6-4-64	John A. Egan Mike Abraham, et al.	El Paso Natural Gas Co., Monahans (Devonian, Lower) Field, Ward and Winkler Counties, Tex. El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	(?) 11.0	14.65 15.025
CI-64-1454 A 6-4-64 CI64-1455 A 6-4-64 CI64-1456 A 6-1-64	Gulf Oil Corp. Paul D. Little (Operator) Ames Gathering Co.	El Paso Natural Gas Co., Ballard Pictured Cliffs, Rio Arriba County, N. Mex. Tennessee Gas Transmission Co., Patterson Field, St. Mary Parish, La. Almos Gas Gathering Co., Linke Field, Bee County, Tex.	19.625 12.0 4.20	15.025 14.65 14.65
CI64-1457 B 5-26-64 CI64-1458 B 5-26-64 CI64-1459 A 6-8-64 CI64-1460 A 6-4-64	E. C. Sidwell and R. C. Sidwell, Operators. Crescent Oil Co. Socony Mobil Oil Co., Inc.	Union Texas Petroleum, a division of Allied Chemical Corp., Northeast Ames Field, Major County, Okla. Lone Star Gas Co., East Panhandle Field, Wheeler County, Tex. do.	(?) (?)	----- -----
CI64-1461 A 6-8-64 CI64-1462 A 6-8-64 CI64-1463 A 6-8-64 CI64-1464 A 6-8-64	Tenneco Oil Co. (Operator), et al. (partial successor to Mayfair Minerals, Inc.). The Algas Co. Sunray DX Oil Co. Reynolds Mining Corp.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex. Trunkline Gas Co., McAllen Field, Hidalgo County, Tex.	13.0 14.55861	14.65 14.65
CI64-1465 A 6-8-64 CI64-1466 B 6-9-64	United Gas Pipe Line Co., Various Fields, Jim Wells County, Tex. CRA, Inc., Numa Field, Grant County, Okla. Arkansas Louisiana Gas Co., Gragg Field, Sebastian County, Ark.	High Plains Natural Gas Co. (formerly Public Service Corp. of Texas), McLean (Sitter) Gasoline Plant, Wheeler County, Tex.	12.66 11.0 15.0	14.65 14.65 14.65
CI64-1467 A 6-8-64 CI64-1468 B 6-9-64 CI64-1469 A 6-8-64	Sam D. Ares (Operator), et al. (partial succession). Warren Petroleum Corp. Glasscock-Chapman, Inc., et al. Marathon Oil Co.	Kansas-Colo. Utilities, Inc., Sparks West Field, Stanton County, Kans. El Paso Natural Gas Co., acreage in Lea County, N. Mex. High Plains Natural Gas Co. (formerly Public Service Corp. of Texas), McLean (Sitter) Gasoline Plant, Wheeler County, Tex.	9.0 (?)	14.65 -----
CI64-1470 A 6-10-64	Shell Oil Co. (Operator), et al.	Texas Eastern Transmission Corp., Reeves Field, Allen Parish, La. Antelope Gas Products Co., Rush Creek Field, Weld County, Colo. El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex. Northern Natural Gas Co., Jalmat Field, Lea County, N. Mex. Montana-Dakota Utilities Co., Wind River Basin Area, Fremont County, Wyo.	13.75 Depleted 9.0 10.7688 15.384	15.025 ----- 14.65 15.025 15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI64-1471 B 6-10-64	Petroleum, Inc.	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.	Un-economical	-----
CI64-1472 A 6-10-64	Longhorn Production Co. (Operator), et al.	Natural Gas Pipeline Co. of America, acreage in Wise County, Tex.	15.0	14.65
CI64-1473 A 6-9-64	Union Drilling, Inc.	Cumberland and Allegheny Gas Co., Warren District, Upshur County, W. Va.	25.0	15.325
CI64-1474 B 6-9-64	Tenneco Oil Co.	Tensas Gas Gathering Corp., Lake St. John Field, Tensas Parish, La.	(*)	-----

* Presently consolidated with G-4281, et al.—Sunray DX Oil Company, et al.

* Price is 14.0 cents plus .189 cent tax reimbursement.

* Ames proposes to gather for redelivery to Arkansas Louisiana Gas Company certain gas presently being produced and sold to Arkansas by Union Texas Petroleum.

* Price paid by Union Texas Petroleum to Ames for gathering and redelivery of gas.

* Buyer has assigned existing gas purchase contract to Warren Petroleum Corporation.

* Settlement rate approved by Commission order issued April 8, 1964 in Docket Nos. G-20429, et al.

* Gas no longer being sold in interstate commerce.

* Rate of 10.0 cents in effect subject to refund in Docket No. RI64-202.

* Wells plugged and abandoned on Hannah Sellards No. 2, Wentworth-Washington No. 2 and Hannah Sellards Unit No. 1 Leases. The Wentworth-Washington Unit No. 1 and Wentworth-Washington No. 3 Leases have been assigned to The California Company.

[F.R. Doc. 64-6188; Filed; June 22, 1964; 8:47 a.m.]

[Docket No. CP64-243]

NORTHERN ILLINOIS GAS CO.

Notice of Application

JUNE 17, 1964.

Take notice that on April 17, 1964, Northern Illinois Gas Company (Applicant), Post Office Box 190, Aurora, Illinois, filed, in Docket No. CP64-243, an application pursuant to section 7(a) of the Natural Gas Act for an order directing Northern Natural Gas Company (Northern Natural) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell natural gas to Applicant for ultimate distribution and sale, by Applicant's subsidiary, Allied Gas Company (Allied), to the public in and near the City of East Dubuque, Illinois, all as more fully set forth in the application on file with the commission and open to public inspection.

Applicant requests that Northern Natural construct approximately 1.5 miles of three-inch gas main, together with a regulating and metering station, at a total estimated cost of \$42,000.¹ Applicant will construct an odorizing and regulating station at a total estimated cost of \$7,500. Allied will construct a gas distribution system in and near the City of East Dubuque, Illinois at a total estimated cost of \$308,200.

Applicant estimates that, during the first three years of operation of this project, annual gas requirements of the project will be 59,000 Mcf, 75,000 Mcf and 91,000 Mcf, respectively, and maximum day requirements will be 519 Mcf, 671 Mcf and 828 Mcf, respectively.

On October 1, 1963, the City of East Dubuque, Illinois granted Allied a franchise to construct, operate and maintain a gas distribution system in and through the City of East Dubuque. On March 10, 1964, the Illinois Commerce Commission granted Allied a certificate of public convenience and necessity authorizing Allied to construct, operate and maintain gas distribution facilities

and to transact the business of furnishing gas service to the public in and near the City of East Dubuque, Illinois.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6189; Filed, June 22, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14251; FCC 64-538]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Oral Argument

In the matter of American Telephone and Telegraph Company, Docket No. 14251; Tariff F.C.C. No. 250, TELPAK Service and Channels.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of June 1964;

The Commission having under consideration the record of this proceeding and the requests for oral argument;

It is ordered, That oral argument herein before the Commission en banc is scheduled for Friday, July 24, 1964, commencing at 10:00 a.m., and that parties herein, who within five days after release of this order file written notice of intention to appear and participate in such oral argument as prescribed at 47 CFR 1.277(c), shall be allowed time for argument as follows: American Telephone and Telegraph Company, one hour plus twenty minutes for rebuttal in closing argument; all intervenors except The Administrator of General Services, United Press International, Inc., Motorola Inc., and The Western Union Telegraph Company, a total of one hour and ten minutes to be divided and apportioned among such parties in such manner as they may agree and of which they shall give notice by statement filed in this proceeding no later than July 10, 1964; The Administrator of General Services, twenty minutes; United Press International, Inc., fifteen minutes; and Motorola Inc. and The Western Union Telegraph Company, a total of one hour and fifteen minutes to be divided and apportioned between such parties in such manner as they may agree and of which they shall give notice by statement filed in this proceeding no later than July 10, 1964.

Released: June 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-6217; Filed, June 22, 1964; 8:51 a.m.]

[Docket Nos. 15419, 15420; FCC 64M-547]

CENTRAL BROADCASTING CORP. AND WCRB, INC.

Order Continuing Hearing

In re applications of Central Broadcasting Corporation, Ware, Massachusetts, Docket No. 15419, File No. BPH-4243; WCRB, Inc., Springfield, Massachusetts, Docket No. 15420, File No. BPH-4319; for construction permits.

The Hearing Examiner having under consideration a joint motion of the applicants filed June 10, 1964, in the above-entitled matter; and

It appearing, that certain procedural postponements are requested to which the Broadcast Bureau has no objection and that good cause for granting the motion has been shown;

It is ordered, This 16th day of June 1964 that the aforesaid motion is granted and that accordingly:

1. Exhibits will be exchanged on August 10, 1964 instead of on August 3, 1964;
2. Notices to witnesses will be made September 8, 1964 instead of on August 25, 1964; and

¹ Commissioners Henry, Chairman; and Bartley absent.

¹ Applicant has agreed to reimburse Northern Natural for the actual cost of facilities to be constructed by Northern Natural.

3. The hearing now scheduled for July 7, 1964, is rescheduled to commence September 14, 1964, at 10:00 a.m. in the Commission's Offices in Washington, D.C.

Released: June 17, 1964.

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

[F.R. Doc. 64-6218; Filed, June 22, 1964;
8:51 a.m.]

[Docket Nos. 15503, 15504]

CRESTWOOD BROADCASTING CORP. (KSHE) AND APOLLO RADIO CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Crestwood Broadcasting Corporation (KSHE), St. Louis, Missouri, Docket No. 15503, File No. BPH-4246, has: 94.7 mc, No. 234; 25.5 kw; 240 ft., requests: 107.7 mc, No. 299; 25.5 kw; 240 ft.; Apollo Radio Corporation, St. Louis, Missouri, Docket No. 15504, File No. BPH-4283, requests: 107.7 mc, No. 299; 81.6 kw; 382 ft., for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on June 16, 1964;

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are significantly different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant; and

It further appearing, that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the FM broadcast facilities proposed;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within the proposed 1 mv/m contours, the areas and populations therein which would be served by the proposed stations and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine the areas and populations which may be expected to gain or lose FM service (at least 1 mv/m) from the operation of Station KSHE (FM) as proposed and the availability of other FM service (at least 1 mv/m) to such areas and populations.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

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

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 17, 1964.

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

[F.R. Doc. 64-6219; Filed, June 22, 1964;
8:51 a.m.]

[Docket Nos. 15429, 15430; FCC 64M-551]

DOVER BROADCASTING CO., INC., AND TUSCARAWAS BROADCAST- ING CO.

Order Continuing Hearing

In re applications of Dover Broadcast-
ing Company, Inc., Dover-New Philadel-

phia, Ohio, Docket No. 15429, File No. BPH-3560; The Tuscarawas Broadcast-
ing Company, New Philadelphia, Ohio,
Docket No. 15430, File No. BPH-4196;
for construction permits.

Pursuant to a prehearing conference held this date: It is ordered, this 17th day of June 1964, that the exchange of preliminary engineering exhibits herein shall be accomplished on or before July 20, 1964, and the final exchange of said exhibits shall be accomplished on or before August 4, 1964;

It is further ordered, That the exchange of lay exhibits shall be accomplished on or before July 27, 1964, and that the notification of witnesses desired for cross-examination shall be made on or before September 8, 1964;

It is further ordered, That the hearing herein now scheduled for July 20, 1964 shall be continued to a date to be hereinafter determined.

Released: June 17, 1964.

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

[F.R. Doc. 64-6220; Filed, June 22, 1964;
8:51 a.m.]

[Docket Nos. 15319, 15320; FCC 64M-542]

MARIETTA BROADCASTING CO., INC. (WBIE) AND COBB COUNTY BROAD- CASTING CO.

Order Continuing Hearing

In re applications of Marietta Broadcasting Company, Inc. (WBIE), Marietta, Georgia, Docket No. 15319, File No. BP-15405; Sheridan W. Pruett and Charles M. Erhard, Jr., d/b as Cobb County Broadcasting Company, Marietta, Georgia, Docket No. 15320, File No. BP-15443; for construction permits.

Pending ruling on applicants' joint request for approval of dismissal agreement and dismissal of application of Cobb County Broadcasting Company (see FCC 64R-290, released May 26, 1964): It is ordered; This 15th day of June 1964, that the hearing is rescheduled from June 18, 1964, to Thursday, July 16, 1964, at 9 a.m.

Released: June 16, 1964.

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

[F.R. Doc. 64-6221; Filed, June 22, 1964;
8:51 a.m.]

[Docket No. 14611; FCC 64M-552]

PROGRESS BROADCASTING CORP. (WHOM)

Order Scheduling Prehearing Conference

In re application of Progress Broad-
casting Corporation (WHOM), New
York, New York, Docket No. 14611, File
No. BP-13915; for construction permit.

Upon the Hearing Examiner's own motion: It is ordered, This 17th day of June 1964, that further prehearing con-

ference in the above-entitled proceeding will be held July 2, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: June 17, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-6222; Filed, June 22, 1964;
8:51 a.m.]

[Docket No. 15276; FCC 64M-550]

CHARLES A. SEAMAN

Order Continuing Prehearing
Conference

In re application of Charles A. Seaman, 935 Tanner Avenue, Elizabeth, Pennsylvania, Docket No. 15276; for a general class amateur operator license.

At the oral request of counsel for the applicant, not opposed by counsel for any of the parties herein, the further prehearing conference, presently scheduled for 2:00 p.m., June 19, 1964, will be continued to 2:00 p.m., June 25, 1964, with the understanding that counsel for all parties will meet during the morning of June 25 to formalize the stipulations to be presented at the afternoon conference;

Accordingly, it is ordered, This 17th day of June 1964, that the further prehearing conference, presently scheduled to be held at 2:00 p.m., June 19, 1964, is continued to 2:00 p.m., June 25, 1964.

Released: June 17, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-6223; Filed, June 22, 1964;
8:52 a.m.]

[Docket Nos. 15476, 15477]

WEZY, INC., AND WKKO RADIO,
INC.

Order Designating Applications for
Consolidated Hearing on Stated
Issues

In re applications of WEZY, Inc., Cocoa, Florida, Docket No. 15476, File No. BPH-4172, requests: 99.3 mc, No. 257; 3 kw; 300 feet; WKKO Radio, Inc., Cocoa, Florida, Docket No. 15477, File No. BPH-4173, requests: 99.3 mc, No. 257; 3 kw; 300 feet; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered on June 15, 1964, the above-captioned and described applications and the Order of May 14, 1964, designating the applications for hearing; It appearing, that the Order of May 14, 1964, did not include a specific finding concerning the applicants' basic qualifications, and that the action of May 14, 1964, should be reconsidered and vacated pursuant to § 1.113(a) of the Commission's rules and section 405

of the Communications Act of 1934, as amended;

It further appearing, that the May 14 Order indicated that the areas for which the applicants propose to provide FM broadcast service are significantly different but that a re-examination of the applications indicates that the areas would be substantially the same; that area and population data in this proceeding will have no decisional significance and that therefore an issue to require adduction of evidence relating to area and population data will not be specified; and

It further appearing, that the applicants are legally, technically, financially and otherwise qualified to construct and operate the proposed stations but that the applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That pursuant to § 1.113 (a) of the Commission's rules and section 405 of the Communications Act of 1934, as amended, the Order of May 14, 1964, in this proceeding is hereby vacated:

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the FM station as proposed.

(b) The proposals of each of the applicants with respect to the management and operation of the FM broadcast station as proposed.

(c) The programming service proposed in each of the above-captioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue which, if either, of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of WEZY, Inc., the construction permit shall be subject to the condition that Station WEZY shall request permission from the Commission to determine the power of WEZY by the indirect method during the installation of the FM antenna, that sufficient field strength measurements consisting of at least five measurements on each radial at points measured in con-

nection with the last complete adjustment of the directional antenna system shall be made both before and after installation of the FM antenna, that the common point resistance be remeasured, and that prior to authorization of program tests such information be submitted to prove that no material effect has resulted in the radiation pattern of WEZY.

It is further ordered, That, in the event of a grant of the application of WKKO Radio, Inc., the construction permit shall be subject to the condition that construction of the proposed antenna structure shall not be commenced until an application for use of this structure by WKKO (AM) is submitted to and approved by the Commission.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 17, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-6224; Filed, June 22, 1964;
8:52 a.m.]

[Docket Nos. 15476, 15477; FCC 64M-555]

WEZY, INC., AND WKKO RADIO,
INC.

Order Rescheduling Hearing

In re applications of WEZY, Inc., Cocoa, Florida, Docket No. 15476, File No. BPH-4172; WKKO Radio, Inc., Cocoa, Florida, Docket No. 15477, File No. BPH-4173; for construction permits.

It is ordered, This 18th day of June 1964, that the order of the Chief Hearing Examiner released May 19, 1964 (FCC 64M-432) regarding the above-entitled applications, designating a presiding officer and specifying July 13, 1964, as the date for commencement of hearing, is vacated: And, it is further ordered, Pursuant to the Commission's order for hearing on said applications which was released June 17, 1964 (Mimeo No. 53054), that Basil P. Cooper shall serve as presiding officer in the proceeding; that the hearings therein shall commence July 20, 1964; that a prehearing conference shall be convened on June 25, 1964, at 9:00 a.m.; and that all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 18, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-6225; Filed, June 22, 1964;
8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1636]

AXE-HOUGHTON FUND A, INC., ET AL.

Notice of Filing of Application for Order Exempting Proposed Trans- actions From Provisions of the Act and Granting Application

JUNE 17, 1964.

In the matter of Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., Axe Science Corporation, 400 Benedict Avenue, Tarrytown, New York; File No. 812-1636.

Notice is hereby given that Axe-Houghton Fund A, Inc. ("Fund A"), Axe-Houghton Fund B, Inc. ("Fund B"), and Axe Science Corporation ("Science Fund"), open-end, diversified investment companies registered under the Investment Company Act of 1940 ("Act") and affiliated persons of each other (collectively called "applicants"), have filed a joint application pursuant to section 17(b) of the Act and Rule 17d-1 promulgated under section 17(d) of the Act for an order of the Commission (1) exempting from the prohibitions of section 17(a) of the Act the proposed sale to applicants by Helio Aircraft Corporation ("Helio") of its notes and warrants to purchase shares of its common stock, (2) granting the application pursuant to Rule 17(d)-1 with respect to the acquisition by applicants of the notes and warrants and (3) granting confidential treatment pursuant to section 45(a) of the Act to certain information pertaining to Helio's competitive technical developments that has been filed as part of the application.

All interested persons are referred to the application on file with the Commission for a complete statement of applicants' representations, which are summarized below.

Helio, a Delaware corporation, is engaged in the manufacture and sale of aircraft. It has issued and outstanding 430,555 shares of common stock, of which Fund A owns 10,000 shares or 2.3 percent, Fund B owns 10,000 shares or 2.3 percent, and Science Fund owns 50,000 shares or 11.6 percent. In addition, 30,000 shares of Helio's common stock, or 7.0 percent are owned by Axe-Houghton Stock Fund ("Stock Fund") which is registered under the Act as an open-end, diversified investment company. All of the shares of Helio common stock owned by the four Axe Funds were acquired at a cost of \$5 per share.

Helio will sell to applicants an aggregate of \$500,000 principal amount of Helio's 6 percent notes due May 1, 1969 ("notes") and common stock purchase warrants representing the right to purchase an aggregate of 100,000 shares of common stock of Helio ("warrants"). In addition, the National Shawmut Bank of Boston ("Bank") in June 1964 purchased \$325,000 of Helio's 5-year 5 percent unsecured notes. The proceeds of \$500,000 to be derived from the sale of the notes

and warrants by Helio to applicants will be utilized by Helio to expand its operations for the production of a newly developed turbine powered aircraft. The proceeds of the term loan of \$325,000 from the Bank were or are to be used to fund and refund costs, principally of constructing and in part of equipping, a new facility at Hanscom Field, Civilian Terminal area, Bedford, Massachusetts, which has been substantially completed. The new facility is to be employed principally as a research and modification center and as the principal offices of Helio.

The notes and warrants to be purchased by applicants will be acquired as units consisting of one note in the principal amount of \$1,000 and one warrant for the purchase of 200 shares of Helio common stock. Fund A proposes to purchase 200 units, Fund B 50 units and Science Fund 250 units, at the price of \$1,000 per unit. The notes are unsecured, but the amount of additional indebtedness for borrowed money which Helio may incur and the liens which it may create on its property to secure such indebtedness are restricted by the note and warrant agreements. The exercise price of the warrants, which expire May 1, 1969, is \$5.00 per share until December 31, 1964 and thereafter increases at the rate of \$1.00 per year. The warrants may be exercised either by payment in cash or by surrender of the notes at their principal amount plus accrued interest.

Fund A and Fund B are limited by restrictions in their charter and by-laws to the purchase of approximately the amounts of the notes and warrants of Helio which are to be purchased by them. Science Fund, on the advice of its investment adviser, determined to purchase the balance of the notes and warrants offered by Helio. Applicants understand that Helio also offered some of the notes and warrants to Stock Fund but that Stock Fund, on the advice of its investment adviser, determined that it would not purchase additional securities of Helio at this time. Stock Fund considers that in the light of its investment policy its present investment in Helio is sufficient for the present portfolio of Stock Fund, the total net asset value of which, as of June 15, 1964, was approximately \$8,830,000. At that date Fund A had a total net asset value of approximately \$45,058,000; Fund B \$215,668,000; and Science Fund \$21,124,000.

If applicants were to exercise all of the warrants to be purchased by them (assuming there were no other issuances or repurchases of Helio common stock in the interim), Helio would then have issued and outstanding 530,555 shares of common stock, of which the four funds would hold the following amounts and percentages: Fund A—50,000 shares, or 9.4 percent; Fund B—20,000 shares, or 3.8 percent; Stock Fund—30,000 shares, or 5.7 percent; and Science Fund—100,000 shares, or 18.8 percent. Neither Fund A, Fund B nor Science Fund has reached a decision as to whether or when all or any part of the warrants to be purchased by them will be exercised. Helio has outstanding in the hands of certain of its officers options to purchase approximately 50,000 shares of its com-

mon stock at a price of at least \$5 per share. Exercise of these options would diminish the percentages of common stock owned by the Funds.

Each of the four funds, Fund A, Fund B, Stock Fund and Science Fund ("Funds") has on its board of directors individuals who are also directors of one or more of the other Funds; three persons serve as directors of each of the Funds and some of the officers of each of the Funds also serve the other Funds in similar capacities. Each of the Funds employs Axe Securities Corporation as its principal underwriter, and Fund A, Fund B and Stock Fund employ E. W. Axe & Co., Inc. as investment adviser. Science Fund employs as investment adviser Axe Science Management Company, Inc., which is under common control with E. W. Axe & Co., Inc., and Axe Securities Corporation. Some of the officers and directors of each of the Funds are affiliated with Axe Science Management Company, Inc., E. W. Axe & Co., Inc. and Axe Securities Corporation. In view of the above and other circumstances, the Funds may all be under common control and, therefore, affiliated one with another within the meaning of section 2(a)(3) of the Act. Helio is an affiliated person of Stock Fund and Science Fund under section 2(a)(3) of the Act since each of the two funds owns over 5 percent of the voting securities of Helio and Helio therefore may be regarded as an affiliated person of an affiliated person of Fund A and Fund B.

The application states that the proposed purchase of notes and warrants are consistent with the investment policies of Fund A, Fund B and Science Fund. Applicants assert that the fairness of the terms of the notes is shown by the fact that the terms of the proposed notes are in substance similar to the notes acquired by the Bank, with the exception of the interest rate and the requirement that Helio make quarterly prepayments of \$7,500 on the notes purchased by the Bank. Applicants also assert that the terms of the warrants are fair as the initial exercise price of the warrants is the same price at which the Funds acquired the Helio common stock presently held by them. The application states that the high and low bid prices for the Helio common stock in the past year were 7 3/8 and 2 5/8 and that the high and low bid prices in May 1964 were 7 3/8 and 4 3/8.

Helio's net income for the years 1961, 1962 and 1963 was \$212,917 or \$0.64 per share, \$293,551 or \$0.77 per share and \$182,312 or \$0.40 per share, respectively. Earnings for 1961 and a substantial portion of the earnings for 1962 were not subject to Federal income taxes because of a loss carry forward from previous years.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling securities or property to such registered company, unless the Commission upon application pursuant to section 17(b) grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the

consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Applicants do not concede that section 17(d) of the Act and Rule 17d-1 are applicable to the proposed transactions, but seek relief thereunder in order to eliminate any question as to full compliance with section 17 of the Act.

Notice is further given that any interested person may, not later than July 6, 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 applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing 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. 64-6185; Filed, June 22, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 471]

IDAHO AND MONTANA

Declaration of Disaster Area

Whereas, it has been reported that during the month of June, 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Clearwater County in the State of Idaho, and Flathead, Glacier, Toole, Pondera, Teton, Cascade and Chouteau Counties in the State of Montana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about June 8, 1964.

OFFICES

Small Business Administration Regional Office, 506 Second Avenue, Seattle 4, Wash.

Small Business Administration Branch Office, West 904 Riverside Avenue, Spokane 1, Wash.

Small Business Administration Branch Office, Corner Main and Sixth Avenue, Helena, Mont.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1964.

Dated: June 9, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-6201; Filed, June 22, 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 Administra-

tive 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 employed are as 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 ten percent of total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Angelica Uniform Co., Eminence, Mo., effective 6-9-64 to 6-8-65 (men's washable service uniforms, shirts, women's washable service uniforms).

Angelica Uniform Co., Summersville, Mo.; effective 6-12-64 to 6-11-65 (women's service uniforms, men's washable dental smocks).

Carolina Girls Wear, Inc., Klauber Street, St. George, S.C.; effective 6-18-64 to 6-17-65 (children's dresses).

Carwood Manufacturing Co., Plant No. 3, Cornelia, Ga.; effective 5-26-64 to 5-25-65 (men's sport shirts and work shirts).

Don Juan Manufacturing Corp., 113 Grubb Street, Hertford, N.C.; effective 6-6-64 to 6-5-65 (men's and boys' shirts).

Doyle Shirt Manufacturing Corp., Doyle, Tenn.; effective 6-4-64 to 6-4-65 (men's shirts).

East Berlin Garment Co., East Berlin, Pa.; effective 6-2-64 to 6-1-65 (children's dresses).

Eatonon Manufacturing Co., Inc., 103 Godfrey Road, Eatonton, Ga.; effective 6-3-64 to 6-2-65 (men's dress trousers).

Freeland Sportswear Co., Inc., 246-250 Centre Street, Freeland, Pa.; effective 5-25-64 to 5-24-65. Learners may not be employed at special minimum wages in the production of jackets of tailored suit-type construction (men's outerwear jackets).

Hartselle Manufacturing Co., Hartselle, Ala.; effective 6-11-64 to 6-10-65 (men's cotton work pants and shirts).

Hicks-Ponder Company, 2385 Main Street, Eagle Pass, Tex.; effective 6-4-64 to 6-3-65 (men's and boys' work clothing and wash slacks).

The H.D. Lee Co., Inc., Sulphur Springs, Tex.; effective 6-13-64 to 6-12-65 (western pants).

Mode O'Day Co., a division of Founders Inc., Plant No. 9, 419 East South Street, Hastings, Neb.; effective 6-5-64 to 6-4-65. Learners may not be employed at special minimum wage rates in the production of skirts (ladies' blouses).

Oberman Manufacturing Co., Valdosta, Ga.; effective 6-1-64 to 5-31-65 (men's and boys' dungarees).

Phillips-Van Heusen Corp., Des Arc, Ark.; effective 5-22-64 to 5-21-65 (men's dress shirts).

Prepmore Apparel, Inc., Russellville, Ala.; effective 5-26-64 to 5-25-65 (boys' sport shirts).

Rivera, Inc., Pontotoc, Miss.; effective 6-3-64 to 6-2-65 (men's dress shirts).

Robville Manufacturing Co., Inc., Robersonville, N.C.; effective 5-25-64 to 5-24-65 (boys' cotton shirts and girls' cotton pants).

Thomson Co., Thomson, Ga.; effective 6-12-64 to 6-11-65 (men's and women's slacks).

Williamson-Dickie Manufacturing Co., Tyler, Tex.; effective 6-3-64 to 6-2-65 (men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

C & B Sportswear, 333 Hughes Street, Swoyerville, Pa.; effective 6-4-64 to 6-3-65; 6 learners (ladies' dresses).

Jolly Kids Togs, Inc., 220 Main Street, Frankfort, Mich.; effective 6-12-64 to 6-11-65; 10 learners (children's outerwear jackets).

Mary-Jo-Apparel, Inc., 145 East Center Street, Nesquehoning, Pa.; effective 6-4-64 to 6-3-65; 10 learners (children's dresses).

Pella Manufacturing Corp., 707 East 3d Street, Pella, Iowa; effective 6-10-64 to 6-9-65; 10 learners (men's dungarees, overalls, coveralls and work shirts).

Fred Ronald Manufacturing Co., Neodesha, Kans.; effective 5-31-64 to 5-30-65; 10 learners (boys' shirts).

Stanro Dress Co., Inc., 810 George Street, Throop, Pa.; effective 6-3-64 to 6-2-65; 5 learners (ladies' and children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Byrds Manufacturing Corp., Albany, Ky.; effective 6-1-64 to 11-30-64; 200 learners (women's shirts).

Hicks-Ponder Co., 2385 Main Street, Eagle Pass, Tex.; effective 6-4-64 to 12-3-64; 50 learners (men's and boys' work clothing and wash slacks).

Salant and Salant, Inc., Route No. 2, Box No. 2, Trumann, Ark.; effective 6-8-64 to 12-7-64; 140 learners (men's cotton wash pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Boss Manufacturing Co., Greenville, Ala.; effective 6-8-64 to 6-7-65; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves, cotton, woven and jersey).

The Glove Corp., Heber Springs, Ark.; effective 6-8-64 to 12-7-64; 10 learners for plant expansion purposes (work gloves).

Good Luck Glove Co., Market Street, Metropolis, Ill.; effective 6-1-64 to 11-30-64; 40 learners for plant expansion purposes (cotton work gloves).

Ideal Glove Co., Inc., Maben, Miss.; effective 6-15-64 to 6-14-65; 5 learners for normal labor turnover purposes (combination leather and fabric work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Dapper Hosiery Mills, Inc., 110 Henry Street, Clinton, S.C.; effective 5-30-64 to 5-29-65; 5 learners for normal labor turnover purposes (seamless).

Dapper Hosiery Mills, Inc., 110 Henry Street, Clinton, S.C.; effective 5-30-64 to 11-29-64; 5 learners for plant expansion purposes (seamless).

Exeter/Wilmington Hosiery Mills, Inc., 5th and Monroe Streets, Wilmington, Del.; effective 6-3-64 to 12-2-64; 15 learners for plant expansion purposes (seamless).

Selma Hosiery Co., Dillon, S.C.; effective 6-2-64 to 6-1-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

U.S. Industries, Inc., Batesville Division, Batesville, Miss.; effective 6-18-64 to 6-17-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Whitmire Hosiery Mills, Inc., Chester Highway, Whitmire, S.C.; effective 5-30-64 to 5-29-65; 5 learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Cherrybell Manufacturing Corp., 1720 South Cherrybell Stravenue, Tucson, Ariz.; effective 6-4-64 to 6-3-65; 5 learners for normal labor turnover purposes (ladies' undergarments, panties and half slips).

Glen Manufacturing Co., Inc., 321 Jackson Street, Bainbridge, Ga.; effective 6-8-64 to 6-7-65; 5 percent of the total number of factory production workers engaged in the production of bathing suits (bathing suits).

Mode O'Day Corp., 840 12th Street NW, Mason City, Iowa; effective 6-8-64 to 6-5-65; 5 learners for normal labor turnover purposes (ladies' lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Quilting, Inc., 507 Academy Street, High Point, N.C.; effective 5-25-64 to 11-24-64; 10 learners for plant expansion purposes, in the occupation of quilting machine operator for a learning period of 320 hours at the rate of not less than \$1.15 an hour (quilted (outline) upholstery fabric).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

General Electric Low Voltage Products, Inc., P.O. Box 86, Palmer, P.R.; effective 5-18-64 to 11-17-64; 34 learners for plant expansion purposes, in the occupations of: (1) punch press operator; welder; male assembler, Class 3; female assembler, Class 3; tester; each for a learning period of 480 hours at the rates of \$1.00 an hour for the first 240 hours and \$1.13 for the remaining 240 hours; and (2) miscellaneous machine operator; male assembler, Class 2; female assembler, Class 2; coil winder; each for a learning period of 240 hours at the rate of \$1.00 an hour (electrical products).

Kaufman Shoe Co., Inc., Borinquen Road, Aguadilla, P.R.; effective 4-28-64 to 10-27-64; 30 learners for plant expansion purposes, in the occupations of backing, cutting, stitching, vulcanizing, finishing and packing; each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (shoes and slippers).

Kaufman Shoe Co., Inc., Borinquen Road, Aguadilla, P.R.; effective 4-28-64 to 4-27-65; 10 learners for normal labor turnover purposes, in the occupations of backing, cutting, stitching, vulcanizing, finishing and packing; each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (shoes and slippers).

Soft Knit Undies, Inc., 404 Barbosa Avenue, Hato Rey, P.R.; effective 5-4-64 to 11-3-64;

47 learners for plant expansion purposes, in the occupation of sewing machine operator, for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' and children's underwear).

Wilrico, Inc., State Road, 107, Km. 0.1, Barrio Camaseyes, Aguadilla, P.R.; effective 5-7-64 to 7-21-64; 90 learners for plant expansion purposes, in the occupations of: (1) baseball hand sewers for a learning period of 320 hours at the rates of 61 cents an hour for the first 160 hours and 71 cents an hour for the remaining 160 hours; and (2) winder machine operators for a learning period of 160 hours at the rate of 61 cents an hour (Baseballs).

The following learner certificate was issued in US VI to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Quality Products Co., Inc., 78-79 Kronprindsens Gade, P.O. Box 2446, Charlotte Amalie, St. Thomas, U.S. Virgin Islands; effective 5-1-64 to 7-3-64; 5 learners for plant expansion purposes, in the occupation of watch assemblers for a learning period of 480 hours at the rates of \$1.00 an hour for the first 240 hours and \$1.05 an hour for the remaining 240 hours (assembly of watch movements).

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 15 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 15th day of June 1964.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 64-6203; Filed, June 22, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 87]

NATIONAL ASSOCIATION OF SPECIALIZED CARRIERS, INC.

Notice of Agreement

JUNE 18, 1964.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: June 12, 1964 by: Mert Starnes, James, Robinson and Starnes, 721 Brown Building, Austin, Texas.

Agreement involved: Agreement between and among common carriers by

motor vehicle, members of National Association of Specialized Carriers, Inc., relating to joint consideration, initiation, change, and publication of rates, classifications, divisions, allowances, rules, regulations, and practices governing the transportation of property between points in the United States, including the District of Columbia, but excluding the State of Hawaii.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-6196; Filed, June 22, 1964;
8:48 a.m.]

[Notice 1002]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 18, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66790. By order of June 16, 1964, the Transfer Board approved the transfer to David Weiss and Murray

Weiss, a partnership, doing business as Weiss Transportation Company, Philadelphia, Pa., of the operating rights issued by the Commission October 28, 1960, December 28, 1951, February 23, 1955, and October 28, 1960, under Certificates in Nos. MC 23196, Corrected Certificate MC 23196 (Sub No. 2), MC 23196 (Sub No. 3), and MC 23196 (Sub No. 4), respectively, to Joseph Weiss, Ethel Weiss, Executrix, and David Weiss, a partnership, doing business as Weiss Furniture Transportation Co., Philadelphia, Pa., authorizing the transportation, over irregular routes, of new furniture, between points in Philadelphia County, Pa., on the one hand, and, on the other, points in Maryland, New Jersey, New York, and the District of Columbia; new unfinished furniture, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and Paterson, Passaic, Jersey City, Perth Amboy, and Newark, N.J.; new unfinished furniture frames, uncrated, from Philadelphia, Pa., to points in Niagara, Erie, Monroe, Chautauqua, Cattaraugus, Allegany, Orleans, and Wyoming Counties, N.Y.; between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland, New Jersey, New York, and the District of Columbia, except the above counties in New York; baby carriages, baby walkers, strollers, high chairs, cribs, toy chests and juvenile furniture, from Gardner, Mass., to Philadelphia, Pa.; furniture, between Jersey City, N.J., New York, N.Y., and Philadelphia, Pa.; between Souderton, Pa., on the one hand, and, on the other, New York, N.Y., and Jersey City, N.J.; cotton batting, raw cotton, cotton waste, and supplies used in connection therewith, and wool batting, rug pads, paperboard, and articles used or useful in the manufacture of bedding and upholstered furniture (excluding furniture frames), between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey within 20 miles of New York, N.Y.; between Camden, N.J., and New York, N.Y., between Philadelphia, Pa., New Haven, Conn., and Wilmington, Del. Jacob J. Siegal, 1529 Walnut Street, Philadelphia, Pa., Attorney for applicants.

No. MC-FC 66896. By order of June 16, 1964, the Transfer Board approved the transfer to Richmond Pigeon Carriers, Inc., Staten Island, N.Y., of the operating rights in Certificate in No. MC 113100, is-

sued February 27, 1962, to H. Prang Trucking Co., Inc., Hopelawn (Perth Amboy), New Jersey, authorizing the transportation, over irregular routes, of homing pigeons, in crates, and in the same vehicle with such pigeons, and in connection therewith personal effects of attendants and supplies and equipment used in the care of such pigeons, from Bergenfield, Elizabeth, Irvington, Jersey City, Linden, Lyndhurst, Newark, North Bergen, Passaic, Paterson and Perth Amboy, N.J., and points in Richmond County, N.Y., to Wilmington, Del., Aberdeen, Md., Washington, D.C., Charlottesville, Va., and Salisbury, N.C., and empty crates in which homing pigeons have been shipped, from the above-specified destination points to the above-named origin points. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for transferor and Martin H. Seigel, 15 Beach Street, Staten Island 4, N.Y., attorney for transferee.

No. MC-FC 66927. By order of June 16, 1964, the Transfer Board approved the transfer to Steven Freight Service, Inc., Watertown, Mass., applicant in No. MC 99535 (Sub No. 1), BOR-99 filed in the name of Whipple & Company, Inc., South Boston, Mass., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by Massachusetts Certificate No. 3397, authorizing the transportation of general commodities anywhere in the commonwealth of Massachusetts. Mary E. Kelley, 10 Tremont Street, Boston, Mass., 02108, attorney for applicants.

No. MC-FC 66964. By order of June 16, 1964, the Transfer Board approved the transfer of the Certificate of Registration in No. MC 120790 (Sub No. 1) evidencing a right to engage in operations in interstate and foreign commerce within the State of Illinois, issued December 6, 1963, to Casimir Dykier, Sr., and Casimir Dykier, Jr., a partnership, doing business as Casey's Bonded Delivery Service, Chicago, Ill., to Frances M. Dykier and Casimir Dykier, Jr., doing business as Casey's Bonded Delivery Service, Chicago, Ill., John W. Dubbs, 1200 North Ashland Avenue, Chicago 22, Ill., attorney for applicants.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-6205; Filed, June 22, 1964;
8:49 a.m.]

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