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Rules and Regulations

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Revision of Export Regs., Amdt. 86]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

Miscellaneous Amendments

1. Section 370.5 *Exportations authorized by Government agencies other than Bureau of International Commerce,* paragraph (e) *Vessels* is amended to read as follows:

§ 370.5 Exportations authorized by Government agencies other than Bureau of International Commerce.

* * * * *

(e) *Vessels.* The sale to a foreign purchaser and/or the transfer to foreign registry of vessels which are owned by citizens of the United States, regardless of size, type, or documentation, is subject to the approval of the U.S. Maritime Administration under the authority of sections 9 and 37 of the United States Shipping Act of 1916, as amended (46 U.S.C. 808 and 835; 46 CFR Part 221). Vessels of war, as defined in the United States Munitions List (see paragraph (a) of this section), require export authorization from both the U.S. Department of State and the U.S. Maritime Administration. Vessels (including vessels of war) exported for the purpose of scrapping, dismantling, dismembering, or destroying the hulls or hulks thereof, require export authorization from both the Office of Export Control and the U.S. Maritime Administration for exportation to Hong Kong, Macao, Subgroup A destinations, Poland (including Danzig), and Cuba. For exportation to other destinations export authorization is required from the U.S. Maritime Administration only.

* * * * *

§ 371.52 [Amended]

2. Section 371.52 *Supplement 2; Commodities destined to Poland (including Danzig) which are excepted from General License GRO* is amended by adding the following entries to the list:

Dept. of Commerce Schedule B No.	Commodity description
60030	No. 1 heavy melting steel scrap.
60040	No. 2 heavy melting steel scrap.
60050	No. 1 bundles, steel scrap.
60060	No. 2 bundles, steel scrap.
60065	Borings, shovelings, and turnings, iron and steel.
60075	Other steel scrap, except terneplated scrap, and tin-plated scrap which has not been detinned.
60085	Other iron scrap, except borings, shovelings and turnings.
60095	Rerolling and redrawing material.
77465	Parts and accessories, n.e.c., specially fabricated for valves included above under Schedule B Nos. 77450, 77455, 77460, and 77465.
77525	Equipment, n.e.c., specially designed for use in the following unit operations: (a) solvent processing, (b) fractionating, rectifying and dephlegmatizing, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) aromatization, (h) alkylation, (i) desulpherization, (j) thermal or catalytic cracking, reforming or platforming; and specially fabricated parts and accessories therefor, n.e.c.

This amendment shall become effective as of June 18, 1964.

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

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

[F.R. Doc. 64-6398; Filed, June 29, 1964; 8:45 a.m.]

[9th General Revision of Export Regs., Amdt. P.L. 48]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Miscellaneous Amendments

Section 399.1 *Positive List of Commodities* is amended in the following respects:

1. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity description
	Iron and steelmaking raw materials
	Iron and steel scrap [Report scrap containing 5 percent or more nickel by weight in 65462; 5 percent or more cobalt by weight in 66429; and 1 percent or more tungsten by weight in 66487]:
60030	No. 1 heavy melting steel scrap. (See § 399.2, Interpretations 10, 12, and 17.)
60040	No. 2 heavy melting steel scrap. (See § 399.2, Interpretations 10, 12, and 17.)
60050	No. 1 bundles, steel scrap. (See § 399.2, Interpretation 17.)
60060	No. 2 bundles, steel scrap. (See § 399.2, Interpretation 17.)
60065	Borings, shovelings, and turnings, iron and steel.
60075	Other steel scrap, except terneplated scrap, and tin-plated scrap which has not been detinned. (Specify type.) (See § 399.2, Interpretations 10 and 12.)
60085	Other iron scrap, except borings, shovelings, and turnings. (See § 399.2, Interpretations 10 and 12.)
60095	Rerolling rails. [Report relaying rails in 60530.]
60095	Other rerolling and redrawing material. (See § 399.2, Interpretations 10 and 12.)
	Other industrial machines and parts
	Chemical and pharmaceutical processing and manufacturing machines, n.e.c. [Report spinning pumps in 77117; report furnaces under appropriate Schedule B number according to type of furnace, for example, electric melting and refining type of furnaces for the production of chemicals, 70741]:
77525	Equipment, n.e.c., specially designed for use in the following unit operations: (a) solvent processing, (b) fractionating, rectifying and dephlegmatizing, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) aromatization, (h) alkylation, (i) desulpherization, (j) thermal or catalytic cracking, reforming or platforming; and specially fabricated parts and accessories therefor, n.e.c.

This item of the amendment shall become effective as of June 18, 1964.

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Metal manufactures					
	Metal manufactures, n.e.c., and parts, n.e.c., except iron and steel and except precious metals:					
61995	Molybdenum electrodes, n.e.c., plate and rod types.[1] [2]	Lb.	FINP 3	100	RO	A E-8

[1] On or after August 3, 1964, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports of these commodities to the countries specified in § 373.2 of this chapter.
[2] This commodity may be exported under the Periodic Requirements Licensing procedure (see Part 376 of this chapter).

This item of the amendment shall become effective as of June 25, 1964.

3. The following entries set forth below are substituted for entries presently on the Positive List. When the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description of the revised entry:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Glass and products					
52170	Bullet-proof windshields over ¾-inch thick, specially fabricated for aircraft. [Report aircraft windshields other than glass in 79489.] [11]	----------	TRAN 2	500	RO	E-2
	Iron and steel-making raw materials					
	Iron and steel scrap [Report scrap containing 5 percent or more nickel by weight in 65462; 5 percent or more cobalt by weight in 66429; and 1 percent or more tungsten by weight in 66487]:					
60075	Steel scrap of magnetic materials. (1)[1]	S. ton	STEE 1	100	RO	A
60085	Iron scrap of magnetic materials. (1)[1]	S. ton	STEE 1	100	RO	A
	Electrical machinery and apparatus					
	Electronic equipment, n.e.c., and parts: Crystal diodes and transistors (semiconductors, n.e.c.):					
70848	Crystal diodes, as follows: (a) any semiconductor diode in which the bulk material is other than silicon, germanium, selenium or copper-oxide; (b) signal diodes in which the bulk material is silicon or germanium (including mixer, frequency changing and switching diodes) as follows: (i) point-contact type diodes designed for use at frequencies over 1,000 megacycles, or (ii) junction-type diodes designed for use at input frequencies greater than 300 megacycles or designed for switching rates (repetition frequency) higher than 1 megacycle; (c) power diodes in which the rated peak inverse voltage taken as a recurrent voltage, exceeds 1,000 volts per junction at 25° C. under any conditions of cooling; (d) controlled diodes (i.e., those which operate similarly to grid controlled gas-filled tubes) designed for use at switching rates (repetition frequency) higher than 100 kilocycles; or (e) tunnel diodes. (Specify type numbers and quantity of each type.) (1) [13] [14]	No.	RARA 1	50	RO	A
70848	Other semi-conductors, n.e.c., having junctions and/or combinations of junctions using thermoelectric materials with a maximum product of the figure of merit $(Z)^3$ and the temperature (T in °K) in excess of 0.75. (Specify by name and characteristics.) (5)[2]	No.	RARA 1	50	RO	A
70848	Germanium photo devices with a peak response less than 17,500 angstrom units (1.75 microns). (Specify by name and type number.) (7)[1]	No.	RARA 2	100	RO	
	Other industrial machines and parts					
	Industrial process indicating (measuring), recording, and/or controlling instruments, n.e.c., and specially fabricated parts and accessories, n.e.c.:					
76670	Other industrial process, indicating, recording, and/or controlling instruments containing one or more electronic components (incorporating one or more electronic tubes or transistors) (specify by name); and specially fabricated parts and accessories, n.e.c. (Report electronic industrial process control systems in 76650.) (7)[1]	----------	GIEQ	500	RO	E-9

[1] The GLV dollar-value limit is increased.
[2] The GLV dollar-value limit is decreased, effective June 25, 1964.
[11] The commodity coverage is decreased.
[13] The commodity coverage is increased, effective June 25, 1964.
[14] On or after August 3, 1964, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports to the countries specified in § 373.2 of crystal diodes added to this entry by the revision of characteristics (b) (ii).

This item of the amendment shall become effective as of June 18, 1964 unless otherwise specified in a footnote.

Shipments of the commodities removed from general license to Country Group R and Country Group O destinations as a result of the changes set forth in items 2 and 3 of this amendment which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., June 25, 1964, may be exported under the previous general license provisions up to and including July 20, 1964. Any such shipment not laden aboard the exporting carrier on or before July 20, 1964, requires a validated license for export.

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

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

[F.R. Doc. 64-6397; Filed, June 29, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

PART 780—APPEAL REGULATIONS

Sec.
780.1 Basis, purpose and applicability.
780.2 Definitions.
780.3 Request for reconsideration.
780.4 Appeal to the State Committee.
780.5 Appeal to Deputy Administrator.
780.6 Time limitations for filing requests for reconsideration or appeals.
780.7 Form of request for reconsideration or appeal.
780.8 Nature of informal hearing.
780.9 Determination.
780.10 Reopening of hearing.
780.11 Requests for reconsideration and appeal requiring special handling.
780.12 Delegation of authority.

AUTHORITY: The provisions of this Part 780 issued under secs. 7–17, 49 Stat. 1148, as amended, 16 U.S.C. 590g—590q; sec. 124, 70 Stat. 198, as amended, 7 U.S.C. 1812; sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375, secs. 101, 103, 105, 107, 301, 401, 407, 63 Stat. 1051, as amended, 7 U.S.C. 1421, 1427, 1441, 1444, 1445, 1447, 1781–1787; sec. 403, 61 Stat. 932, 7 U.S.C. 1153, sec. 124(1), 75 Stat. 300; sec. 307(h), 76 Stat. 617; secs. 4 and 5, 62 Stat. 1070, as amended, 7 U.S.C. 714b and c; secs. 1–4, 73 Stat. 574; secs. 702–709, 68 Stat. 910–912; secs. 401–403, 72 Stat. 994–995; sec. 151, 75 Stat. 306.

§ 780.1 Basis, purpose and applicability.

The regulations contained in this part are issued pursuant to the Soil Conservation and Domestic Allotment Act, as amended; the Soil Bank Act, as amended; the Agricultural Adjustment Act of 1938, as amended; the Agricultural Act of 1961; the Food and Agriculture Act of 1962; the Agricultural Act of 1949, as amended; the Commodity Credit Corporation Charter Act, as amended; the Sugar Act of 1948, as amended; the Act of September 21, 1959; the National Wool Act of 1954, as amended, and other relevant statutes; and prescribe the rules and procedures whereby a producer or participant may obtain reconsideration and review of determinations made by the county committee or office, State committee, or Deputy Administrator under the following programs:

(a) Agricultural Conservation Program (Part 701 of this chapter).

(b) Land Use Adjustment Program (Part 751 of this chapter).

(c) Soil Bank Program (except matters classified as violations which are governed by separate regulations) (Part 750 of this chapter).

(d) Allotment Programs for cotton (Part 722 of this chapter), tobacco (Part 724 of this chapter), wheat (Part 728 of this chapter), peanuts (Part 729 of this chapter), and rice (Part 730 of this chapter), except when marketing quotas are in effect in which case review under Part 711 of this chapter shall be applicable.

(e) Feed Grain Program (Part 775 of this chapter).

(f) Wheat Stabilization Program (Part 776 of this chapter).

(g) CCC Loan and Purchase Programs (Parts 1421, 1427, 1434, 1443, 1446, 1474 of this title).

(h) Sugar Programs (Parts 849, 850, 855, 856, 857, 861, 862, 863, 864, 866, 867, 868, 891, 892, 893, 894, 895 of this title).

(i) Wool and Mohair Programs (Parts 1468, 1672 of this title).

(j) Livestock Feed Programs (Part 1475 of this title).

(k) Wheat Diversion Program for 1964 and 1965 (Part 728 of this chapter).

(l) Farm Wheat Certificate Program for 1964 and 1965 (Part 728 of this chapter).

(m) 1964 Cotton Domestic Allotment Program (Part 1427 of this title).

The regulations in this part shall be applicable to any request for reconsideration or appeal which is filed after the effective date of this part and shall supersede any regulations relating to requests for reconsideration or appeals contained in individual program regulations.

§ 780.2 Definitions.

(a) "County committee" and "Deputy Administrator" shall have the meaning given to them under the regulations governing Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages, Part 719 of this chapter, as amended.

(b) "Producer or participant" shall mean any person whose right to participate or receive payments, or the amount thereof, under any of the programs covered by these regulations, is affected by a determination of the county committee, State committee, or Deputy Administrator. In matters involving wage claims under the Sugar Program, "producer or participant" includes any person employed on the farm in production, cultivation and harvesting work who has a claim for unpaid wages. "Producer or participant" also includes a vendor of conservation materials and services under the Agricultural Conservation Program, the Land Use Adjustment Program, or the Soil Bank Program.

(c) "Reviewing authority" shall mean the county committee, State committee, or Deputy Administrator, as appropriate.

(d) "State committee" shall have the meaning given to it under the regulations governing Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages, Part 719 of this chapter, as amended. In Puerto Rico and the Virgin Islands, the Director of the Caribbean Area ASC Committee shall, insofar as applicable, perform the functions of the State committee. In Hawaii, the Director of the Agricultural Stabilization and Conservation Service State Office shall, insofar as applicable, perform the functions of the State and county committees with respect to Sugar Programs.

§ 780.3 Request for reconsideration.

Any producer or participant who is dissatisfied with any determination initially made by the county committee or office, State committee, or Deputy Administrator, may obtain a reconsideration of such determination and an informal hearing in connection therewith by filing a request for reconsideration with the county committee shall forward the request for reconsideration to the State committee or the Deputy Administrator, the county committee shall forward the request for reconsideration to the authority initially making the determination.

§ 780.4 Appeal to the State committee.

Any producer or participant who is dissatisfied with the determination of the county committee upon its reconsideration of the initial determination made by it or the county office may obtain a review of such determination by the State committee and an informal hearing in connection therewith by filing an appeal with the State committee.

§ 780.5 Appeal to Deputy Administrator.

Except as provided in § 780.11 (a) and (b), any producer or participant who is dissatisfied with the determination of the State committee upon reconsideration of its determination or upon appeal from a determination of the county committee may obtain a review by the Deputy Administrator of such determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator.

§ 780.6 Time limitations for filing requests for reconsideration or appeals.

(a) A request for reconsideration or appeal from any determination shall be filed within 15 days after the written notice of the determination is mailed to or otherwise made available to the producer or participant. A request for reconsideration or appeal shall be considered "filed" when personally delivered or, if mail is used, when post-marked.

(b) Whenever the final date for filing a request for reconsideration or appeal prescribed in paragraph (a) of this section falls on a Saturday, Sunday, legal holiday, or other day on which such office is not open for the transaction of business during normal working hours, the time for filing shall be extended to the close of business on the next working day.

(c) A request for reconsideration or appeal may be accepted and acted upon even though it is not filed within the time prescribed in paragraph (a) or (b) of this section if, in the judgment of the reviewing authority to whom it is made, the circumstances warrant such action.

§ 780.7 Form of request for reconsideration or appeal.

Each request for reconsideration or appeal shall be in writing and signed by the producer or participant or by his authorized representative. Each request for reconsideration or appeal shall be supported by a written statement of facts, which may be submitted with or as a part of the request for reconsideration or appeal, or at any time prior to the hearing. The producer or participant may request an informal hearing or may request a determination to be made by the reviewing authority without a hearing on the basis of the written statement submitted by him and other information available to the reviewing authority.

§ 780.8 Nature of informal hearing.

(a) The hearing shall be held at the time and place designated by the reviewing authority.

(b) The hearing shall be conducted by the reviewing authority in the manner deemed most likely to obtain the facts relevant to the matter in issue. The producer or participant shall be advised of the issues involved. The reviewing authority may confine the presentation of facts and evidence to pertinent matters and may exclude irrelevant, immaterial, or unduly repetitious evidence, information, or questions.

(c) The producer or participant or his representative shall be given a full opportunity to present facts and information relevant to the matter in issue and may present oral or documentary evidence. At its discretion, the reviewing authority may request or permit persons other than those appearing on behalf of the producer or participant to give information or evidence at such hearing and, in such event, may permit the producer or participant to question such persons.

(d) The reviewing authority shall have prepared a written record containing a clear, concise statement of the facts as asserted by the producer or participant and material facts found by the reviewing authority. The names of interested persons appearing at the hearing shall be included. Any documents presented in evidence should be identified. A verbatim transcript may be taken if (1) the producer or participant requests such transcript prior to the time the hearing begins and provides for its preparation and for the payment of the expense thereof, or (2) the reviewing authority feels that the nature of the case is such as to make such transcript desirable.

(e) If, at the time scheduled for the hearing, the producer or participant is absent and no appearance is made on his behalf, the reviewing authority shall, after a lapse of such period of time as he may consider proper and reasonable, close the hearing, or may, in its discretion, accept information and evidence submitted by other persons present at the hearing.

§ 780.9 Determination.

The reviewing authority prior to making a determination may request the producer or participant to produce additional evidence which it may deem relevant or may develop additional evidence from other sources. Upon reconsideration or review and within program authorities, the reviewing authority may affirm, modify, or reverse any determination made by it initially or made by a lower reviewing authority, or may remand the matter to a lower reviewing authority for such further consideration as is deemed appropriate. The producer or participant shall be notified in writing of the determination. Each other person affected by the determination shall be notified in writing of the determination. Determinations made by the Deputy Administrator shall not be appealable by the producer or participant.

§ 780.10 Reopening of hearing.

The reviewing authority may, upon its own motion or upon request of the producer or participant, reopen any hearing for any reason it deems appropriate unless the matter has been appealed to or considered by a higher reviewing authority.

§ 780.11 Requests for reconsideration and appeals requiring special handling.

(a) Determinations made by a State committee with respect to matters arising under the Tobacco Discount Variety Program or with respect to eligibility provisions of the Livestock Feed Program are not appealable by the producer or participant.

(b) In matters arising under the Agricultural Conservation Program, Land Use Adjustment Program and Soil Bank Program involving the misuse of a purchase order by a vendor of conservation materials and services, the vendor may appeal to the Deputy Administrator only on the issue as to whether the facts reasonably support the determination of the State committee.

(c) In matters arising under the Agricultural Conservation Program, Land Use Adjustment Program and Soil Bank Program involving a finding or certification of a technician of the Soil Conservation Service or Forest Service, such finding shall be binding on the reviewing authority.

§ 780.12 Delegation of authority.

Nothing contained in these regulations in this part shall preclude the Administrator, ASCS (Executive Vice-President, CCC), or his designee, on his own motion, from determining any question arising under the programs to which the regulations in this part apply or from reversing or modifying any determinations made by a State or county committee or the Deputy Administrator.

Effective date: July 25, 1964.

Signed at Washington, D.C., on June 25, 1964.

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

[F.R. Doc. 64-6514; Filed, June 29, 1964; 8:52 a.m.]

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

[Plum Order 7]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.342 Plum Order 7 (Gaviota, Burbank, Duarte, Becky Smith, Elephant Heart, and Sharkey).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipment of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 19, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 1, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, no shipper shall ship any package or container of Gaviota, Burbank, Duarte, Becky Smith, Elephant Heart, or Sharkey plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: June 25, 1964.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-6475; Filed, June 29, 1964; 8:48 a.m.]

[Plum Order 8]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.343 Plum Order 8 (Mariposa and Ace).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give pre-

liminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 19, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 1, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, no shipper shall ship any package or container of Mariposa or Ace plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 3 x 4 x 5 standard pack;

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1573 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruits covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: June 25, 1964.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–6476; Filed, June 29, 1964; 8:48 a.m.]

[Plum Order 9]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 917.344 Plum Order 9 (Queen Ann and Nubiana).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 19, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 5, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, no shipper shall ship any package or container of Queen Ann or Nubiana plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: June 25, 1964.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–6477; Filed, June 29, 1964; 8:48 a.m.]

[Plum Order 10]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 917.345 Plum Order 10 (Laroda).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 19, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 5, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, no shipper shall ship any package or container of Laroda plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirements of said subparagraph (1) of this paragraph: *Provided,* That all such smaller plums meet the following requirements:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point.

(4) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: June 25, 1964.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–6478; Filed, June 29, 1964; 8:48 a.m.]

[Plum Order 11]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 917.346 Plum Order 11 (Late Tragedy).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of,

regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about July 16, 1964; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 19, 1964.

(b) *Order.* (1) The provisions of § 917.335 (Plum Order 1; 29 F.R. 6615) shall not apply to Late Tragedy plums during the period specified in subparagraph (2) of this paragraph.

(2) During the period beginning at 12:01 a.m., P.s.t., July 5, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, no shipper shall ship any package or container of Late Tragedy plums, unless:

(i) Such plums grade at least U.S. No. 1, except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 6 standard pack; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) When used herein, "U.S. No. 1," "standard pack," and "serious damage" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (51.1520–15.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(4) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: June 25, 1964.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–6479; Filed, June 29, 1964; 8:48 a.m.]

[Plum Order 12]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 917.347 Plum Order 12 (Kelsey).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about July 18, 1964; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 19, 1964.

(b) *Order.* (1) The provisions of § 917.335 (Plum Order 1; 29 F.R. 6615) shall not apply to Kelsey plums during the period specified in subparagraph (2) of this paragraph.

(2) During the period beginning at 12:01 a.m., P.s.t., July 5, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, no shipper shall ship any package or container of Kelsey plums, unless:

(i) Such plums grade at least U.S. No. 1, except that a total tolerance of ten (10) percent for defects not considered serious damage is permitted in addition to the tolerances permitted by such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack;

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) When used herein, "U.S. No. 1," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(4) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruits covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: June 25, 1964.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–6480; Filed, June 29, 1964; 8:48 a.m.]

[Plum Order 13]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 917.348 Plum Order 13 (Late Santa Rosa, Improved Late Santa Rosa, Casselman, and Salsa Pride).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the maner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about July 20, 1964; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 19, 1964.

(b) *Order.* (1) The provisions of § 917.335 (Plum Order 1; 29 F.R. 6615) shall not apply to Late Santa Rosa, Improved Late Santa Rosa, Casselman, or Salsa Pride plums during the period specified in subparagraph (2) of this paragraph.

(2) During the period beginning at 12:01 a.m., P.s.t., July 5, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, no shipper shall ship any package or container of Late Santa Rosa, Improved Late Santa Rosa, Casselman, or Salsa Pride plums, unless:

(i) Such plums grade at least U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) When used herein, "U.S. No. 1," "standard pack," and "serious damage" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(4) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: June 25, 1964.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-6481; Filed, June 29, 1964; 8:48 a.m.]

[Plum Order 14]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.349 Plum Order 14 (Diamond).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about July 22, 1964; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this regulation will not

require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 19, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 5, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, no shipper shall ship any package or container of Diamond plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack; and

(ii) The diameter of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: June 25, 1964.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–6482; Filed, June 29, 1964; 8:49 a.m.]

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

[Milk Order 125]

PART 1125—MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

Order Amending Order

§ 1125.0 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 amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Washington, 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 mlik, 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 27, 1964, and the decision of the Acting Secretary containing all amendment provisions of this order, was issued June 15, 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 Puget Sound, Washington, 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:

Amend the table in § 1125.53 to read as follows:

§ 1125.53 Location adjustments on Class I milk.

* * * * *

Plant location:	*Class I price differential (cents per hundredweight)*
District No. 1 or Kitsap, Mason or Pierce Counties	0
District No. 4	15
Districts No. 2, No. 3, and Kittitas County	20
Other locations outside the marketing area	40

(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 the 25th of June 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–6515; Filed, June 29, 1964; 8:52 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1963 Cottonseed Oil Purchase Program Regs., Amdt. 1]

PART 1443—OILSEEDS

Subpart—Cottonseed Oil Purchase Program Regulation (1963)

PAYMENTS BY COOPERATIVE OIL MILLS

In order to permit payment by cooperative oil mills of a part of the purchase price of cottonseed by issuance of revolving-fund certificates, the Cottonseed Oil Purchase Program Regulations (1963) issued by Commodity Credit Corporation on June 18, 1963 (28 F.R. 6430), are hereby amended as follows:

1. Paragraph (e) of § 1443.1974 is amended to read as follows:

§ 1443.1974 Purchases of cottonseed by crusher.

* * * * *

(e) *Cooperative mills.* If the crusher is a cooperative mill, and if the marketing agreements between the crusher and its members provide for advances, the crusher may advance a part of the applicable minimum purchase price determined in accordance with the provisions of this section at the time each lot of cottonseed is purchased and pay the balance after completion of crushing of 1963 crop cottonseed, but not later than December 31, 1964. Such payments may not be made, in whole or in part, by issuance of revolving-fund certificates or by any other method of retention of amounts for capital purposes: *Provided*, That an association which meets the requirements of § 1443.1974a may pay a part of the purchase price by issuance of revolving-fund certificates as provided therein.

2. Section 1443.1974a is added to read as follows:

§ 1443.1974a Eligibility to issue revolving fund certificates.

A participating crusher which is a cooperative oil mill and which meets the requirements of this section may pay a part of the applicable minimum purchase price under § 1443.1974 for cottonseed which it purchases in revolving-fund certificates. Applications for determination of eligibility shall be submitted to the Director, Procurement and Sales Division, ASCS, U.S. Department of Agriculture, Washington, D.C., 20250 no later than September 30, 1964.

(a) *Producer-owned and controlled.* The crusher (referred to in this section as "the association") must be a cooperative oil mill under the control of its members. The association shall submit with its application a detailed statement of its method of operation showing the manner in which members have control of the association.

(b) *Articles or bylaw provisions.* The articles of incorporation or association, or bylaws of the association, must provide for: (1) An annual membership meeting at a location which will provide reasonable opportunity for all members to attend and participate, (2) a notice of all district, area, or annual meetings to be given to all members affected by such meeting, (3) membership in the association to be open to all cooperative gins, except that membership may be denied on a reasonable basis, including among other reasons, that the membership would be inimical to the effective operation of the association, (4) voting on election of officers and directors by secret ballot, (5) a single vote for each member regardless of the number of shares of stock owned or controlled, or voting rights for each member based on the quantity of cottonseed crushed or marketed by the association for the members during the current crop year or a single preceding crop year, but whichever of the preceding bases of voting is used, it shall be uniform for all members of the association, and (6) each member receiving a summary financial statement prepared by the independent accountant who made the annual audit of the association. The requirements of subparagraphs (4), (5) and (6) of this paragraph, may be provided for by resolution of the board of directors of the association.

(c) *Financial condition.* The association must submit with its application evidence establishing to the satisfaction of the Executive Vice President, CCC, that its operation is on a financially sound basis.

(d) *Operations.* The association must have been in existence and conducting crushing and marketing operations for its members for a period of not less than two years prior to the date of its application or submit evidence that it is so organized and staffed as to provide effective crushing and marketing operations for its members.

(e) *Conflict of interest.* The association must submit with its application a detailed report concerning all transactions, except those which are no different than transactions entered into by the association with its general membership, for the year preceding the date of the application: (1) With any director, officer, or employee of the association and any of his close relatives, (2) with any partnership in which any such person or any of his close relatives are entitled to receive a percentage of the gross profits, (3) with any corporation in which any such person or any of his close relatives own stock, (4) with any business entity from which any such person or any of his close relatives received fees for transacting business with or on behalf of the association, (5) with any business entity in which any agent, director, officer or employee of the association was an agent, director, officer or employee. A close relative shall be deemed to refer to a husband or a wife or a person related as child, parent, brother, or sister by blood, adoption, or marriage and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, processing, handling, marketing, transportation, warehousing, insurance and related activities. A statement must also be submitted indicating whether any transactions of the kind described in this paragraph are contemplated in the period between the date of the application and September 16, 1964, and if such transactions are contemplated, a detailed statement of the reasons therefor. The association may not pay a part of the purchase price for cottonseed by issuance of revolving-fund certificates unless it establishes to the satisfaction of the Executive Vice President, CCC, that any such transactions in the year preceding the date of application or in the period for the year succeeding the date of application have not and will not operate to the detriment of members of the association.

(f) *Uniform marketing agreement.* All eligible cottonseed delivered to the association by members must be delivered to the association pursuant to a uniform marketing agreement between the association and each of its members who deliver such eligible cottonseed.

(g) *Member business.* Not less than 80 percent of the cottonseed crushed by the association must be produced by the members.

(h) *Inspection and investigation.* CCC shall have the right, after an application is received, to examine all records of the association and to make such investigation as deemed necessary to determine whether the association is operating in accordance with its articles of incorporation, bylaws, and with the representations made in its application and agreement with CCC. The books and records of the association for the years that the association is approved must be available to any duly authorized representative of the U.S. Department of Agriculture for inspection at all reasonable times through July 31 of the fifth year following the calendar year in which the cottonseed are grown.

(i) *Eligibility determinations.* Determinations with respect to the eligibility of cooperative oil mills to use revolving-fund certificates as part of the payment for cottonseed shall be made by the Executive Vice President, CCC.

(Secs. 4, 5, 62 Stat. 1070, as amended, secs., 301, 401, 63 Stat. 1051, as amended, sec. 601, 70 Stat. 212; 15 U.S.C. 714b and 714c, 7 U.S.C. 1447, 1421, 1446d)

Effective date: This amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 24, 1964.

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

[F.R. Doc. 64-6483; Filed, June 29, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-SW-95]

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

Alteration of Federal Airway

Correction

In F.R. Doc. 64-4375, appearing at page 5825 of the issue for Saturday, May 2, 1964, "Socorro 333°" in the fourth paragraph should read "Socorro 343°".

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. No. OR-10]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NON-HEARING MATTERS

Subpart B—Delegation of Functions to Staff Members

Subpart C—Procedure on Review of Staff Action

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of June 1964.

The Board has decided to make additional delegations of authority to the Chief, Rates Division, Bureau of Economic Regulation, to approve or disapprove (1) IATA agreements which relate to specific commodity rates under new descriptions, (2) applications requesting authority to conduct domestic military charters, (3) applications for relief from requirements for filing experience data under new rates and fares, and (4) applications for permission to furnish free or reduced-rate interstate air transportation to travel agents.

No factors requiring Board consideration are normally involved in the agreements and applications referred to in (1), (2) and (3) above. With respect to (4), there are established Board policies which govern grant of permission to furnish free or reduced-rate interstate air transportation to travel agents for promotional purposes. Thus action on these matters may properly be accomplished by the staff under delegation.

In addition, the Board will amend the review provisions of § 385.50 to make clear that the proviso which requires that a petitioner for review of staff action shall be required to show a substantial interest which would be adversely affected by the respective staff action does not apply to applicants, but does govern other persons seeking review.

Since these amendments do not impose any burden upon any person, the amendments may be adopted without public notice and procedure, and may be made effective upon adoption.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 385 of the organization Regulations (14 CFR Part 385), effective June 25, 1964, as follows:

1. By amending § 385.14 as follows:

a. By adding a new paragraph (a)(2)(v);

b. By amending paragraph (b);

c. By adding paragraphs (d) and (e).

The amended and added portions of § 385.14 read as follows:

§ 385.14 Delegation to the Chief, Rates Division, Bureau of Economic Regulation.

* * * * *

(a) * * *

(2) * * *

(v) Approving or disapproving agreements which relate to specific commodity rates under new descriptions, except where new descriptions are a part of a proposed basic commodity rate structure.

* * * * *

(b) Grant or deny air carriers authority to conduct MATS charter operations in air transportation, imposing conditions.

* * * * *

(d) Approve or disapprove applications requesting relief from requirements of Board orders that carriers file data relating to experience under new rates and fares.

(e) Approve or disapprove applications for permission to furnish free or reduced-rate interstate air transportation to travel agents.

2. By amending § 385.50 to read:

§ 385.50 Persons who may petition for review.

Petitions for review may be filed by the applicant; by persons who have availed themselves of the opportunity, if any, to participate in the matter at the staff action level; and by persons who have not had opportunity to so participate or show good and sufficient cause for not having participated: *Provided*, That such persons, other than the applicant, disclose a substantial interest which would be adversely affected by the respective staff action.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply section 1001, 72 Stat. 788; 49 U.S.C. 1481 and Reorganization Plan No. 3 of 1961, 26 F.R. 5989)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-6497; Filed, June 29, 1964; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, Amdt.]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Subpart J—Procedures, Payment of Benefits and Representation of Parties

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.954 is amended to read as follows:

§ 404.954 Extension of time to request hearing or review or begin civil action.

(a) *In general.* Any party to a reconsidered determination, a decision of a hearing examiner, or a decision of the Appeals Council may petition for an extension of time for filing a request for hearing or review or commencing a civil action in a district court, as the case may be, although the time for filing such request or commencing such action (see §§ 404.918 and 404.946 and section 205 (g) of the act) has passed. If an extension of the time fixed by § 404.918 for requesting a hearing before a hearing examiner is sought, the petition may be filed with a hearing examiner. In any other case, such petition shall be filed with the Appeals Council. The petition shall be in writing and shall state the reasons why the request or action was not filed within the required time. For good cause shown, a hearing examiner or the Appeals Council, as the case may be, may extend the time for filing such request or action, except that no such extension shall be granted where the sole purpose of the request is to seek the revision of an individual's earnings record or of a finding as to wages or self-employment income in connection with an application for benefits, a lump sum, or a period of disability, after such revision is precluded by the provisions of § 404.804 or 404.806. Where a hearing examiner or the Appeals Council in a proper case has extended the time for filing such request or action, no revision of an individual's earnings record or of a finding as to wages or self-employment income may be made except as is otherwise provided in the regulations in this Subpart J.

(b) *Where civil action commenced against wrong defendant.* If a party to a decision of the Appeals Council, or to a decision of the hearing examiner where the request for review of such decision is denied (see § 404.947), timely commences a civil action in a district court as provided by section 205(g) of the act, but names as defendant the United States, or any agency, officer, or employee thereof instead of the Secretary either by name or by official title, and causes process to be served in such action as required by the Federal Rules of Civil Procedure, the Social Security Administration shall mail to such party notice that he has named the incorrect defendant in such action; and the time within which such party may commence the civil action pursuant to section 205(g) against the Secretary shall be deemed to be extended to and including the 60th day following the date of mailing of such notice.

2. *Effective date.* The foregoing amendment shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 205, 53 Stat. 1368, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405)

Dated: June 16, 1964.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 23, 1964.

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

[F.R. Doc. 64-6491; Filed, June 29, 1964; 8:49 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 C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Zoalene, Penicillin, Bacitracin, Arsanilic Acid

A. The Commissioner of Foods and Drugs, having evaluated the data submitted in a petition (FAP 1260) filed by The Dow Chemical Company, P.O. Box 512, Midland, Michigan, 48641, and other relevant material, has concluded that §§ 121.207 and 121.253 should be amended to provide for the addition of low levels of antibiotics to zoalene medicated feeds containing arsanilic acid. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 as amended 76 Stat. 785; 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), the food additive regulations are amended in the following respects:

1. Section 121.207 is amended by changing the introduction to the section; by amending paragraph (b)(1) and (2) to read as indicated below and by adding to paragraph (b) new subparagraphs (4) and (5); and by amending paragraph (c) by changing in the table the items 2h, and 3h, as follows:

§ 121.207 Zoalene.

The food additive zoalene (3,5-dinitro-o-toluamide) may be safely used in accordance with the following prescribed conditions:

* * * * *

(b) * * *

(1) The numbered line items establish the required limitations and indications for use for the principal ingredients as the medicament alone or with additional ingredients added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

* * * * *

(4) Where cross-references specify a particular table and numbered line item of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(c) * * *

ZOALENE WITH OR WITHOUT ANTIBIOTICS IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2. * * *	* * *	* * *	* * *	* * *	* * *
h. Zoalene	113.5	Arsanilic acid, with or without:	90 (0.01%)	For broiler chickens; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
		i. Penicillin	2.4–50	From procaine penicillin	Do.
		ii. Penicillin plus bacitracin	3.6–50	Not less than 0.6 gm. of penicillin nor less than 3.0 gm. of bacitracin; from procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
		iii. Bacitracin.	4–50	From bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
* * *	* * *	* * *	* * *	* * *	* * *

ARSANILIC ACID IN FINISHED CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. * * *					
b. Arsanilic acid	90 (0.01%)	Zoalene, with or without:	36.3–170.3 (0.004%–0.1875%)	For chickens and turkeys; as prescribed in § 121.207, table, items 1, 2, 3.	§ 121.207, table, items 1, 2, 3.
		i. Penicillin	2.4–50	For chickens; as prescribed in § 121.207, table, items 2, 3; from procaine penicillin.	§ 121.207, table, items 2, 3.
		ii. Penicillin plus bacitracin.	3.6–50	For chickens; as prescribed in § 121.207, table, items 2, 3; not less than 0.6 gm. of penicillin nor less than 3.0 gm. of bacitracin; from procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
		iii. Bacitracin.	4–50	For chickens; as prescribed in § 121.207, table, items 2, 3; from bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.

2. Section 121.253(c) is amended by changing item 1b in the table to read as follows:

§ 121.253 Arsanilic acid.

* * * * * * *

(c) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
3. * * *	* * *	* * *	* * *	* * *	* * *
h. Zoalene	36.3–113.5	Arsanilic acid with or without:	90 (0.01%)	For replacement chickens; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
		i. Penicillin	2.4–50	From procaine penicillin	Do.
		ii. Penicillin plus bacitracin.	3.6–50	Not less than 0.6 gm. of penicillin nor less than 3.0 gm. of bacitracin; from procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
		iii. Bacitracin.	4–50	From bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.

(Sec. 409(c)(1), 72 Stat. 1786 as amended 76 Stat. 785; 21 U.S.C. 348(c)(1))

§ 146.26 [Amended]

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

F.R. 471), the Commissioner finds that chicken or turkey feed containing specified antibiotics, with or without arsanilic acid, is safe and efficacious for use in the amounts and under the conditions prescribed in Part 121 of this chapter. Therefore, in § 146.26 *Animal feed containing certifiable antibiotic drugs*, paragraph (b) is amended by changing the first clause of subparagraph (45) to read: "It is a medicated chicken or turkey feed containing antibiotics and zoalene, with or without arsanilic acid, in the amounts and for the purposes indicated in § 121.207 of this chapter;".

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

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

(Secs. 409(c)(1), 507(c), 59 Stat. 463 as amended; 72 Stat. 1786 as amended 76 Stat. 785; 21 U.S.C. 348(c)(1), 357(c))

Dated: June 23, 1964.

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

[F.R. Doc. 64-6416; Filed, June 29, 1964; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SYNTHETIC ISOPARAFFINIC PETROLEUM HYDROCARBONS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1241) filed by Humble Oil and Refining Company, Houston 1, Texas, and other relevant material, has concluded that a regulation should issue to prescribe certain safe uses of the food additive synthetic isoparaffinic petroleum hydrocarbons. The data submitted were not sufficient to conclude at this time that all the uses of the additive as proposed in the notice of filing published in the FEDERAL REGISTER of November 8, 1963 (28 F.R. 11936), should be regulated.

Accordingly, it is ordered;

1. That the notice of filing is withdrawn without prejudice to a future filing in the case of the proposed use of the additive as a solvent for the production of spice extractives, as a solvent for the production of vitamin extractives, and as an aid in the removal of water, oil, and odorous components during the processing of fish meal.

2. That a new section be added to Subpart D of the food additive regulations, as set forth below.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), (c)(1), 72 Stat. 1786 and the regulations thereunder (21 CFR 121.52), 21 U.S.C. 348 (b)(5), (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).

§121.1154 Synthetic isoparaffinic petroleum hydrocarbons.

Synthetic isoparaffinic petroleum hydrocarbons may be safely used in food, in accordance with the following conditions:

(a) They are produced by synthesis from petroleum gases and consist of a mixture of liquid hydrocarbons meeting the following specifications:

Boiling point 200°–500° F., as determined by A.S.T.M. Method D–86.
Ultraviolet absorbance:
260–319 millimicrons—1.5 maximum.
320–329 millimicrons—0.08 maximum.
330–350 millimicrons—0.05 maximum.
Nonvolatile residue: 0.002 gram per 100 milliliters maximum.

Synthetic isoparaffinic petroleum hydrocarbons containing antioxidants shall meet the specified ultraviolet absorbance limits after correction for any absorbance due to the antioxidants. The ultraviolet absorbance shall be determined by the procedure described for application to mineral oil under "Specifications" on page 66 of the Journal of the Association of Official Agricultural Chemists, Vol. 45 (February 1962), disregarding the last sentence of that procedure. For hydrocarbons boiling below 250° F., the nonvolatile residue shall be determined by A.S.T.M. procedure D–1353; for those boiling above 250° F., A.S.T.M. procedure D–381 shall be used.

(b) Isoparaffinic petroleum hydrocarbons may contain antioxidants authorized for use in food in an amount not to exceed that reasonably required to accomplish the intended technical effect nor to exceed any prescribed limitations.

(c) Synthetic isoparaffinic petroleum hydrocarbons are used or intended for use as follows:

Uses	*Limitations*
1. In the froth-flotation cleaning of vegetables.	In an amount not to exceed good manufacturing practice.
2. As a component of insecticide formulations for use on processed foods.	Do.
3. As a component of coatings on fruits and vegetables.	Do.

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 (b)(5), (c)(1); 21 U.S.C. 348 (b)(5), (c)(1))

Dated: June 24, 1964.

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

[F.R. Doc. 64-6492; Filed, June 29, 1964; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XI—Oil Import Appeals Board

OIAB—RULES AND PROCEDURES

The rules and procedures published in the FEDERAL REGISTER issue of December 23, 1959 (24 F.R. 10444), are completely revised to read as follows:

Sec.
1. Purpose.
2. Establishment of Board.
3. Authority of the Board.
4. Time and place to file petitions.
5. Form and content of petition.
6. Request for hearing.
7. Additional requirements.
8. Representation before the Board.
9. Scheduling and Notice of Hearing.
10. Consolidation.
11. Conduct of hearing.
12. Statements by interested persons.
13. Transcript and Record.
14. Decisions of the Board.

AUTHORITY: Secs. 1 to 14 issued under sec. 4 of Proc. 3279, as amended, 24 F.R. 1781, 10133; 28 F.R. 4077; sec. 232, 76 Stat. 877; and sec. 21, Oil Import Reg. 1, 24 F.R. 1907, as revised, 28 F.R. 14318, and amended (Amendment 2 to Revision 4).

Section 1. Purpose.

This chapter provides rules and procedures for petitions to the Oil Import Appeals Board, hereinafter referred to as the "Board."

Sec. 2. Establishment of Board.

(a) The Board has been established by section 21 of Oil Import Regulation 1 (24 F.R. 1907), as revised and amended, hereinafter referred to as the "regulation," pursuant to section 4 of Presidential Proclamation 3279, dated March 10, 1959 (24 F.R. 1781), as amended, hereinafter referred to as the "Proclamation." It is comprised of a represent-

ative each from the Departments of Interior, Defense, and Commerce, designated respectively by the heads of such Departments, and elects a Chairman from its own membership.

Sec. 3. Authority of the Board.

(a) The Board considers petitions by persons affected by the regulation and may, within the limits of the maximum levels of imports established in section 2 of the Proclamation:

(1) Modify or grant allocations as authorized by section 21 of Oil Import Regulation 1, as revised and amended, and

(2) Review the revocation or suspension of any allocation or license.

(b) Only petitions relating to matters covered by paragraph (a) of this section may be entertained by the Board. Petitions based upon a change or disregard of the Proclamation or the regulation may not be entertained.

Sec. 4. Time and place to file petitions.

(a) A petition requesting the modification or grant of an allocation shall be filed with the Board not later than 30 (thirty) days after the beginning of the applicable allocation period.

(b) A petition requesting review of the suspension or revocation of an allocation or license shall be filed with the Board not later than 30 (thirty) days after receipt of a notice of suspension or revocation from the Administrator, Oil Import Administration.

(c) The Board may entertain a petition not filed within the time specified in paragraphs (a) and (b) of this section when it determines that delay was caused by extraordinary circumstances.

(d) Petitions and other papers addressed to the Board shall be filed at the office of the Oil Import Appeals Board, Department of the Interior, Washington, D.C., 20240.

Sec. 5. Form and content of petition.

A petition must be in writing, clearly marked as a "petition," and filed in sextuplicate. All petitions must clearly state (a) the Administrator's decision, if applicable, (b) the pertinent provisions of the oil import regulation, (c) the ground for the petition and the detailed facts in support thereof, (d) the relief sought by the petitioner, and (e) the justification for the relief sought. When the petition is based on more than one ground, the various grounds should be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground. A brief in support of a petition may be filed with the petition, or at any time prior to the hearing. Petitions for the modification or grant of finished products allocations shall be filed separately from petitions relating to crude oil allocations.

Sec. 6. Request for hearing.

A request for a hearing on a petition must be in writing and filed with the petition.

Sec. 7. Additional requirements.

The Board may on its own initiative require the filing, either before or after hearing, of briefs or any other information it considers necessary for the disposition of a petition.

Sec. 8. Representation before the Board.

Representation of a petitioner before the Board shall be governed by Part 1 of Title 43, Code of Federal Regulations.

Sec. 9. Scheduling and notice of hearing.

The Board ordinarily will not schedule a hearing on any petition raising an issue outside its jurisdiction or that clearly does not establish any valid basis for relief. When a hearing is scheduled, notice of the time and place of such hearing will be given to the petitioner at least seven days in advance thereof. The hearing may be for the purpose either of receiving testimony or oral argument, or both. The Board, on its own initiative, may require that a hearing be held on any petition.

Sec. 10. Consolidation.

Upon good cause shown, or upon its own initiative, the Board may consider at the same time for decision or consolidate for hearing any petitions, if it determines that such action will be conducive to the dispatch of business, to the ends of justice, or is in the national interest.

Sec. 11. Conduct of hearing.

(a) Any member of the Board may conduct a regularly scheduled hearing of the Board.

(b) As the Board renders decisions pursuant to regulation based upon a record, including a public hearing where appropriate, private communications by or in behalf of interested parties, not requested by the Board or submitted pursuant to these rules and procedures, may not be entertained by Board members concerning the facts or law of a petition, or unpublished policy of the Board. Inquiry as to procedural matters, or public files, may be made at the office of the Oil Import Appeals Board.

(c) Insofar as feasible, hearings shall be informal and shall be public. The petitioner shall be afforded an opportunity to offer oral and written evidence, subject to rulings of the presiding official as to admissibility. Irrelevant, immaterial, or repetitious evidence, and arguments bearings on the policy embodied in the Proclamation or in the regulation, shall not be received. The order in which evidence and arguments are presented may be directed by the presiding official. The presiding official may impose reasonable time limits on oral presentations and arguments.

(d) Testimony may be received under oath or affirmation. All witnesses may be examined by any proper government officials participating in the hearing. Evidence shall be presented in written form wherever feasible, as the presiding official may direct.

Sec. 12. Statements by interested persons.

Persons interested in opposing or supporting a petition may file written statements with the Board so indicating within seven days following a hearing, unless extension is granted by the Board for good cause shown, and at the same time shall send a copy of the statement to the petitioner. The petitioner may file a reply with the Board within seven days after receiving the statement, unless extension is granted by the Board for good cause shown.

Sec. 13. Transcript and record.

(a) A transcript of a hearing shall be available for inspection by the public at the office of the Board. Copies of the transcript are available from the official reporter upon the payment of proper fees.

(b) The petition, hearing transcript and exhibits, matters of official record and notice, written statements filed by interested persons, together with all papers filed in a hearing or requested by the Board, shall constitute the exclusive record for decision. Upon timely request, a petitioner may disprove a material fact of which official notice has been taken and upon which the decision rests.

Sec. 14. Decision of the Board.

The Board will take such action on petitions as it deems appropriate. The consideration of a petition by two members of the Board and their concurrence in a written decision shall constitute a decision of the Board, and such decision shall be final. A copy of a decision shall be furnished to the petitioner concerned. Copies of all decisions shall be available for inspection by the public at the office of the Board.

The Board's rules and procedures have been revised only once since first issued in April 1959, and it appears appropriate, at this time, to clarify some provisions in the rules and procedures and to make some procedural improvements in others.

Accordingly, the Rules and Procedures have been revised in full. The more significant changes are found in section 4, which unifies and extends the times for filing all petitions; in section 11, which prohibits private communications to Board members respecting petitions except as specified in the rules and procedures; and in section 12, which emphasizes the right of persons interested in a petition to file written statements with the Board.

Prior notification of this revision of the Board's rules and procedures is deemed unnecessary, impracticable, and not in the public interest and they are effective immediately.

HENRY C. RUBIN,
Chairman,
Oil Import Appeals Board.

JUNE 26, 1964.

[F.R. Doc. 64-6547; Filed, June 29, 1964; 8:52 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Bayou Black, La.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18,

1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (j) by revising subparagraph (7) to include six additional bridges across Bayou Black between Gibson and Houma, Louisiana, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* * * *

(7) Bayou Black, La.; Louisiana Department of Highways bridge near Gibson, and the Terrebonne Parish Police Jury and Southdown, Incorporated, bridges (6) between Gibson and Houma. At least 24 hours' advance notice required.

* * * * *

[Regs., June 15, 1964, 1507-32 (Bayou Black, La.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-6460; Filed, June 29, 1964; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 14—MINIMUM STANDARDS OF OPERATION FOR STATE AGENCIES FOR SURPLUS PROPERTY

Part 14 Title 45 CFR is hereby amended to read as follows:

Sec.
14.1 Definitions.
14.2 Basic policy.
14.3 Geographic scope.
14.4 Organization.
14.5 Plan of operation.
14.6 Books and records.
14.7 Service charges and funds.
14.8 Audits.
14.9 Handling of property.
14.10 Eligibility.
14.11 Utilization and compliance responsibility.
14.12 Assistance to the Department.
14.13 Nonconformance.
14.14 Amendments.

AUTHORITY: The provisions of this Part 14 issued under sec. 203, 63 Stat. 385; sec. 4, 64 Stat. 579; 69 Stat. 83; 70 Stat. 493; 40 U.S.C. 484(j); 44 CFR 55.35.

§ 14.1 Definitions.

(a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U.S.C. 471 et seq.). Terms defined in the Act and not defined in this section shall have in this part the meaning given to them in the Act.

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Donable property" means surplus equipment, materials, books or other supplies under the control of any executive agency (including surplus property in working capital funds established pursuant to section 405 of the National Security Act of 1947, as amended, or in similar management-type funds) except:

(1) Such property as may be specified from time to time by the Administrator of General Services;

(2) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling in order to assist him in carrying out his responsibilities with respect to price support or stabilization;

(3) Property in the custody of an agency or an organizational unit thereof which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U.S.C. 841); the donation of which is determined by the holding agency to be inconsistent with its program responsibilities;

(4) Property in trust funds.

(d) "Need" means a requirement for anything usable and necessary by eligible applicants in the conduct of educational, public health, or civil defense activities.

(e) "Overage" means the excess occurring upon the receipt of a larger number of a specific item or a larger number of items than either (1) requested on an "Application for Surplus Property" (Form HEW 135) or (2) listed on a shipping document.

(f) "Screening" means the act of reviewing and inspecting property which is surplus or which is expected to become surplus for the purpose of determining whether or not such property is usable and necessary for health, educational, or civil defense purposes.

(g) "Service charge" means the fee assessed by a State Agency against the donee when distributing surplus property under section 203(j) of the Act.

(h) "Shortage" means the deficiency occurring upon the receipt of a smaller number of a specific item or a smaller number of items than either (1) requested on an "Application for Surplus Property" (Form HEW 135) or (2) listed on a shipping document.

(i) "State Agency" means the agency designated by State statute or executive order to make the certifications concerning, and distribution of, donable property to eligible applicants within the State as provided for in section 203(j) of the Act.

§ 14.2 Basic policy.

It is the policy of the Department to strengthen and promote the improvement of operations of State Agencies so as to achieve maximum efficiency, responsibility and equity in the distribution and utilization of surplus property for health, educational and civil defense purposes.

§ 14.3 Geographic scope.

This part is applicable to states within the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

§ 14.4 Organization.

(a) Each State Agency shall be administered under the direction and supervision of a chief executive officer who shall be responsible for carrying out all phases of the State's program in accordance with the approved Plan submitted pursuant to § 14.5.

(b) Each State Agency shall maintain a staff adequate to enable it to carry out the program as set forth in its approved Plan of Operation.

§ 14.5 Plan of operation.

(a) Approvals of all Plans of Operation in effect on the date of this part shall expire on December 31, 1964. Each State Agency shall, not later than 60 days following the effective date of this part, submit to the appropriate regional office of the Department for its approval at least three signed copies of its Plan of Operation which shall conform to the provisions of this part and Parts 12 and 13 of this subtitle. Such Plan shall be in effect and shall be binding upon the State Agency beginning with the date of approval by the Department. No allocations of donable property shall be made to such State Agency, and no donable property shall, except as directed by the Department, be distributed by such State Agency under section 203 of the Act if it is determined by the Department that the State Agency is not operating in conformance with its Plan. No subsequent amendments to, nor modifications of, approved Plans shall be placed in effect without prior approval of the Department. Approval of a Plan of Operation shall not be effective for a period in excess of five years from the date of approval. The Department may approve Plans, or parts thereof, for lesser periods of time, as determined by the Department in the individual case.

(b) The Plan of Operation shall include the following in this order:

(1) Copies of State statutes and/or executive orders establishing the State Agency and its authority to:

(i) Acquire, warehouse, and distribute donable personal property to eligible organizations under section 203 of the Act and to execute the certifications and agreements required by that section of the Act and the Federal Government.

(ii) Assess and collect service charges from eligible participating organizations if such charges are contemplated.

(iii) Enter into cooperate agreements as provided for by section 203(n) of the Act, if the State Agency contemplates entering into such agreements.

(iv) Where express statutory authority does not exist or is ambiguous, or where authority exists by virtue of executive order, the State Agency Plan shall also include the opinion of the State's Attorney General as to the existence of such authority.

(2) A statement of (i) the Agency's authority for the deposit and investment of service charge funds; (ii) the types of depositaries and/or investments of such funds; and (iii) authority for the

disbursement of funds and the liquidation of investments.

(3) A chart showing (i) organizational units of the State Agency; (ii) functions of such units; and (iii) major lines of supervisory authority.

(4) Procedures for accounting for surplus property allocated, received, warehoused, and distributed. These must include (i) provision for recording and reporting shortages and overages of property both when it is taken into State Agency custody and at the time of inventory verification; (ii) provision for periodic verification of property on hand (at least annually); (iii) provision for any necessary adjustments to inventory records at least annually and upon written authority by the Agency Director; (iv) a means of tracing property from receiving documents to disposal documents, and (v) a system of readily determining the quantity of various types of property donated to individual donees.

(5) An explanation of how service charges are determined. This shall include a maximum charge incident to the donation of any single item.

(6) Procedure for ascertaining the eligibility of applicants.

(7) Procedure for establishing the authority of representatives of eligible donees to receive surplus property and execute the required certifications and agreements on behalf of applicants.

(8) Procedure for determining the need and usability of surplus property by eligible organizations and the fair and equitable distribution thereof. This must include provisions for visits with 10 percent of the active donees each year, periodic circularization of information about the donable property program to all eligible participants, and a continuing review of records of property issued to donees.

(9) Procedure for obtaining the certifications and agreements required by §§ 13.6(b)(1), (2) and (3), 13.9 and 13.10 of Part 13 of this subtitle.

(10) Procedure for utilization surveys at educational and health institutions to ascertain that property with a single item acquisition cost of $2,500 or more, donated to them, is being used in accordance with their certifications and agreements. This procedure shall include provision for reports on such surveys.

(11) Samples of all forms used by the State Agency.

§ 14.6 Books and records.

(a) The fiscal accounting of the State Agency shall be accomplished by a double entry system. The system shall contain a chart of accounts, a general ledger with accounts for all assets, liabilities, income, and expense, and journals, or their equivalent, for the original record of transactions. Accounting records shall be maintained in a manner that will identify and separately account for funds accumulated from service charges against donee institutions and organizations.

(b) Financial records and all other books and records of the State Agency shall be subject to inspection by representatives of the Department.

(c) Each State Agency shall maintain accurate accountability records of all donable property allocated, warehoused, and distributed, except that in those cases where the single item Government Acquisition Cost appearing on the pertinent Form HEW 135 is less than $10.00, such accountability records are not required. Accountability records of all single items having an acquisition cost of $2,500 or more shall be kept separate from those of lesser amount.

(d) Records and documents pertaining to the eligibility of donee institutions and organizations shall be maintained in the form and manner prescribed by the Department.

(e) All official records of the State Agency shall be kept for a minimum period of five years.

§ 14.7 Service charges and funds.

(a) Service charges, as a whole, for the care and handling of donable surplus property shall be limited to the amount necessary to pay actual expenses of current operations and to purchase necessary equipment, plus the accumulation and maintenance of a working capital reserve. The service charge assessed by a State Agency for the transfer of any single item of donable surplus property shall be reasonable in relation to the costs incident to the transfer.

(b) A State Agency's working capital reserve shall be computed as follows:

(1) Add together the following items of current assets:

(i) Cash on hand and in depositaries

(ii) Investments (readily convertible into cash)

(iii) Accounts Receivable.

(2) From the total of the above described current assets, deduct all liabilities that are due (including installments that fall due) within one year, and any obligations represented by funds not accumulated from service charges which are required to be returned eventually to the source from which they were derived.

(c) The working capital reserve shall not exceed an amount equivalent to the actual cost of operation during the immediate past fiscal year except with the written approval of the Department.

(d) Integrity of funds accumulated from service charges against donee institutions and organizations, including income accruing from their investment, shall be maintained, and such funds shall be used only for the operation of the surplus property utilization program and shall not be available for any other purpose.

(e) A State Agency shall accept payment of service charges only in the form of warrants, checks, or other official instruments drawn or issued by, and in the name of, the respective donee institutions or organizations.

(f) Funds accumulated by a State Agency from service charges against donee institutions and organizations, over and above the working capital reserve as provided for in this part, shall be refunded to donee institutions and organizations (1) on a pro-rata basis (based upon total charges collected during the preceding fiscal year) or (2) by reduced service charges during the current and the next ensuing fiscal year.

The operations and financial affairs of the State Agency shall be audited at least every two years by an appropriate State authority or by a licensed public accountant. Signed copies of the reports of audits of the State Agencies shall be forwarded to or made available to the appropriate regional office of the Department.

§ 14.9 Handling of property.

(a) All acquisition, warehousing, and distribution functions shall be a direct part of the State Agency's operation and shall be under the direction and control of a single executive officer.

(b) All distribution of donable property to eligible civil defense organizations will be made only in accordance with pertinent regulations of the Office of Civil Defense.

(c) Donable surplus property shall be compared with the respective Forms HEW 135 and pertinent shipping documents immediately upon receipt, and any shortage or overage shall be reported to the agency from which the property was obtained with a copy to the appropriate regional office of the Department, in accordance with procedures set forth in the Surplus Property Utilization Manual issued by the Department.

(d) State Agencies shall maintain adequate provision for protecting property in their custody, including reasonable protection against the hazards of fire, theft, vandalism, and weather.

(e) State Agencies shall, at least annually, report to the appropriate Regional Representative all surplus property which has been in their custody longer than twelve months. Such reports shall be made within 60 days following periodic verification of property on hand as required by the Plan of Operation.

§ 14.10 Eligibility.

Findings by State Agencies as to the eligibility of applicants to acquire donable property in accordance with the requirements of section 203(j) of the Act and regulations issued thereunder shall be based upon applications by the governing bodies of the applicant institutions stating the nature and purpose of the institutions and shall be recorded and such record preserved in accordance with the provisions of § 14.6(d).

§ 14.11 Utilization and compliance responsibility.

(a) Each State Agency shall assist the Department in effecting utilization and compliance by health and educational donees with the terms and conditions established for any single item of donated property having an acquisition cost of $2,500 or more, and shall investigate the use of each such single item at least once during the period of federal restrictions. The responsibility for this investigation shall be deemed to have been discharged by either a physical inspection of the property by the State Agency or by the furnishing of a written report by the donee stating the date the property was placed in eligible utilization and the type of its continuous use.

(b) State Agencies shall take reasonable measures to assure that single items of personal property with an acquisition cost of less than $2,500 that are donated under the provisions of the Act for health or educational purposes are actually used for such purposes.

(c) Where information received by a State Agency indicates fraud or misuse of surplus property donated for health, educational or civil defense purposes, the circumstances pertaining thereto shall be reported immediately to the Department. Upon request by the appropriate Regional Representative, State Agencies shall make appropriate investigations of alleged fraud or misuse of surplus personal property donated for health and educational purposes.

(d) State Agencies shall report immediately to the appropriate law enforcement authorities and to the respective Regional Representative any theft, fraud or indication of fraud in connection with any donable property in its custody and shall investigate and/or settle any such case only with the concurrence of the Regional Representative.

§ 14.12 Assistance to the Department.

Each State Agency shall cooperate with the Department by releasing property from its custody upon request, and will assist the Department in obtaining voluntary release by donee institutions of property needed for defense or emergency use.

§ 14.13 Nonconformance.

If the Department determines that a State Agency is not operating in accordance with its approved Plan of Operation or these Minimum Standards, allocation of property to the State Agency may be suspended until the nonconformance is corrected to the satisfaction of the Department.

§ 14.14 Amendments.

The Department reserves the right at any time to modify or amend these Minimum Standards. Upon issuance of amendments hereto requiring State Agencies to modify their operations, reasonable opportunity will be afforded the State Agencies to conform their operations to such amended standards.

Dated: June 23, 1964.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 64-6493; Filed, June 29, 1964; 8:49 a.m.]

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 60—FEDERAL FINANCIAL ASSISTANCE FOR NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Assurances Required

The following amendment is hereby made to Part 60, 45 CFR (28 F.R. 5424, June 1, 1963), issued pursuant to Part IV of Title III of the Communications Act of 1934, as amended, Public Law 87-447 (76 Stat. 64, 47 U.S.C. 390):

Paragraph (g) of § 60.9, dealing with assurances required of the applicant as to the applicant's rights to the site and premises where the transmission apparatus specified in the project will be installed, is hereby amended by adding at the end thereof: "*Provided*, That the ten year period may be reduced to such period of time as the Secretary may deem appropriate after consideration of the nature of the particular transmission apparatus involved and the feasibility of its relocation including the probable cost thereof." Paragraph (g) as so amended reads as follows:

§ 60.9 Assurances required.

* * * * *

(g) That the applicant has or will have title to the site or premises on which the transmission apparatus specified in the project application will be installed, or the right to construct, maintain and operate on and to remove from such site or premises such transmission apparatus for a period of not less than ten years after completion of the project, provided that the ten year period may be reduced to such period of time as the Secretary may deem appropriate after consideration of the nature of the particular transmission apparatus involved and the feasibility of its relocation including the probable cost thereof.

* * * * *

(Sec. 396, 76 Stat. 76, 47 U.S.C. 396)

Dated: June 22, 1964.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 64-6494; Filed, June 29, 1964; 8:49 a.m.]

PART 130—FEDERAL ASSISTANCE UNDER THE LIBRARY SERVICES AND CONSTRUCTION ACT, AS AMENDED AND SO RENAMED BY PUBLIC LAW 88-269, AN ACT "TO PROMOTE THE FURTHER DEVELOPMENT OF PUBLIC LIBRARY SERVICES"

Part 130 of Title 45 Chapter I, of the Code of Federal Regulations is revised to read as follows:

Subpart A—Definitions

Sec.
130.1 Terms.

Subpart B—State Plans

130.2 The State plans; general requirements.
130.3 State agency for administration.
130.4 Authority of State agency.
130.5 Custody of funds.
130.6 Fiscal administration.
130.7 Retention of records.
130.8 Policies and methods.
130.9 Reports.
130.10 Services.

Subpart C—Federal Financial Participation and Payment

130.11 Federal reimbursement.
130.12 Public nature of funds.
130.13 Proration of costs.
130.14 Beginning of participation.
130.15 Effect of State rules.
130.16 Application of State rule in determining the fiscal year's allotment to which an expenditure is chargeable.
130.17 Requirements for payment.
130.18 Submission of budgets.
130.19 Estimates and reports of expenditures.
130.20 Reallotments.
130.21 Effect of payments.

AUTHORITY: The provisions of this Part 130 issued under sec. 8, 70 Stat. 295, as amended and renumbered sec. 302, 78 Stat. 14, 20 U.S.C. 357.

Subpart A—Definitions

§ 130.1 Terms.

The terms below are defined as follows:

(a) "Act" means the Library Services Act, Public Law 597, 84th Congress, as amended by Public Law 896, 84th Congress; Public Law 86-679; Public Law 87-688; and Public Law 88-269; and as renamed the Library Services and Construction Act (20 U.S.C. chap. 16).

(b) "Commissioner" means the U.S. Commissioner of Education.

(c) "Public Library" means a library that serves free all residents of a community, district, or region without discrimination and receives its financial support in whole or in part from public funds. The term does not include libraries such as law, medical, school, and academic libraries, which are organized to serve a special clientele or purpose.

(d) "Public library construction" means the construction of new public library buildings and the expansion, remodeling and alteration of existing buildings to be used as public libraries, and initial equipment of any such buildings (but not books), including architect's fees and the cost of the acquisition of land.

(e) "Public library services" means library services which are provided by or on behalf of a public library. The term does not include those library services that are properly the responsibility of the schools.

(f) "State" means a State of the Union, the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(g) "State agency" or "agency" means the State library administrative agency which is the official State agency charged by State law with the extension and development of public library services throughout the State.

(h) "State plan for construction" or "plan for construction" means a State plan for the construction of public libraries submitted to the Commissioner for approval under the Act.

(i) "State plan for services" or "plan for services" means a State plan for the further extension of public library services submitted to the Commissioner for approval under the Act.

(j) "Supervision" means guidance by the State agency with authority necessary to assure the observance of the policies and methods of administration adopted by the State agency pursuant to the Act.

Subpart B—State Plans

§ 130.2 The State plans; general requirements.

(a) *Purpose*—(1) *The State plan for services.* A basic condition to the payment of Federal funds to a State for the further extension of public library services is a State plan for services meeting the requirements of section 103(a) of the Act and the regulations in this part. The plan for services shall describe the State program for the further extension of public library services in which the State seeks Federal financial participation. In addition to a description of the general scope of agency activities to be undertaken in the basic continuing plan for services, the plan for services shall include an annual program description, and an annual program budget, for public library services, as prescribed in § 130.18. The program budget shall also provide for the cost of administering the plan for construction. The plan for services, as approved by the Commissioner, will constitute the basis on which payments of the "Federal share" of the sums expended under that plan for services are made by the Federal Government, including sums expended for the administration of the State plan for construction.

(2) *The State plan for construction.* A basic condition to the payment of Federal funds to a State for the construction of public libraries is a State plan for construction meeting the requirements of paragraphs (1), (2), (4), and (5) of section 103(a), and section 203, of the Act and of the regulations in this part. The plan for construction shall describe the public library construction program in which the State seeks Federal financial participation. In addition to a description of the general scope of agency activities to be undertaken in the basic continuing plan, the plan for construction shall also include an annual program description, and an annual program budget, for public library construction, as prescribed in § 130.18. The plan for construction will constitute the basis on which payments of the "Federal share" of the sums expended under such a plan for construction are made by the Federal Government, but not including any sums expended for the administration thereof.

(b) *Submission.* Each State plan for services or construction, and all amendments thereto, shall be submitted to the Commissioner by a duly authorized official of the State agency. Each State plan for services or construction shall indicate the officials who are authorized so to submit such a plan.

(c) *Amendment.* Each plan for services or construction must be amended whenever necessary to reflect any material changes in the public library program provided for by such a plan, any changes in pertinent State law, or any changes in the organization of, operations of, or policies and methods of administration to be followed by, the State agency.

(d) *Approval.* The Commissioner will approve each State plan for services or construction which he determines meets the applicable requirements of the Act and the regulations in this part, and will notify the applicable State agency of the granting, conditioning or withholding of approval in each such case. However, no final action with respect thereto, other than one of approval, will be taken by the Commissioner unless he first notifies the appropriate State agency of his proposed action and, in connection therewith, affords the State agency an opportunity for a hearing on whether the affected plan for services or construction meets such requirements.

§ 130.3 State agency for administration.

(a) *Designation of State agency.* Each State plan for services or construction shall provide for the administration, or the supervision, of such a plan by the State agency.

(b) *Supervision by State agency.* All the activities to be carried out under each plan for services or construction must be administered directly by the State agency or their administration must be under the supervision of the State agency. To the extent that locally controlled public libraries participate in such a plan for services or construction, their administration of activities provided for under such a plan must be under the supervision of the State agency. Activities under a plan for services or construction may be coordinated with other activities of locally controlled libraries, but only activities and expenditures for activities under State supervision can be considered part of such a plan.

(c) *Organization.* Each State plan for services or construction shall show, by chart or otherwise, the organization of, and the lines of authority between the units of, the State agency involved in the public library program provided for by such a plan and shall briefly describe the principal functions assigned to each unit. If any part of such a plan for services or construction is to be administered by local agencies, the plan for services shall set forth the manner in which the State agency will exercise and make effective its supervision over the operations of the local agencies with respect to such administration.

§ 130.4 Authority of State agency.

Each State plan for services or construction shall set forth the authority of the State agency under State law for the administration of the public library program provided for in such a plan. If there is to be any administration by local agencies, the basis under State law for the supervision of such administration by the State agency shall also be described in the applicable plan for services or construction. Copies of all directly pertinent laws and interpretations of law by appropriate State officials or courts shall be furnished as part of a plan for services or construction. All copies must be certified as correct by the official authorized to submit such a plan for services or construction.

§ 130.5 Custody of funds.

Each State plan for services or construction shall designate the State treasurer (or, if there be no State treasurer, the officer exercising similar functions for the State) to receive and provide for the proper safeguarding of all Federal funds granted to the State under the Act to be disbursed under applicable State laws and regulations on requisition or order of the State agency. Each State plan for services or construction shall provide that all Federal funds so received shall be expended solely for the purpose for which granted and that any such funds not so expended, including funds lost or diverted to other purposes, shall be returned to the Federal Government.

§ 130.6 Fiscal administration.

(a) Each State plan for services or construction shall provide information on the sources of funds and the fiscal administration of the public library program thereunder. Such administration shall be conducted in accordance with applicable State and local laws and regulations, which shall be identified in the plan or set forth in an appendix. Each State and local agency participating in the public library program provided for by a State plan for services or construction shall establish and maintain such accounts and supporting documents as will permit accurate and expeditious audit at any time of the plan for services or projects under the plan for construction or both.

(b) The State agency shall satisfy itself that the expenditures for which the State seeks the payment of a share by the Federal Government were made by the State or its political subdivisions, or agencies thereof, in the manner claimed, and that such expenditures were in conformity with the provisions of the Act, the regulations in this part, and the State plan for services or construction. This should be done through an audit conducted by a State audit agency or by an independent certified public accountant; if done otherwise, the State agency shall describe the manner in which it has so satisfied itself.

§ 130.7 Retention of records.

State and local agencies shall provide for keeping accessible and intact all records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of such grants and relating to the expenditure of matching funds for services or construction projects: (a) For three years after the close of the fiscal year in which the expenditure was made by the State or local agency or (b) until the State agency is notified of the completion of the Office of Education's fiscal audit, whichever is later.

§ 130.8 Policies and methods.

(a) The State plan for services shall set forth the policies and methods which will be followed in administering or supervising the administration of the plan for services, including the criteria used in selecting the areas to be served thereunder. The State agency, through its duly authorized official, shall certify that such policies and methods will, in the judgment of the agency, assure that

all Federal, State, and local funds spent under the plan for services will be used to maximum advantage in the further extension of public library services to areas without such services or with inadequate services.

(b) The State plan for construction shall set forth the policies and methods which will be followed in administering or supervising the administration of the plan for construction, including the criteria used to insure that public library facilities will be constructed only to serve areas which are without library facilities or with inadequate library facilities necessary to develop library services, and shall provide that projects will be approved by the State agency only if the State agency determines that the construction work will be undertaken promptly after approval and completed within a reasonable period of time and if the State agency receives assurances to that effect. The State plan for construction shall also set forth methods and procedures to be followed in assuring that every local or other public agency whose application for funds under such a plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a fair hearing before the State agency, as provided for in section 203(a)(3) of the Act. The State plan for construction shall provide assurance that all laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under the Act shall be paid wages at rates not less than those determined by the Secretary of Labor to be prevailing on similar construction in the locality in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (40 U.S.C. 327–330), as provided for in section 203(a)(4) of the Act, that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3 (see 29 F.R. 97) and that all contracts and subcontracts for construction projects shall incorporate the contract clauses required by 29 CFR 5.5 (a) and (c) (see 29 F.R. 100, 101). The State plan for construction shall provide that each applicant for funds under the plan shall furnish such assurances as the State agency deems appropriate that the public library facility to be constructed with such funds will continue to be devoted to public library purposes.

§ 130.9 Reports.

Each State plan for services or construction shall provide that the State agency will make such reports of expenditures made thereunder, by categories of expenditures, as the Commissioner may from time to time reasonably require, and will comply with such requirements as he may prescribe to assure the correctness and verification of such reports.

§ 130.10 Services.

Each State plan for services or construction shall provide that any library services furnished thereunder, or furnished in library facilities constructed, expanded, remodeled, or altered thereunder, shall be made available free of charge and without discrimination, under regulations prescribed by the State agency.

Subpart C—Federal Financial Participation and Payment

§ 130.11 Federal reimbursement.

(a) *In general*—(1) *The State plan for services.* Subject to the authority of the Commissioner under section 303 of the Act to make reallotments to other States and subject also to any withholding of payments pursuant to section 301 of the Act, the Federal Government will pay from each State's allotment for public library services the "Federal share" of the total sums expended under the State plan for services by the State and its political subdivisions for the further extension of public library services prior to July 1, 1964, to rural areas, and thereafter to any area, without such services or with inadequate services, and for the administration of the State plan for construction, after necessary adjustment on account of any overpayment or underpayment previously made under an allotment to the State for public library services. Therefore, any expenditure for such a purpose for which the State seeks the payment of a share by the Federal Government must be for a purpose included in the State plan for services and must meet the requirements of the Act and the regulations in this part. Such an expenditure may include payment for salaries and wages, for the purchase of books and library materials and equipment, and for other operational costs, with respect to the further extension of public library services and for administration with respect to both the State plan for services and the State plan for construction, but may not include payment for the purchase or erection of any building or buildings or for the purchase of any land.

(2) *The State plan for construction.* Subject to the authority of the Commissioner under section 303 of the Act to make reallotments to other States and subject also to any withholding of payments pursuant to section 301 of the Act or any withholding for violation of a labor standards clause provided for by section 203(a)(4) of the Act, the Federal Government will pay from each State's allotment for public library construction the "Federal share" of the sums expended for projects approved under the State plan for construction with respect to the construction of public library facilities to serve areas without library facilities or with inadequate library facilities necessary for development of library services, except expenditures for the administration of the plan for construction, after necessary adjustment on account of any overpayment or underpayment previously made under an allotment to the State for public library construction. Therefore, any expenditure for such a purpose for which the State seeks the payment of a share by the Federal Government must be for a purpose included in the State plan for construction and must meet the requirements of the Act and the regulations in this part.

(b) *Failure to comply.* If the Commissioner finds that a State plan for services or construction approved by him has been so changed that it no longer complies with the applicable requirements of the Act and the regulations in this part, or that in the administration of such a plan there is a failure to comply substantially with the provisions required to be included therein, he will notify the State agency administering or supervising the administration of the plan of the respect in which he has found that there is a failure so to comply. The Commissioner will also notify the State agency that further payments will not be made to the State under the Act, or that further payments will not be made with respect to portions of the State plan for services, or with respect to projects under the State plan for construction, affected by such a failure to comply, until the Commissioner is satisfied that there is no longer any failure so to comply. In connection with such a notification the Commissioner will afford the State agency an opportunity for a hearing with respect to his action.

§ 130.12 Public nature of funds.

The expenditures which are to be considered in computing the amount of Federal participation under either a State plan for services or a State plan for construction are only those that are made from public funds. Such public funds may include contributions from private organizations or individuals if they are deposited in accordance with State and local laws and regulations to the account of the State or political subdivision, or agency thereof, without such conditions or restrictions as would negate their character as public funds.

§ 130.13 Proration of costs.

Whenever an expenditure in connection with a State plan for services or construction is only partly attributable to an activity for which an expenditure under an allotment may be made under the Act, the Federal Government will pay a share of only that part of the expenditure which is attributable to such an activity. When an allocation of an expenditure is called for, such a plan must specify a justifiable basis for identifying such expenditures and the method to be used in prorating the expenditure between the reimbursable and nonreimbursable activity. The State agency shall maintain records to substantiate the application of such a proration to actual expenditures.

§ 130.14 Beginning of participation.

Since the Federal Government pays a share of only what is expended pursuant to an approved State plan for services or construction, there can be no Federal participation in any expenditures made before such a plan is effective. For the purposes of this section, the earliest date on which a State plan for services or construction may be considered to be effective is the date on which it is submitted in substantially approvable form to the

Commissioner. Likewise, there can be no Federal participation in any expenditures for a project under a plan for construction prior to the approval of the project except expenditures for advance plans and estimates and for the acquisition of land if the expenditures were made after the State plan for construction became effective and if the specific project is in fact later approved.

§ 130.15 Effect of State rules.

Federal financial participation will apply only to those expenditures which are made in accordance with applicable State laws, rules, regulations, and standards governing expenditures by the State and its political subdivisions, or agencies thereof, and which are made under a State plan for services or construction complying with the provisions of the Act and the regulations in this part.

§ 130.16 Application of State rule in determining the fiscal year's allotment to which an expenditure is chargeable.

(a) Each allotment to a State for services or construction is made with respect to a fiscal year commencing on July 1 and ending the following June 30.

(b) For the purpose of earning the Federal allotment under section 102 of the Act, State and local laws and regulations shall be followed by the State in determining to which fiscal year an expenditure by the State or local agency concerned is chargeable. Each State will use the accounting basis applicable to its State or local accounting. The State plan for services shall specify the particular accounting basis to be used and cite the authority under State law for such basis. If the State or local agency utilizes other than a cash accounting basis, the State plan for services shall indicate the time period or other factors governing the liquidation of obligations. If the State or local agency is on an obligation basis, an obligation shall mean only bona fide commitments which are supported by contract or other evidence of legal liability consistent with State or local purchasing procedures.

(c) In the case of an allotment under section 202 of the Act, the approval by the State agency of a construction project and notification to the Commissioner of such an approval shall, in accordance with section 202 of the Act, constitute a commitment of that State's allotment for the fiscal year in which the approval occurred to the extent of the "Federal share" of the estimated cost of that construction project.

(d) For the purpose of the regulations in this part, an "expenditure" shall not include administrative approval of a program or project by the State or local agency, nor as of July 1, 1964, shall it include the advance or reimbursement by the State of funds which are or will be expended by a local or other public agency under the State plan.

§ 130.17 Requirements for payment.

(a) *The State plan for services.* Except for payments under an allotment made prior to February 11, 1964, for carrying out a State plan approved prior to February 11, 1964, no payments shall be made to any State from its allotment for public library services for any fiscal year unless the Commissioner finds that for that fiscal year:

(1) There will be available for expenditure from State sources for all public library services an amount not less than the amount actually expended from such sources for all public library services during the fiscal year which ended June 30, 1963;

(2) There will be available from State and local sources for expenditure for all public library services in the geographic areas covered by the plan for services an amount not less than the total amount actually expended from such sources during the fiscal year which ended June 30, 1963, for such services in such areas;

(3) There will be available from State and local sources for expenditure for those public library services that are provided for during that fiscal year under the plan for services an amount not less than the total amount expended from such sources during the fiscal year which ended June 30, 1963, for public library services in the same areas and of the same type as those provided for by the plan for services;

(4) The State will have available for expenditure from State and local sources for public library services under the plan for services sums sufficient to enable the State to receive not less than $25,000 of Federal funds in the case of the Virgin Islands, American Samoa, or Guam, and $100,000 of Federal funds in the case of any other State. However, in any case in which payments are being made under an initial State plan for services that is required to provide for expenditures not less than those made for comparable services during the fiscal year ending June 30, 1963, and the program for the applicable fiscal year covers a period of less than 12 months, the requirements of subparagraphs (2) and (3) of this paragraph may be met if the amounts available under such a plan are not less than the amounts expended during a portion of the fiscal year which ended June 30, 1963, that is equivalent to such period.

(b) *The State plan for construction.* The "Federal share" of expenditures for projects under a State plan for construction will be paid to a State only if the Commissioner finds that funds will be available from sources other than Federal sources in a total amount equal to the State percentage, as determined under section 104(c) of the Act, of the total cost of the projects for which payment of the "Federal share" is requested.

§ 130.18 Submission of budgets.

For each State plan for services and construction, the State agency shall, in accordance with procedures established by the Commissioner, submit for each fiscal year on official forms:

(a) A description of those public library services or public library construction projects which are to be carried out during that year, identifying the areas which are to be served;

(b) Budgets by categories of expenditures of the estimated expenditures to be made in carrying out each portion of the plan for services or each project under the plan for construction; and

(c) A statement indicating the sources of funds to be available, showing the Federal share, and the State and local share of the total estimated expenditures.

§ 130.19 Estimates and reports of expenditures.

(a) The Commissioner's findings under § 130.17(a) shall be made on the basis of (1) reports by the State showing amounts spent during the fiscal year ending June 30, 1963, and amounts available for expenditure during the fiscal year for which the findings are made, and (2) such other information as he may have requested or have available.

(b) The Commissioner's findings under § 130.17(b) shall be made on the basis of (1) reports by the State showing amounts available for expenditure during the fiscal year for which the findings are made, and (2) such other information as he may have requested or have available.

(c) The State agency shall, in accordance with procedures prescribed by the Commissioner, submit to the Commissioner on official forms statements of estimated total expenditures under the State plans for services and construction during the ensuing period for which a Federal payment is requested and statements of sources of the funds available for activities under each of such plans during such period. At the same time, the State agency shall submit a report of the total estimated or actual expenditures made under each of such plans during the preceding period. In the case of a plan for services, such a period shall not cover more than the first or second half of a fiscal year.

§ 130.20 Reallotments.

The amount of any State's allotment for any fiscal year under section 102 or 202 of the Act which the Commissioner determines will not be required during the period for which such allotment is available for carrying out that State's plan for services or construction shall be available for reallotment, on such dates during such year as the Commissioner may fix, to other States for carrying out their plans for services or construction respectively, in the same proportion as the original allotments were made for such a purpose to such other States in the manner provided for in section 303 of the Act. The amounts to be so reallotted shall be determined by the Commissioner on the basis of (a) reports filed by the States of the amounts required to carry out the State plans for services and construction approved under sections 103 and 203, respectively, of the Act and (b) such other information as he may have requested or have available.

§ 130.21 Effect of payments.

(a) Neither the approval of the State plan for services or construction nor any payments to the State pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the State to observe, before or after

such administrative action, any requirement by Federal law or regulation.

(b) The final amounts to be paid for any period are determined on the basis of the respective expenditures under State plans for services and construction for which Federal financial participation is authorized. The State assumes responsibilty for the application of Federal funds to authorized purposes under such a plan.

[SEAL] FRANCIS KEPPEL,
U.S. Commissioner of Education.

Approved: June 23, 1964.

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

[F.R. Doc. 64-6495; Filed, June 29, 1964; 8:49 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 1152; General Order 11]

PART 512—REPORTS OF RATE BASE AND INCOME ACCOUNT BY VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

Forms and Instructions; Correction

Line 14 of § 512.7(b)(2)(i) of the rules published in the FEDERAL REGISTER on June 17, 1964 (29 F.R. 7721, at 7723) should read as follows: "required herein are different from those".

THOMAS LISI,
Secretary.

[F.R. Doc. 64-6496; Filed, June 29, 1964; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64-563]

PART 1—RULES OF PRACTICE AND PROCEDURE

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of June 1964:

The Commission having under consideration its procedures and requirements governing pleadings in hearing proceedings; and

It appearing, that §§ 1.204 and 1.729 provide for the filing of an original and 14 copies of certain pleadings; that an original and 19 copies of these pleadings are required by the Commission; that § 1.729 should be amended to reflect this requirement; that the pleadings listed in § 1.204 should be governed by the general number of copies provisions of § 1.51; and that § 1.204 should be deleted; and

It further appearing, that a new § 1.204, defining the term "pleadings", should be added, as a technical device to simplify the drafting of other sections; and

It further appearing, that the officer who is responsible for acting on a pleading filed in a hearing proceeding should be identified in the caption of that pleading; that his identification will materially facilitate and expedite the distribution of such pleadings to the responsible officer; and that such a requirement should be added as § 1.209 of the rules and regulations; and

It further appearing, that all pleadings filed in a hearing proceeding should be served upon all other counsel in the proceeding or, if a party is not represented by counsel, then upon such party; that such a general provision does not appear in the rules and regulations; and that it should be added as § 1.211; and

It further appearing, that authority for the changes set forth below is contained in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing, that the changes set forth in the attached Appendix are procedural in nature, and hence that the prior notice and effective date provisions of section 4 of the Administrative Procedure Act do not apply:

It is ordered, Effective July 6, 1964, that Part 1, the rules of practice and procedure, is amended as set forth below.

Released: June 25, 1964.

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

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

1. Section 1.204 is deleted, and new §1.204 is added, to read as follows:

§ 1.204 Pleadings; definition.

As used in this subpart, the term "pleading" means any written notice, motion, petition, request, opposition, reply, brief, proposed findings, exceptions, memorandum of law, or other paper filed with the Commission in a hearing proceeding. It does not include exhibits or documents offered in evidence. See § 1.356.

2. Section 1.209 is added to read as follows:

§ 1.209 Identification of responsible officer in caption to pleading.

Each pleading filed in a hearing proceeding shall indicate in its caption whether it is to be acted upon by the Commission, the Review Board, the Chief Hearing Examiner, or the presiding officer. If it is to be acted upon by the presiding officer, he shall be identified by name.

3. Section 1.211 is added to read as follows:

§ 1.211 Service.

Except as otherwise expressly provided in this chapter, all pleadings filed in a hearing proceeding shall be served upon all other counsel in the proceeding or, if a party is not represented by counsel, then upon such party. All such papers shall be accompanied by proof of service. For provisions governing the manner of service, see § 1.47.

4. Section 1.729(a) is amended to read as follows:

§ 1.729 Copies; service.

(a) An original and 19 copies of all pleadings and briefs filed in any formal complaint proceeding shall be furnished the Commission. When service is to be made by the Commission, one extra copy shall be furnished for each party to the proceeding.

* * * * *

[F.R. Doc. 64-6506; Filed, June 29, 1964; 8:51 a.m.]

[1] Commissioners Henry, chairman; Hyde and Loevinger absent.

[Docket No. 15341; FCC 64-579]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Lawrenceville, Ill.; Ishpeming and Marquette, Mich.; Beattyville, Ky.; Twenty-Nine Palms and Apple Valley, Calif.; Farmville and New Bern, N.C.; Kingston and State College, Pa.; Junction City, Kans.; Grand Island and Superior, Nebr.), Docket No. 15341; RM-510, RM-546, RM-547, RM-548, RM-550, RM-552, RM-557, RM-558.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 64-146) issued in this proceeding on February 24, 1964, inviting comments on several proposed changes in the FM Table of Assignments, and the comments filed by interested parties on the proposals.

2. *RM-510, Lawrenceville, Ill.* On October 16, 1963, Lawrenceville Broadcasting Company, licensee or radio Station WAKO (AM), Lawrenceville, Illinois, filed a petition requesting rule making to assign an FM channel to Lawrenceville, a community of 5,492 population and not now listed in the Table. As amended on January 21, 1964, this petition requests the assignment of Channel 276A without any other changes in the Table. Petitioner urges that Lawrenceville is an important trade, industrial and retail center for the entire county; that the assignment meets all the requirements of the rules; and that it will construct and operate an FM station in the area in the event the assignment is finalized. No oppositions were filed to the proposed assignment.

3. The Commission is of the view that the proposed assignment would serve the public interest since it would conform to all the rules and provide a community with its first FM station without adversely affecting any other assignment in the Table. We are therefore finalizing the requested assignment of Channel 276A to Lawrenceville.

4. *RM-546, Ishpeming and Marquette, Michigan.* On December 9, 1963, Ish-

peming Broadcasting Company, licensee of radio Station WJPD (AM), Ishpeming, Michigan, filed a petition requesting the reassignment of Channels 222 and 239 from Marquette to Ishpeming and the reassignment of Channels 261A and 296A from Ishpeming to Marquette. Petitioner states that it wishes to establish a large coverage FM station to serve the area and that moving the Class C assignments from Marquette to Ishpeming would permit a much larger area to be served. The Commission was of the view that rule making should be instituted in the matter but did not believe that it would be warranted in proposing to remove both Class C assignments from Marquette since it is the larger of the two communities. It therefore invited comments on the following:

City	Channel No.	
	Present	Proposed
Ishpeming, Mich.	261A, 296A	222, 296A
Marquette, Mich.	222, 239	239, 261A

5. Ishpeming supports the Commission's alternative proposal, urging that the use of Channel 222 at Ishpeming would represent a more efficient allocation since much less of the signal would be radiated over water and since it would effectively serve Marquette with an additional service. No oppositions were filed to the proposal. Marquette, located in a county of the same name, has a population of 19,824. Ishpeming is also located in Marquette County and has a population of 8,857. Marquette County has a population of 56,154. Since Ishpeming is far removed from any large city or metropolitan area we believe it to be the type of community which warrants a departure from our general policy of making Class A assignments to small communities and Class B and C assignments to large cities and metropolitan areas. The Commission is of the view that the proposed amendment would represent a fair and equitable distribution of available facilities, that it would serve the public interest, and that it should be finalized as proposed.

6. *RM–547, Beattyville, Kentucky.* On December 26, 1963, Forest Drake, prospective applicant for an FM station in Beattyville, filed a petition requesting the assignment of Channel 272A to this community. Petitioner submits that the proposal meets all the rules; that it would not preclude the assignment of a channel elsewhere; and that he will file an application for the assignment if it is made. No oppositions were filed to the proposal. Beattyville has a population of 1,048 and no radio station.

7. The proposed assignment would conform to all the rules and would provide the community of Beattyville with its first FM assignment without depriving any other community of an assignment. We are of the view therefore that it would serve the public interest and should be adopted.

8. *RM–548, Twentynine Palms and Apple Valley, California.* On December 30, 1963, Hi-Desert Broadcasting Corporation, permittee of FM Station KDHI–FM on Channel 237A at Twentynine Palms, filed a petition requesting the assignment of Channel 239 to Twentynine Palms in lieu of Channel 237A and the substitution of Channel 272A for Channel 240A at Apple Valley. Petitioner also requests that the Commission order it to show cause why its permit should not be modified to specify Channel 239 in lieu of 237A. Petitioner urges that a Class B assignment is necessary to cover the area with its scattered rural population; that this area does not have a full-time AM facility; that it would not be feasible to have each of the towns in the general area support a Class A station; and that the proposal is entirely feasible. It submits that the proposed change in Apple Valley is necessary in order to provide flexibility in selecting a site for the proposed Class B station.

9. Twentynine Palms is a small community of about 1,000 population and is located in San Bernardino County, which has a population of 503,591. It is however about 70 miles from the nearest large city (San Bernardino) and is in a remote location with a largely scattered population. We therefore believe it to be the type of community which would warrant the assignment of a Class B channel. The proposed changes would conform to all the rules, would permit Station KDHI–FM to more effectively serve its intended service area, and would not adversely affect any other station or assignment. We are of the view therefore that it would serve the public interest and should be finalized. Since Station KDHI–FM is presently authorized to construct on Channel 237A which is proposed to be deleted its authorization will have to be modified to specify operation on Channel 239 in lieu of Channel 237A.

10. *RM–550, Farmville and New Bern, N.C.* On December 31, 1963, Farmville Broadcasting Company, licensee of radio Station WFAG (AM), Farmville, filed a petition requesting the assignment of Channel 232A to Farmville by deleting it from New Bern and assigning Channel 252A to New Bern upon the deletion of Channel 253 from Grifton, North Carolina. The permittee of WITN–FM on Channel 253 at Grifton has a construction permit for a change in assignment to Channel 227, with its principal community designated as Washington, N.C. Since Channel 253 is presently short-spaced, it will be removed from the Table of Assignments on the Commission's own motion in this proceeding. Petitioner submits that Farmville, a community of 5,000 population, does not have an FM assignment or a nighttime AM facility; that the proposed changes meet the requirements of the rules; and that it would provide a much needed broadcast service to the area.

11. The proposed changes are in conformance with all the rules and would provide a needed station in Farmville without adversely affecting any other assignment. We believe the proposal to be in the public interest and that it should be finalized.

12. *RM–552, State College, Pa.* On December 31, 1963, Suburban Broadcasting Corporation, licensee of radio Station WRSC (AM), State College, Pa., filed a petition requesting the assignment of 244A to State College by substituting Channel 292A for 244A at Huntingdon. Petitioner points out that in the Third Report the Table of Assignments assigned both Channels 244A and 276A to State College; that subsequently Channel 244A was deleted from State College in order to replace Channel 224A by 244A in Huntingdon; that in another petition, RM–513, an interested party has suggested that Channel 244A be deleted from Huntingdon and that this would again make it available for State College. Petitioner urges that State College is a growing market, a leading educational center in Pennsylvania, that the total population of the area is 45,000 and therefore warrants the assignment of two Class A FM channels.

13. Huntingdon Broadcasters, Inc., licensee of radio Station WHUN, Huntingdon, Pa. opposes the deletion of Channel 244A from Huntingdon and its assignment to State College. Huntingdon states that it is engaged in the preparation of an application [1] for this assignment and that this community has only one broadcast outlet whereas State College has two broadcast stations plus an FM station. It urges that the deletion of the only FM assignment to Huntingdon would not be in the public interest; that no showing has been made that another channel cannot be assigned to State College; that there is no assurance that Channel 292A will be assigned to Huntingdon as proposed in another rule making proceeding (Docket No. 15256, RM 513); and that the avoidance of a hearing in State College should not be permitted at the expense of the only assignment to Huntingdon.

14. In reply to the Huntingdon opposition, Suburban argues that the needs of a community for radio facilities cannot be determined by the number of existing stations alone; that there is no other FM channel which can be assigned to State College; that a substitute assignment, Channel 292A, has been proposed for Huntingdon in this proceeding as well as in Docket 15256; and that the instant proposal meets the needs of both communities involved.

15. In Docket No. 15256 the Commission substituted Channel 292A for 244A in Huntingdon, Pa. See Report and Order issued on June 8, 1964, FCC 64–515. This action made Channel 244A available for State College without depriving Huntingdon of its assignment.[2] We are of the view that State College is of sufficient size and importance to warrant the assignment of two Class A FM channels. Channel 244A can be assigned to State College in conformance with the rules, will probably eliminate the need for a comparative hearing for the two applicants for the sole channel presently assigned to that city, and will not adversely affect any other assignment in the Table. We are therefore of the view that the proposal would serve the public interest and should be adopted.

[1] This application has since been filed.

[2] The deletion of Channel 244A from Huntingdon also made it possible to assign this channel to Halfway, Md. in Docket No. 15256.

16. On April 2, 1964, John R. Powley, applicant for a new FM station on Channel 244A at Bellwood, Pa., filed a comment and alternate proposal with regard to the proposal for Huntingdon and State College, Pa. Powley states that he favors the allocation of channels to State College and Kingston but not at the expense of the only FM allocation to Huntingdon. We have explained above that the proposal for State College does not require the deletion of the only FM assignment to Huntingdon but merely the substitution of another channel for 244A. The assignment of 276A to Kingston is not affected by the assignment in State College or Huntingdon. Powley further urges the assignment of either Channel 244A or 243 to Bellwood as follows:

City	Delete	Add
Bellwood, Pa.		244A or 243
Huntingdon, Pa.	244A	224A
Kingston, Pa.		276A
Martinsburg, Pa.	224A	
State College, Pa.		292A

The alternate proposal would in effect make an assignment available to the community of Bellwood at the expense of the only assignment to Martinsburg. Channel 224A is presently assigned to Martinsburg and an application is on file with the Commission for the use of this assignment. Both of these small communities are located in the same county and are of similar size. We do not, therefore, believe that the proposal has merit. Bellwood, being within 25 miles of Huntingdon, can still file for the assignment that is made available to that community as it has already done for the formerly available Channel 244A. In view of the foregoing, we deny the Powley counter-proposal.

17. *RM–557, Kingston, Pa.* On January 16, 1964, Leo Korlishin, prospective applicant for an FM station in Kingston, filed a petition requesting the assignment of Channel 276A to Kingston, without any other changes in the Table. Petitioner urges that although Kingston is near Wilkes-Barre and gets service from this and other cities, it does not have any broadcast facilities of its own; that it is a separate community of 20,261 persons, and that the proposed assignment meets all the rules.

18. There is a rather large area in the vicinity of Kingston in which Channel 276A may be assigned in conformance with the spacing requirements of the rules. Several parties filed counterproposals requesting the assignment of this channel to communities other than Kingston. P.A.L. Broadcasters, Inc., licensee of radio Station WBAX(AM) opposes the assignment to Kingston and urges that it be made to Wilkes-Barre or to Kingston-Wilkes-Barre. P.A.L. submits that Kingston, a community of 20,261 persons, is located directly across the river from Wilkes-Barre and is in the urbanized area of that city. It urges that Kingston has always been considered a part of the Wilkes-Barre area as far as radio broadcasting is concerned; that since a station in Kingston would place a 70 dbu signal over Wilkes-Barre an application would under the principles of other cases in a 307(b) comparison be considered as an application for Wilkes-Barre; that the two assignments made to Wilkes-Barre are already in operation; and no additional Class B assignments are available to Wilkes-Barre. It submits that there is no need to resolve the 307(b) question at this time since making the assignment to Wilkes-Barre will make the channel available to Kingston also under the "25 mile rule". It finally argues that since Wilkes-Barre is a city listed in the Table, the assignment of Channel 276A to Kingston would not make the channel available to Wilkes-Barre.

19. Columbia County Broadcasters, Inc., licensee of radio Station WBRX (AM) in Berwick, Pa. urges that Channel 276A be assigned to Berwick. It submits that Berwick has a population of 14,000 with no nighttime service and no FM assignment whereas Wilkes-Barre, which adjoins Kingston, has two FM stations and three AM stations. It finally states that the assignment would meet the spacing requirements at Berwick. Valley Broadcasting Company, licensee of radia station WYNS (AM), Lehighton, Pa. states that it desires to apply for Channel 276A at a site near Jim Thorpe, Pa. and will give a full showing of why the public interest requires that assignment rather than the one proposed. It requests that this proposal be severed from the others in this proceeding and that a Further Notice of Proposed Rule Making relating to Channel 276A be issued.

20. Leo Korlishin, in reply to the comments of Valley Broadcasting, argues that Valley made no showing regarding its request; that in fact Channel 276A could not be assigned to either Jim Thorpe or Lehighton in view of the required spacing to WRFY on Channel 273 at Reading; and that no showing was made as to the availability of any other channel for Jim Thorpe. In reply to the comments and proposals of P.A.L. Broadcasters, Leo Korlishin urges that Kingston is a separate community with its own government, school system, etc., that the growth of population in the area has been in Kingston rather than Wilkes-Barre; that Kingston could support its own station without depending on Wilkes-Barre for economic support and that from a logical site on the high elevation of Larksville Mountain, three miles from Kingston, a station on Channel 276A would not place a 70 dbu signal over all of Wilkes-Barre and therefore would not be a Wilkes-Barre station automatically.

21. P.A.L. Broadcasters, in reply to Valley, submits that no showing was made as to the public interest consideration regarding the assignment of Channel 276A to Jim Thorpe. In reply to Columbia, P.A.L. urges that if Channel 276A is assigned as requested by it, Columbia could apply for the channel under the "25 mile rule"; that it likewise could apply for Channel 288A, presently assigned to Shenandoah; that in any event Columbia could not use its present antenna site for its Station WBRX(AM).[3]

22. We are presented here with conflicting requests for the only Class A channel which can be assigned to the area in question at the present time. Three of the communities involved are rather small, Jim Thorpe with 5,945 persons, Berwick with 13,353 and Kingston with 20,261. Wilkes-Barre is an urbanized area and already has two FM stations and three AM stations. The other three have either no AM station or a daytime-only facility. We are of the view that one of the smaller communities should be preferred for the first local FM station as against the third FM station for Wilkes-Barre. The choice among the remaining three is difficult. Further, even if one of the three is selected over the other two, the close proximity of the towns would enable at least one of the other petitioners to file for the channel under the "25 mile rule". As a consequence, we believe the best course would be to assign the channel to a central community within 25 miles of all three cities. In any of the communities however, a site will have to be selected which meets all the required spacings. White Haven is a community of 1,778 persons and has no radio stations. It is centrally located with respect to the three communities under discussion and is within 25 miles of each of them. Thus, by assigning Channel 276A to White Haven, it will be available to all three and a final grant can be made on the basis of the actual applications before us. We are therefore assigning Channel 276A to White Haven.

23. RM–558, Junction City, Kans. On January 20, 1964, Junction City Broadcasting Co., licensee of radio Station KJCK(AM), Junction City, filed a petition requesting the assignment of Class C Channel 233 to Junction City by substituting Channel 268 for 233 at Grand Island and Channel 280A for 265A at Superior, Nebraska. Petitioner submits that there is no nighttime radio facility in all of Geary, Morris, or Clay Counties and that the only FM assignment in Junction City is a Class A channel. It urges that a Class C assignment is needed to adequately cover the area needing service; that it would provide nighttime service to the 18,700 persons in Junction City and the 22,000 persons in adjacent Fort Riley; that the area is a large rural one not close to any metropolitan area; and that the proposal meets the require-

[3] On April 7, 1964, after the time for filing comments and reply comments had expired, Valley filed a pleading entitled "Comments In Support of Request for Further Rule Making." On April 14, 1964, P.A.L. Broadcasters, Leo Korlishin and Columbia filed a Joint Statement urging the Commission to disregard this late pleading of Valley since it is in violation of § 1.415 of the rules and does not make a showing why further rule making should be held. Since ample time was provided for all interested parties to submit their comments and relevant data and no showing was made which convinces us that the late filing should be considered or that further rule making in this matter is warranted, the request of Valley is denied and the pleading is not considered herein.

ments of the rules without depriving any community of an assignment.

24. No oppositions were filed to the Junction City proposal. In view of the fact that the proposal meets all the rules and would provide a first nighttime radio service to a large number of people, we are of the view that it would serve the public interest. The assignment of Channel 268 to Grand Island will, however, create a short-spacing with another proposal recently filed by Cornhusker Television Corporation, RM-586, Docket No. 15452. There are several other Class C channels which can be assigned to Grand Island in lieu of Channel 268 and we are assigning Channel 243 to this community as a replacement for Channel 233.

25. No oppositions were filed to the proposals made on the Commission's own motion to delete two short-spaced assignments, Channel 240A at Beloit, Wis. and Channel 238 at Dallas, Tex. Channel 237A will be assigned to Beloit as a substitute assignment with a requirement that any party wishing to use this channel must select a site which is west of the city in order to meet the required spacing to Station WLIP-FM on Channel 236 at Kenosha, Wis.

26. The Canadian Government has concurred in all the assignment changes proposed herein which are within 250 miles of the U.S.-Canadian border.

27. It has come to our attention that the assignment of Channel 270 to Glendale, California is listed in the Table as 270A. This is a Class B channel and so the listing should read 270 and is therefore corrected herein.

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

29. *Accordingly, it is ordered*, That effective July 31, 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, as follows:

(a) Amend entries for the cities as follows:

City	Channel No.
Apple Valley, Calif	272A
Glendale, Calif	270
Twentynine Palms, Calif	239
Junction City, Kans	233, 252A
Ishpeming, Mich	222, 296A
Marquette, Mich	239, 261A
Grand Island, Nebr	239, 243
Superior, Nebr	280A
New Bern, N.C	252A
State College, Pa	244A, 276A
Dallas, Tex	223, 250, 254, 262, 266, 275, 279, 283, 287
Beloit, Wis	237A

(b) Delete the entry for Grifton, N.C.

(c) Add the following entries:

City	Channel No.
Lawrenceville, Ill	276A
Beattyville, Ky	272A
Farmville, N.C	232A
White Haven, Pa	276A

30. *It is further ordered*, That, effective July 31, 1964, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding construction permit held by Hi-Desert Broadcasting Corporation for Radio Station KDHI-FM is modified to specify operation on Channel 239 in lieu of Channel 237A, subject to the following conditions:

(a) The permittee shall inform the Commission in writing by July 20, 1964, of its acceptance of this modification.

(b) The permittee shall submit to the Commission by July 20, 1964, all technical information necessary to the issuance of a modified construction permit for operation on Channel 239, including any changes in antenna and transmission line.

Adopted: June 24, 1964.

Released: June 25, 1964.

(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)

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-6507; Filed, June 29, 1964; 8:51 a.m.]

[Docket No. 15345; FCC 64-566]

PART 93—LAND TRANSPORTATION RADIO SERVICES

Eligibility

In the matter of amendment of part 93, Subpart I, § 93.401, of the Commission's rules governing the Taxicab Radio Service to provide for the use of radio facilities licensed in this service in connection with the pick-up and delivery of parcels and packages by taxicabs on a basis incidental and secondary to the transportation of passengers; Docket No. 15345, RM-359.

1. By reason of our order in this document, licensees in the Taxicab Radio Service will be authorized to use their radio facilities in conjunction with their incidental or secondary activities involving the pick-up and delivery of small items of property.

2. This report and order concludes a rule making proceeding that was instituted in February of 1964, in response to a petition for amendment of rules filed by the National Association of Taxicab Owners, Inc., and the American Taxicab Association on August 27, 1962.

3. Our notice of proposed rule making in this proceeding was published in the FEDERAL REGISTER (29 F.R. 3014, March 5, 1964) and all timely filings submitted in response thereto have been considered by the Commission.

4. Statements, in opposition to the petition for rule making which led to the institution of this proceeding, were filed by the Oregon Draymen and Warehousemen's Association, Merchants Dependable Delivery Service, and the Robinson Transfer and Storage Co., all of Portland, Oreg. The opposition of these parties was based on the contention that the carrying of packages or merchandise by taxicabs is beyond the scope of permissible taxicab business activities as governed by local laws and ordinances. In the amendment to the Taxicab Radio Service Rules that was proposed and is finally being adopted in this proceeding, specific language was and has been included which renders the service of carrying parcels, packages, etc. by taxicabs, contingent upon permissibility under local laws. In view of this provision, the opposition of the three above noted parties has been voided; moreover, no comments or reply comments were filed by any of the three named parties.

5. More than 100 parties filed comments in support of our proposal in this proceeding. No adverse comments were received; and no reply comments whatever were filed.

6. Our purpose in instituting this proceeding was to determine whether the public interest would be served by allowing taxicab radio facilities to be used in conjunction with an ancillary public taxicab service. In view of the information contained in the many comments that were filed, it is obvious that the use of radio in connection with the parcel and package delivery services provided by taxicabs, enhances the efficiency and speed of these services. As the public is the ultimate beneficiary of these services, we find that the public interest, convenience, and necessity would be served by allowing Taxicab Radio Service facilities to be used in conjunction with taxicabs incidental and secondary activities involving the pick-up and delivery of small items of property.

7. In light of the foregoing: *It is ordered*, That effective August 3, 1964, Part 93 of the Commission's rules is amended as set forth below.

8. Authority for the amendments adopted herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

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

Adopted: June 24, 1964.

Released: June 25, 1964.

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

In Part 93, Land Transportation Radio Services, § 93.401(a)(1) of the Taxicab Radio Service Rules is revised to read as follows:

§ 93.401 Eligibility.

(a) * * *

(1) Persons regularly engaged in furnishing to the public for hire a nonscheduled passenger land transportation service not operated over a regular route or between established terminals. Such service, where permissible under local laws, may also include the occasional transport of small items of property.

* * * * *

[F.R. Doc. 64-6508; Filed, June 29, 1964; 8:51 a.m.]

[4] Commissioners Henry, Chairman; and Hyde absent.

[1] Commissioners Henry, Chairman; Hyde and Loevinger absent.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Amounts Received Under Wage Continuation Plans

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

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 72 and 105 of the Internal Revenue Code of 1954 to section 205 of the Revenue Act of 1964 (Public Law 88-272, 78 Stat. 38), and to make certain other changes, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (c)(1) and examples (1) and (2) of paragraph (f) of § 1.72-15 are amended to read as follows:

§ 1.72-15 Applicability of section 72 to accident or health plans.

* * * * *

(c) *Accident or health benefits attributable to employee contributions.* (1) If a plan to which this section applies provides that any portion of the accident or health benefits is attributable to the contributions of the employee to such plan, then such portion of such benefits is excludable from gross income under section 104(a)(3) and paragraph (d) of § 1.104-1. Neither section 72 nor section 105 applies to any accident or health benefits (whether paid before or after retirement) attributable to contributions of the employee. Since such portion is excludable under section 104(a)(3), such portion is not subject to the dollar limitation of section 105(d) and if such portion is payable after the retirement of the employee, it is excludable without regard to the provisions of § 1.105-4 and section 72.

* * * * *

(f) *Examples.* * * *

Example (1). A, an employee, is a participant in a contributory pension plan described in section 401(a) and exempt under section 501(a). Such plan provides for the payment of a pension to each participant when he retires at age 65 or when he retires earlier if the retirement is due to permanent and total disability. In 1964, A, who was age 52, became totally and permanently disabled because of an injury, was hospitalized, and commenced to receive a pension of $74 a week under this plan. The weekly amounts received by A do not exceed 75 percent of his "regular weekly rate of wages" under section 105(d). A had contributed $11,500 to the plan. The plan does not expressly provide that any portion of the disability pension is purchased with employee contributions. Accordingly, it is presumed that no portion of the disability pension is purchased with A's contributions. The disability pension which A receives qualifies as payments under a wage continuation plan for purposes of section 105(d) and § 1.105-4, and if such payments are the only accident or health benefits which are attributable to the contributions of his employer, such payments are entirely excludable under section 105(d) until A reaches age 65, his normal retirement age under the plan. The payments which A receives after he becomes age 65 are taxable under section 72. The payments which A receives do constitute an annuity as defined in paragraph (b) of § 1.72-2, but since the amounts which he will receive during the first three years after attaining age 65 exceed his contributions, he shall exclude under § 1.72-13 the entire amount of all payments that he receives as an annuity after attaining age 65 until such amounts equal his contributions to the plan, or $11,500. Thereafter, the payments that he receives under the plan are includible in gross income.

Example (2). B, an employee, is a participant in a contributory profit-sharing plan described in section 401(a) and exempt under section 501(a). Such plan provides that, in the event a participant is absent from work because of a personal injury or sickness, he will be paid $125 a week out of his account in such plan. Such weekly amount does not exceed 75 percent of B's "regular weekly rate of wages" under section 105(d). Any amount standing to the account of a participant at the time of his separation from service will be paid to him at such time. During 1964, B incurred a personal injury, was hospitalized, and as a result was absent from work for nine weeks. He received nine weekly payments of $125, or a total of $1,125, on account of such absence from work. At the time B was injured, he had contributed $5,000 to the plan. The plan did not expressly provide that a participant's contributions are to be used to provide for the distributions during disability. Accordingly, it is presumed that B's contributions were not used to provide the accident or health benefits under the plan. Since these weekly payments are paid because of B's absence from work due to the injury, and since such payments are considered as attributable to contributions of his employer, such payments are required under section 105(a) to be included in B's gross income except to the extent that they are excludable under section 105(d). If B receives no other payments under a wage continuation plan attributable to contributions of his employer, during the first 30 days in the period of absence $75 of each weekly payment is excludable from gross income under section 105(d), but $50 of each weekly payment is includible in gross income under section 105(a). Amounts attributable to the period of absence in excess of 30 days are excludable from gross income under section 105(d) to the extent of $100 a week and includible in gross income under section 105(a) to the extent of $25 a week. The excludable portion of payments does not reduce B's investment in the contract or the amount of premiums considered to have been paid by B for purposes of any subsequent computations under section 72.

* * * * *

PAR. 2. Section 1.105 is amended by revising subsection (d) of section 105 and by adding a historical note. These amended and added provisions read as follows:

§ 1.105 Statutory provisions; amounts received under accident and health plans.

SEC. 105. *Amounts received under accident and health plans.* * * *

(d) *Wage continuation plans.* Gross income does not include amounts referred to in subsection (a) if such amounts constitute wages or payments in lieu of wages for a period during which the employee is absent from work on account of personal injuries or sickness; but this subsection shall not apply to the extent that such amounts exceed a weekly rate of $100. The preceding sentence shall not apply to amounts attributable to the first 30 calendar days in such period, if such amounts are at a rate which exceeds 75 percent of the regular weekly rate of wages of the employee (as determined under regulations prescribed by the Secretary or his delegate). If amounts attributable to the first 30 calendar days in such period are at a rate which does not exceed 75 percent of the regular weekly rate of wages of the employee, the first sentence of this subsection (1) shall not apply to the extent that such amounts exceed a weekly rate of $75, and (2) shall not apply to amounts attributable to the first 7 calendar days in such period unless the employee is hospitalized on account of personal injuries or sickness for at least one day during such period. If such amounts are not paid on the basis of a weekly pay period, the Secretary or his delegate shall by regulations prescribe the method of determining the weekly rate at which such amounts are paid.

* * * * *

[Sec. 105 as amended by sec. 205, Rev. Act 1964 (78 Stat. 38)]

PAR. 3. Section 1.105-4 is amended by revising paragraphs (c) and (d)(1), and by adding new paragraphs (e), (f), and (g). These amended and added provisions read as follows:

§ 1.105-4 Wage continuation plans.

* * * * *

(c) *Limitation in the case of absence from work due to sickness for periods commencing prior to January 1, 1964.* (1) In the case of a period of absence

from work on account of sickness commencing prior to January 1, 1964, the exclusion provided by section 105 (d) does not apply to amounts attributable to the first seven calendar days of each such period, unless the employee is hospitalized on account of sickness for at least one day during the period of absence from work. This 7-day rule applies to each period of absence from work because of sickness, regardless of the frequency of such absences or the closeness in time to any prior period of absence from work because of sickness. For example, employee A becomes absent from work because of sickness on Friday, October 4, 1963, and returns to work on the morning of Monday, October 14, 1963. He suffers a relapse and again becomes absent from work on the afternoon of Monday, October 14, 1963. A's return to work on the morning of Monday, October 14, 1963, terminates the first period of absence from work because of sickness, and a new period of absence from work because of sickness begins on the afternoon of Monday, October 14, 1963. The 7-day limitation does not apply if the absence from work is due to personal injury. These rules may be illustrated by the following examples:

Example (1). Employee C normally works five days (Monday through Friday) during each week. On Saturday, October 5, 1963, a (nonworking day), C becomes sick and as a result, he does not return to work until Thursday, October 17, 1963. The period of absence from work due to sickness commences on Monday, October 7, 1963, and terminates when C returns to work on Thursday, October 17, 1963. If C is not hospitalized during such period of absence from work, section 105(d) does not apply to amounts which C receives under his employer's wage continuation plan attributable to the 7-day period commencing Monday, October 7, 1963, and ending Sunday, October 13, 1963, inclusive.

Example (2). Employee D incurs a personal injury which causes him to be absent from work two days. His regular wages are continued during this period in accordance with the wage continuation plan of his employer. Since D's absence from work was due to a personal injury, rather than a sickness, the 7-day waiting period and does not apply, and, subject to the other requirements of section 105(d), D is entitled to an exclusion with respect to the amounts received under the employer's plan attributable to the 2-day period of absence.

(2) For the purpose of starting the 7-day waiting period, if the period of absence due to sickness commences after the start of a working day, the amount received with respect to the portion of such day that the employee is absent from work shall be considered the amount attributable to the first calendar day of the period of absence from work due to sickness. This rule may be illustrated by the following example:

Example. Employee E normally works from 9 a.m. until 5:30 p.m. on five days (Monday through Friday) during each week. From noon on Friday, September 6, 1963, until noon on Monday, September 16, 1963, E is absent from work on account of sickness but is not hospitalized at any time during this period. Section 105(d) does not apply to amounts received by E under his employer's wage continuation plan which are attributable to the calendar period beginning September 6, 1963, and ending September 12, 1963, inclusive. However, if the other requirements of section 105(d) are met, E may exclude from gross income amounts attributable to the period beginning September 13, 1963, and ending at noon on September 16, 1963, inclusive.

(3) If the absence from work is due to sickness, the amount attributable to the first seven calendar days of such absence includes all amounts paid for such seven calendar days, regardless of the number of work days included in such seven calendar days. For example, if on one of such seven calendar days an employee would have worked two 8-hour shifts, the amount he is paid for the two shifts is considered to be an amount attributable to only one calendar day.

(4) An employee is considered to be hospitalized for one day only if he is admitted to and confined in a hospital as a bed patient for at least one hospital day. Entry into a hospital as an in-and-out patient does not constitute hospitalization for purposes of section 105(d). The same applies to mere entry into the outpatient ward or the emergency ward of a hospital.

(d) *Exclusion not applicable to the extent that amounts exceed a weekly rate of $100 for periods of absence commencing prior to January 1, 1964*—(1) *In general.* Amounts received under a wage continuation plan, attributable to periods of absence commencing before January 1, 1964, which are not excludable from gross income as being attributable to contributions of the employee (see § 1.105–1) must be included in gross income under section 105(d) to the extent that the weekly rate of such amounts exceeds $100. Thus, an employee, who receives $50 under his employer's wage continuation plan on account of his being absent from work for two days due to a personal injury, cannot exclude the entire $50 under section 105(d) if the weekly rate of such benefits exceeds $100. If an employee receives payments under a wage continuation plan for less than a full pay period, the excludability of such payments shall be determined under subparagraph (2) of this paragraph. In all other cases, the weekly rate and excludability of such payments under a wage continuation plan shall be determined under subparagraph (3) of this paragraph. If, with respect to any pay period or portion thereof, the employee receives amounts under two or more wage continuation plans (whether such plans are maintained by or for the same employer or by different employers), the weekly rate and excludability of amounts received under each plan shall be determined under subparagraph (3) of this paragraph and the weekly rate for purposes of section 105(d) shall be the sum of all such weekly rates. This rule may be illustrated by the following examples:

* * * * *

(e) *Limitation in the case of absence from work on account of personal injury or sickness for periods commencing after December 31, 1963.* (1) In the case of periods of absence from work on account of sickness or personal injury commencing after December 31, 1963, the exclusion provided by section 105(d) does not apply to amounts attributable to the first 30 calendar days of each such period, if such amounts are at a rate which exceeds 75 percent of the employee's "regular weekly rate of wages", as determined under subparagraph (5) of this paragraph. If the amounts are at a rate of 75 percent or less of the employee's "regular weekly rate of wages", the exclusion provided by section 105(d) does not apply to amounts attributable to the first 7 calendar days of each such period, unless the employee is hospitalized on account of personal injury or sickness for at least one day during the period of absence from work. The 7- or 30-day waiting period (whichever is applicable) applies to each period of absence from work because of personal injury or sickness, regardless of the frequency of such absences or the closeness in time to any prior period of absence from work because of personal injury or sickness. The waiting period is to be counted by beginning with the first work day for which the employee was absent. These rules may be illustrated by the following examples:

Example (1). Employee A is absent from work because of sickness on Tuesday, January 7, 1964, and returns to work on the morning of Thursday, February 13, 1964. He suffers a relapse and again becomes absent from work on the afternoon of Thursday, February 13, 1964. A's return to work on the morning of Thursday, February 13, 1964, terminates the first period of absence from work because of sickness, and a new period of absence from work because of sickness begins on the afternoon of Thursday, February 13, 1964.

Example (2). Employee B normally works five days (Monday through Friday) during each week. On Saturday, January 11, 1964 (a non-working day), B becomes sick or injured and as a result he does not return to work until Monday, February 17, 1964. The period of absence from work commences on Monday, January 13, 1964, and terminates when B returns to work on Monday, February 17, 1964. Assuming B receives amounts under his employer's wage continuation plan at a rate exceeding 75 percent of his "regular weekly rate of wages" (as determined under subparagraph (5) of this paragraph), the exclusion provided by section 105(d) does not apply to amounts B receives under his employer's wage continuation plan which are attributable to the 30-day period commencing Monday, January 13, 1964, and ending Tuesday, February 11, 1964, inclusive. If B receives amounts under his employer's wage continuation plan at a rate which is 75 percent or less of his "regular weekly rate of wages" and he is not hospitalized during the period of absence from work, the exclusion provided by section 105(d) does not apply to amounts B receives which are attributable to the 7-day period commencing Monday, January 13, 1964, and ending Sunday, January 19, 1964, inclusive.

Example (3). Employee C is sick or incurs a personal injury which causes him to be absent from work for two weeks. He receives amounts under his employer's wage continuation plan at a rate which is 75 percent or less of his "regular weekly rate of wages" (as determined under subparagraph (5) of this paragraph) and is hospitalized from the eighth through the eleventh day of his absence. Since C was hospitalized on account of personal injury or sickness for at least one day during the period of absence, the 7-day waiting period does not apply, and, subject to the other requirements of section 105(d), C is entitled to an exclusion with respect to the amounts received under

his employer's plan attributable to the two-week period of absence. If C were receiving amounts under his employer's wage continuation plan at a rate exceeding 75 percent of his "regular weekly rate of wages", he would not be entitled to an exclusion under section 105(d).

(2) For the purpose of starting the 7- or 30-day waiting period, whichever is applicable, if the period of absence commences after the start of a working day, the amount received with respect to the portion of such day that the employee is absent from work shall be considered an amount attributable to the first calendar day of the period of absence from work. This rule may be illustrated by the following example:

Example. Employee D normally works from 9 a.m. until 5:30 p.m. on five days (Monday through Friday) during each week. From noon on Wednesday, January 8, 1964, until noon on Monday, February 17, 1964, D is absent from work on account of personal injury or sickness but is not hospitalized at any time during this period. D receives amounts under his employer's wage continuation plan at a rate not exceeding 75 percent of his "regular weekly rate of wages" (as determined under subparagraph (5) of this paragraph). Section 105(d) does not apply to amounts received by D under his employer's wage continuation plan which are attributable to the calendar period beginning January 8, 1964, and continuing through January 14, 1964, inclusive. However, if the other requirements of section 105(d) are met, D may exclude from gross income amounts attributable to the remainder of the period of absence, ending at noon on Monday, February 17, 1964.

(3) If the exclusion is subject to a 7- or 30-calendar day waiting period, any amount attributable to such 7- or 30-calendar day waiting period includes all amounts paid therefor, regardless of the number of work days included in such 7- or 30-calendar days. For example, if on one of the days included in the waiting period, an employee would have worked two 8-hour shifts, the amount he is paid for the two shifts is considered to be attributable to only one calendar day.

(4) An employee is considered to be hospitalized for one day only if he is admitted to and confined in a hospital as a bed patient for at least one hospital day. Entry into a hospital as an in-and-out-patient does not constitute hospitalization for purpose of section 105(d). The same applies to mere entry into the out-patient ward or the emergency ward of a hospital.

(5) (i) In general, the "regular weekly rate of wages" for the purpose of section 105(d) shall be the average weekly wages paid for the last four weekly periods falling within a full pay period or full pay periods immediately preceding the commencement of the period of absence. If the employee was absent from work for three or more normal working days during such pay period or pay periods, and the amount of wages paid for the pay period or pay periods during which each such absence occurred was less than the amount of wages paid for the immediately preceding pay period during which the employee was not absent from work for three or more normal working days, then the amount of wages paid for the weekly period or weekly periods falling wholly or partly within the pay period or pay periods during which such absence or absences occurred shall not be used in the determination of "regular weekly rate of wages". In such a case, there shall be substituted the amount of wages paid for the last weekly period or weekly periods falling within the pay period or pay periods immediately preceding the pay period or pay periods in which such absence or absences occurred during which the employee was not absent from work for three or more normal working days.

(*a*) In order to compute wages paid for the last four weekly periods falling within a full pay period or full pay periods immediately preceding the commencement of the period of absence, or any substituted weekly periods therefor, it will be necessary to convert the wages paid for any pay period other than a weekly pay period into a weekly rate or weekly rates of payment of such wages in accordance with the rules stated in subdivision (iii) of this subparagraph. Such weekly rate or weekly rates of wage payments are then used in determining the wages for the last four weekly periods falling within a full pay period or full pay periods immediately preceding the commencement of the period of absence, or any substituted weekly periods therefor.

(*b*) If the employee does not have four weekly periods falling within a full pay period or full pay periods preceding his absence during which he was not absent from work for three or more normal working days, then the greatest number of available weekly periods shall be used, consistent with the rules set forth in subdivision (i) of this subparagraph, in determinng the "regular weekly rate of wages".

(*c*) If the employee has been employed for a full pay period or more preceding his absence, and has worked for the number of days in a normal workweek, but was absent from work for three or more normal working days during each of the pay periods preceding his absence, then the "regular weekly rate of wages" shall be determined by multiplying the employee's actual wages paid for normal working days in the pay period immediately preceding the employee's absence by the number of days that the employee is expected to work in a normal workweek, and by dividing the product by the number of normal work days in such pay period for which wages were paid.

(*d*) If the employee has not been employed for a full pay period preceding his absence, and has worked for the number of days in a normal workweek, the "regular weekly rate of wages" shall be determined by multiplying the employee's actual wages paid for normal working days preceding the employee's absence by the number of days that the employee is expected to work in a normal workweek, and dividing the product by the number of normal work days for which wages were paid.

(*e*) If the employee has not worked the number of days in a normal workweek, then there is no "regular weekly rate of wages."

(*f*) Wages paid by a former employer shall not be used in the determination of "regular weekly rate of wages" as described in this subparagraph.

(ii) For the purpose of determining "regular weekly rate of wages" under subdivision (i) of this subparagraph, an employee's wages shall comprise all taxable compensation for services, including, but not limited to, basic salary, fees, commissions, tips, gratuities, and similar items, which are regularly received for periods while the employee is performing duties for his employer in the course of the employment relationship. For the purpose of this subparagraph, however, wages shall not include amounts which are not received regularly, or bonuses, incentive payments, or overtime earnings except to the extent normally received. An employee's compensation, for the purpose of determining his "regular weekly rate of wages", will not include any compensation which is not currently includible in gross income. For example, an employee's wages for the purpose of this subdivision shall not include deferred compensation paid by the employer which is not includible in gross income until received by the employee, such as employer contributions to a qualified annuity under section 403(a), or employer contributions to an accident or health plan excluded under section 106.

(iii) The following rules shall be used to convert wages for pay periods other than weekly pay periods into weekly rates of wage payments to be used in determining "regular weekly rate of wages" as described in this subparagraph.

(*a*) If wages are paid biweekly, the weekly rate of wage payments shall be one-half of the biweekly wages paid.

(*b*) If the employee is paid semimonthly, the weekly rate of wage payments shall be the semimonthly wages paid multiplied by 24 and divided by 52.

(*c*) If wages are paid monthly, the weekly rate of wage payments shall be the monthly wages paid multiplied by 12 and divided by 52.

(*d*) If wages are paid on the basis of a pay period other than a period described in (*a*) through (*c*) of this subdivision, the weekly rate of wage payments shall be determined by ascertaining the annual rate of wage payments and dividing by 52.

(*e*) For the purpose of this subparagraph, if separate portions of an employee's wages are paid on the basis of different pay periods, the weekly rate or weekly rate of wage payments of each portion of wages paid with respect to each pay period shall first be determined under the rules set forth in (*a*) through (*d*) of this subdivision and the average weekly rate of each portion of wages, determined in accordance with the rules set forth in subdivision (i) of this subparagraph, shall be aggregated to determine the employee's "regular weekly rate of wages" for purposes of section 105(d).

(iv) The provisions of this subparagraph may be illustrated by the following examples:

Example (*1*). Employee A is a salesman who is paid a basic salary of $60 per week and, in addition, is paid commissions on a

weekly basis. A became ill and did not report for work beginning Monday, February 17, 1964. For the four-week period preceding the commencement of the period of absence, A was paid the following:

Week of—	Basic salary	Commissions	Total weekly wages
Jan. 20, 1964	$60	$10	$70
Jan. 27, 1964	60	50	110
Feb. 3, 1964	60	30	90
Feb. 10, 1964	60	40	100
Total 4-week wages			370

A's wages, under the rules set forth in subdivision (ii) of this subparagraph, consist of basic salary plus commissions. Since the amount of A's average weekly wages paid for the last four weekly periods falling within the four pay periods immediately preceding the commencement of his period of absence from work is $92.50 ($370 ÷ 4), such amount is considered as the "regular weekly rate of wages" for purposes of section 105(d).

Example (2). Assume, in example (1), that A normally works five days during each week (Monday through Friday) and that he was also absent from work for any reason from Monday, January 20, 1964, through January 22, 1964. The wages for the weekly period of January 13, 1964 were as follows:

Basic salary	Commissions	Total weekly wages
$60	$30	$90

Since A was absent from work for three normal working days during the pay period of January 20, 1964, and was paid a lesser amount of wages for such pay period than in the immediately preceding pay period during which he was not absent from work (week of January 13), the weekly pay period beginning January 13, 1964 is substituted for the weekly pay period beginning January 20, 1964 in the determination of "regular weekly rate of wages" for purposes of section 105(d). The "regular weekly rate of wages" is calculated to be $97.50, as follows:

	Total wages
Week of:	
Feb. 10	$100
Feb. 3	90
Jan. 27	110
Jan. 13 (substitute for week of Jan. 20)	90
	390÷4=$97.50

Example (3). Employee B is a salesman who is paid a basic salary of $75 and, in addition, is paid commissions for semimonthly periods ending on the 15th day and the last day of each month. He was absent from work on account of a personal injury beginning Monday, February 17, 1964. He was paid the following amounts:

Pay period	Salary	Commissions	Total wages
Feb. 1–15, 1964	$75	$60	$135
Jan. 16–31, 1964	75	50	125

The four weekly periods falling within full pay periods preceding the commencement of the period of absence are the weeks beginning February 9, February 2, January 26, and January 19. B's wages are converted to weekly rates of wage payments per pay period in accordance with the rule set forth in subdivision (iii)(*b*) of this subparagraph as follows:

From February 1, 1964–February 15, 1964, inclusive:

$135×24=$3,240.00 (annual rate)

$\frac{\$3,240.00}{52}=\$62.31$ (weekly rate)

From January 16–31, inclusive:

$125×24=$3,000.00 (annual rate)

$\frac{\$3,000.00}{52}=\$57.69$ (weekly rate)

The weekly rates are then used in determining the wages for four weekly periods falling within the pay periods immediately preceding the commencement of B's absence. B's "regular weekly rate of wages" is calculated to be $60.17, as follows:

February 9–15, inclusive	$62.31
February 2–8, inclusive	62.31
January 26–February 1, inclusive (6/7×$57.69+1/7×$62.31)	58.35
January 19–25, inclusive	57.69
	240.66÷4=$60.17

Example (4). Employee C is paid semimonthly on the 5th and 20th of each month and he began working for his present employer at the beginning of the semimonthly pay period commencing Tuesday, January 21, 1964. C received total wages of $200 for the pay period of January 21, 1964 through February 5, 1964, inclusive. He was not absent during that pay period. C became sick and was absent from work beginning February 7, 1964. Since employee C does not have four weekly periods falling within a full pay period or full pay periods preceding his absence, the average wages for the last two weekly periods falling within such full pay period will be C's "regular weekly rate of wages" for purposes of section 105(d), determined to be $92.31, as follows:

$200×24=$4,800 (annual rate)

$\frac{\$4,800}{52}=\$92.31$ (weekly rate)

Example (5). Employee D, an office worker, is paid weekly and is expected to work five days during each week. He has been employed by his present employer for three weeks, but has been absent from work for three normal work days in each of the weeks preceding his illness. He became ill and was absent from work on Monday, February 17, 1964. During the weekly pay period immediately preceding his absence (week of February 10) D was paid $48 salary. He was paid for two working days during such weekly pay period. D's "regular weekly rate of wages", is calculated to be $120.00, determined as follows:

$$\frac{\$48 \text{ (total wages)} \times 5 \text{ (normal work days in week)}}{2 \text{ (number of work days for which wages were paid)}}=\$120.00$$

Example (6). Employee E is an hourly worker who is paid a salary of $1.25 per hour. E is paid basic salary on a biweekly basis for the periods beginning every other Thursday and ending every other Wednesday. E is also paid monthly for his overtime work and is compensated for such work at one and one-half times the hourly rate. It is normal for E to perform 16 hours of overtime work per month for his employer. E was injured and could not report for work on Friday, February 21, 1964. E returned to work on Monday, March 16, 1964. E was paid as follows for the pay periods indicated:

Pay period	Hours		Salary per hour		Total salary
	Regular	Overtime	Regular	Overtime	
Month of January 1964		16		$1.875	$30.00
Jan. 23–Feb. 5, 1964, inclusive	80		$1.25		100.00
Feb. 6–19, 1964, inclusive	80		1.25		100.00

Under the rule set forth in subdivision (iii)(*e*) of this subparagraph, the weekly rates of payment of salary and overtime must be determined separately. Since basic salary is paid biweekly, the weekly rate of payment is determined to be one-half of $100.00, or $50.00. The full pay period immediately preceding the commencement of E's absence for overtime compensation ended on January 31, 1964. E's overtime earnings are converted to a weekly rate for such period, as follows:

$30.00 (overtime pay)×12=$360.00 (annual rate)

$\frac{\$360.00}{52}=\$6.93$ (weekly rate)

The average wages for the last four weekly periods falling within pay periods immediately preceding the commencement of E's absence with respect to basic salary (weeks of February 13, 6, January 30, and 23) is $50.00. The average wages for the last four weekly periods falling within the pay period immediately preceding the commencement of E's absence with respect to overtime compensation (weeks of January 25, 18, 11, and 4) is $6.93. Accordingly, E's "regular weekly rate of wages" for the purpose of section 105(d) is $56.93.

(6)(i) Amounts paid under a wage continuation plan must be converted to a weekly rate in order to determine the percentage of benefits paid in relation to the employee's "regular weekly rate of wages", since such percentage is used in determining the waiting period, if any, after which an exclusion is allowable under section 105(d). In order to calculate the weekly rate at which benefits are being paid, reference is made to the particular wage continuation plan. If, in the usual operation of the plan, benefits are paid for the same periods as regular wages, then the pay period of such benefits shall be the period for which a payment of wages is ordinarily made to the employee by the employer. If plan benefits are ordinarily paid for different periods than regular wages then the pay period of such benefits shall be the period for which payment of such benefits is ordinarily made.

(ii) The weekly rate at which the benefits are paid under a wage continuation plan shall be determined in accordance with the following rules:

(*a*) If benefits are paid on the basis of a weekly pay period, the weekly rate at which such benefits are paid shall be the weekly amount of such benefits.

(*b*) If benefits are paid on the basis of a biweekly pay period, the weekly rate at which such benefits are paid shall be one-half of the biweekly rate.

(*c*) If benefits are paid on the basis of a semimonthly pay period, the weekly rate at which such benefits are paid shall be the semimonthly rate multiplied by 24 and divided by 52.

(*d*) If benefits are paid on the basis of a monthly pay period, the weekly rate at which such benefits are paid shall be the monthly rate multiplied by 12 and divided by 52.

(*e*) If benefits are paid on the basis of a period other than a period described in (*a*) through (*d*) of this subdivision the weekly rate at which such benefits are paid shall be determined by ascertaining the annual rate at whch such benefits are paid and dividing such annual rate by 52.

(iii) The principles of subdivisions (i) and (ii) of this subparagraph may be illustrated by the following example:

Example. A's employer maintains a noncontributory plan which provides for a monthly benefit of $400 during periods of absence from work due to personal injury or sickness. A, a salesman, receives regular salary of $520 per calendar month plus commissions, depending upon the amount of sales made by A during the month. During the month of January 1964, A was paid commissions of $180. A received a total benefit of $200 for an absence of two weeks because of illness occurring in February 1964. He was not hospitalized. Since benefits under the salary continuation plan are paid for the same period as regular wages, the pay period of the plan is monthly. A's "regular weekly rate of wages", determined in accordance with the rules set forth in subparagraph (5) is $161.54 $\frac{(\$700\times 12)}{52}$. For purposes of determining the percentage of benefits paid in relation to A's "regular weekly rate of wages", the weekly rate of the benefits are calculated to be $92.31, as follows:

$400 (monthly rate) $\times 12 = \$4{,}800$ (annual rate)

$\frac{\$4{,}800}{52} = \$92.31$ (weekly rate)

Since $92.31 does not exceed 75 percent of A's "regular weekly rate of wages", A is entitled to an exclusion under section 105(d) for the second week of absence, subject to the other limitations provided in this section.

(iv) For the purpose of determining whether the rate of benefits paid under a wage continuation plan are less than, or are in excess of, 75 percent of the employee's "regular weekly rate of wages" (as determined under subparagraph (5) of this paragraph), it is necessary to compute the average percentage of weekly benefits paid during the first 30-calendar days of absence in relation to the employee's "regular weekly rate of wages". This rule may be illustrated by the following examples:

Example (*1*). Employee A is paid a semimonthly basic salary of $150 plus commissions. He normally works five days during each week (Monday through Friday). During the month of January 1964, A received wages of $150 plus commissions of $66.67 for each of the semimonthly pay periods. A became ill on Monday, February 3, 1964, and as a result was absent from work until Monday, February 17, 1964, but was not hospitalized. Under the wage continuation plan of A's employer, A received no benefits for the first three working days' absence and was paid benefits at the rate $100 a week thereafter. A's "regular weekly rate of wages", determined under the rules set forth in subparagraph (5) of this paragraph, is $100. For the first week in the period of absence, A is considered to have received benefits at the rate of 40 percent of "regular weekly rate of wages", since no benefits are payable for the first three working days' absence (Monday through Wednesday) and the amount attributable to the last two days of absence during the first week's absence is $40 $\frac{(\$100\times 2)}{5}$. During the second week of absence, A receives benefits at the rate of 100 percent of "regular weekly rate of wages". However, since the average weekly benefits paid during the two-week period is 70 percent of A's "regular weekly rate of wages" $\frac{(100\%+40\%)}{2}$, A may exclude amounts attributable to the second week of absence, subject to the other limitations of section 105(d).

Example (2). Assume, in example (1), that A did not return to work until Thursday, February 20, 1964. A is considered to have received average weekly benefits at the rate of 76.92% of his "regular weekly rate of wages", computed as follows:

(1) Weeks of absence	(2) Benefits paid	(3) Regular weekly rate of wages	(4) Percentage that (2) bears to (3)
1—Feb. 3	$40	$100	40
1—Feb. 10	100	100	100
⅗—Feb. 17	[1] 60	100	60
Total 2⅗			200

[1] Three-fifths of 100.

Average percentage of weekly benefits paid—200 ÷ 2⅗ = 76.92%. Accordingly, A would not be permitted any exclusion under section 105(d).

(v) If with respect to any pay period or portion thereof the employee receives amounts under two or more wage continuation plans (whether such plans are maintained by or for the same employers or by different employers), the weekly rate for purposes of section 105(d) shall be the sum of the weekly rates received under all plans. This rule may be illustrated by the following example:

Example. An employee who is absent because of personal injuries or sickness receives $100 biweekly under wage continuation plan A maintained by his employer. He contributes one-half of the premiums for maintenance of the plan. Under wage continuation plan B maintained by his employer the employee receives $400 monthly. Plan B is noncontributory. The weekly rate at which benefits are paid for the purpose of section 105(d) is computed as follows:

Plan A—$\frac{\$100}{2}$ = $50.00 (weekly rate)

25.00 (less amount attributable to employee contributions (½))

25.00 (weekly rate of Plan A)

Plan B—$\frac{\$400\times 12}{52}$ = 92.31 (weekly rate of Plan B)

117.31 (combined weekly rate at which benefits are paid)

The $25 attributable to contributions made by the employee under Plan A would be subject to section 104(a)(3).

(f) *Amount of exclusion for periods of absence commencing after December 31, 1963*—(1) *In general.* Amounts received under a wage continuation plan attributable to periods of absence commencing after December 31, 1963, and which are not excludable from gross income as being attributable to contributions of the employee (see § 1.105–1) are excludable from gross income of the employee to the extent that such amounts do not exceed—

(i) A weekly rate of $75, during the first 30-calendar days in the period of absence; and

(ii) A weekly rate of $100, after the first 30-calendar days in the period of absence.

For example, an employee who normally works five days during each week is absent from work for two days, is hospitalized during his absence, and receives $75 under his employer's wage continuation plan, which amount is at a rate of 75 percent of his "regular weekly rate of wages". The employee cannot exclude the entire $75 under section 105(d), if the weekly rate of such benefits exceeds $75.

(2) *Daily exclusion.* An employee receiving payments under a wage continuation plan must, in order to determine the amount of the exclusion under section 105(d), compute the daily rate of the benefits. Such daily rate is determined, for amounts attributable to the first 30-calendar days in the period of absence, by dividing the weekly rate at which benefits are paid (as determined under paragraph (e)(6)(ii) of this section), or the maximum weekly rate at which wage continuation payments are excludable ($75), whichever is lower, by the number of work days in a normal work week. In the case of amounts attributable to a period of absence in excess of 30-calendar days, the daily rate for such period is determined by dividing the weekly rate at which benefits are paid (as determined under paragraph (e)(6)(ii) of this section), or the maximum weekly rate at which wage continuation payments are excludable ($100), whichever is lower, by the number of work days in a normal work week. The daily rate or daily rates of exclusion are then multiplied by the number of normal work days in the period of absence for which an exclusion is allowable in order to determine the total allowable exclusion. These rules may be illustrated by the following examples:

Example (*1*). Employee A is a salesman paid on a weekly basis. His employer maintains a noncontributory wage continuation plan which provides for the continuation of A's basic salary of $80 per week during periods of absence. A was absent from work on account of sickness from Monday, February 3, 1964, through Sunday, March 15, 1964, but was not hospitalized. His normal work week is from Monday through Friday. The weekly amount of benefits paid to A ($80) does not exceed 75 percent of his "regular weekly rate of wages" as defined in paragraph (e)(5) of this section. Under section

105(d), the daily rate of exclusion for amounts attributable to the first 30-calendar days in the period of absence, excluding the first 7 days thereof (Monday, February 10, 1964, through Tuesday, March 3, 1964, inclusive) is limited to $15 ($75, maximum weekly rate of exclusion divided by 5 (number of normal work days in week)). The daily rate of exclusion for amounts attributable to the period of absence in excess of 30-calendar days (Wednesday, March 4, 1964, through Sunday, March 15, 1964, inclusive) is limited to $16 ($80, weekly rate of benefits divided by 5). Thus, the total exclusion permitted to employee A by section 105(d) is $383.00 ($15×17 work days ($255)+$16×8 work days ($128)).

Example (2). Assume the facts in example (1) except that A is paid benefits at the rate of $500 a month during periods of absence. The weekly rate of the benefits computed under the rules stated in paragraph (e)(6)(ii) of this section is $115.38. Under section 105(d), the daily rate of exclusion for amounts attributable to the first 30-calendar days in the period of absence, excluding the first 7 days thereof (Monday, February 10, 1964, through Tuesday, March 3, 1964, inclusive) is limited to $15 ($75, maximum weekly rate of exclusion divided by 5). The daily rate of exclusion for amounts attributable to the period of absence in excess of 30-calendar days (Wednesday, March 4, 1964, through Sunday, March 15, 1964, inclusive) is limited to $20 ($100, maximum weekly rate of exclusion divided by 5). Thus, the total exclusion permitted to employee A by section 105(d) is $415.00 ($15×17 work days ($255)+$20×8 work days ($160)).

(g) *Definitions.* The term "personal injury" as used in this section, means an externally caused sudden hurt or damage to the body brought about by an identifiable event. The term "sickness" as used in this section, means mental illnesses and all bodily infirmities and disorders other than "personal injuries". Diseases, whether resulting from the occupation or otherwise, are not considered personal injuries, but they are treated as a sickness.

[F.R. Doc. 64-6504; Filed, June 29, 1964; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

LEMONS

Proposed U.S. Standards for Grades

Correction

In F.R. Doc. 64-6322, appearing at page 8094 of the issue for Thursday, June 25, 1964, the phrase "100 percent" in § 51.2800(c)(1) should read "10 percent".

[7 CFR Part 1070]

MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area is being considered for the period of July 1, 1964, through December 31, 1965.

The provisions proposed to be suspended are:

In § 1070.10(d)(3) the following provisions:

1. All of the table headed "month" and "minimum percentage".

2. In the text preceding the table the phrase "at least the following percentages, in the months indicated, of the total quantity of", the word "all" and the phrase "quantity of".

The suspension of these provisions would result in the text reading as follows:

(3) From which the milk transferred by the association to plants of other handlers specified in paragraph (a) of this section plus that delivered by such association pursuant to paragraph (c) of this section and that delivered directly from the farms of members of such association to such plants is Grade A milk delivered by producers who are members of the association:

This action has been requested by the principal cooperative association in the market to maintain the pool status of a market balancing plant operated by it. This cooperative supplies most handlers in the Cedar Rapids-Iowa City market with their daily requirements of milk and uses the balancing plant to accumulate milk for shipment to other markets when it is not needed by these handlers.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in duplicate.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 24, 1964.

ROY W. LENNARTSON,
Acting Administrator.

[F.R. Doc. 64-6485; Filed, June 29, 1964; 8:49 a.m.]

[7 CFR Part 1137]

[Docket No. AO 326-A5]

MILK IN EASTERN COLORADO MARKETING AREA

Hearing on Proposed Amendment to Tentative Marketing Agreement and 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), notice is hereby given of a public hearing to be held in the Continental Denver Hotel, Valley Highway and Speer Boulevard, Denver, Colorado, beginning at 10:00 a.m., local time, on July 10, 1964, with respect to proposed amendment to the tentative marketing agreement and to the order, regulating the handling of milk in the Eastern Colorado marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by Denver Milk Producers, Inc., and Cache Valley Dairy Association:

Proposal No. 1. Amend § 1137.10(b)(1) to permit two or more cooperative associations to have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers provided each association has filed such a request in writing with the market administrator.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator H. Alan Luke, 2765 South Colorado Boulevard, Denver, Colorado, 80222, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on June 24, 1964.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 64-6486; Filed, June 29, 1964; 8:49 a.m.]

Agricultural Research Service

[7 CFR Part 301]

WHITE-FRINGED BEETLE

Proposed Domestic Quarantine and Supplemental Regulations

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator, Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), is considering amending Notice of Quarantine No. 72 relating to white-fringed beetles and the regulations supplemental to said quarantine (7 CFR 301.72, 301.72-1 through 301.72-10) to read as follows:

QUARANTINE

Sec.
301.72 Notice of quarantine.

REGULATIONS

QUARANTINE

§ 301.72 Notice of quarantine.

(a) *Quarantined States.* Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), and after public hearing, it has been determined that it is necessary to quarantine the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia to prevent the spread of infestations of species of the genus Graphognathus, commonly known as white-fringed beetles, dangerous insects injurious to cultivated crops and not heretofore widely prevalent or distributed within and throughout the United States, and therefore said States are hereby quarantined.

(b) *Regulation of movement of regulated articles*—(1) *General.* Hereafter, the articles specified as regulated articles in paragraph (c) of this section shall not be moved from any of the quarantined States into or through any other State, Territory, or District of the United States in manner or method or under conditions other than those prescribed in the regulations set forth in this subpart pursuant to the authority of the Plant Quarantine Act and the Federal Plant Pest Act.

(2) *Exceptions*—(i) *Limiting of restrictions to regulated area.* The restrictions of the regulations in this subpart, with respect to the movement of the regulated articles from any quarantined State, shall apply only to the area in the State which is designated as regulated area as provided in the regulations. Designation of less than an entire State as regulated area will be made if and only if, in the judgment of the Administrator of the Agricultural Research Service, the State provides regulations for and enforces control of the movement within the State of live white-fringed beetles and the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine regulations, the State provides regulations for and enforces such sanitation measures with respect to the area to be designated, or portions thereof, as are adequate to prevent the spread of white-fringed beetles within the State, and limiting the enforcement of the regulations to such area otherwise will be adequate to prevent the interstate spread of white-fringed beetles.

(ii) *Relieving of restrictions by administrative instructions.* Whenever the Director of the Plant Pest Control Division finds that facts exist as to the pest risk involved in the movement of any of the regulated articles which make it safe to relieve the restrictions with respect thereto, contained in the regulations, he shall promulgate administrative instructions setting forth such finding and relieving the restrictions in specified respects.

(c) *Regulated articles.* The following are capable of carrying white-fringed beetle infestation and therefore are regulated articles under this subpart:

(1) *Designated articles (Class "A" articles).* (i) Forest, field, nursery, and greenhouse-grown woody or herbaceous plants with roots.

(ii) Soil, compost, manure, peat, muck, clay, sand, and gravel, whether independent of or associated with nursery stock, other plants, plant products, or other products or articles, except that processed sand and gravel are not included as regulated articles.

(iii) Grass sod; plant crowns and roots for propagation; true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured; potatoes (Irish) when freshly harvested; peanuts in shells, and peanut shells.

(iv) Uncleaned grass, grain and legume seen; hay, straw, seed cotton and cottonseed.

(v) Scrap metal and junk; brick, tile, stone; concrete slabs, pipes, and building blocks; and cinders.

(vi) Forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(vii) Used harvesting machinery and used construction and maintenance equipment.

(2) *Articles determined to present hazards (Class "B" articles).* Any other products and articles, or means of conveyance, of any character whatsoever, not covered by subparagraph (1) of this paragraph, when it is determined by an inspector that they present a hazard of spread of white-fringed beetles, and the person in possession thereof has been so notified.

REGULATIONS

§ 301.72–1 Definitions.

For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *White-fringed beetles.* Species of the genus Graphognathus, in any stage of development.

(b) *Infestation.* The presence of white-fringed beetles.

(c) *Regulated areas.* The quarantined States, counties, parishes and other minor civil divisions, or parts thereof, designated as regulated areas in administrative instructions authorized in § 301.72–2.

(d) *Suppressive areas.* That part of the regulated areas where eradication may be undertaken as an objective, as designated in administrative instructions authorized in § 301.72–2.

(e) *Generally infested areas.* All of the regulated areas exclusive of the suppressive areas designated in administrative instructions authorized in § 301.72–2.

(f) *Nursery stock.* Forest, field, nursery, or greenhouse-grown woody or herbaceous plant with roots.

(g) *Regulated articles.* The articles specified in § 301.72(c) (1) and (2).

(h) *Inspector.* An employee of the United States Department of Agriculture.

(i) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(j) *Interstate.* From one State, Territory, or District of the United States into or through another.

(k) *State, Territory, or District of the United States.* Any State, the District of Columbia, Guam, Puerto Rico, or the Virgin Islands of the United States.

(l) *Certificate.* A document, issued or authorized by an inspector, evidencing compliance with the requirements of this subpart.

(m) *Master certificate.* A certificate indicating the quantity and nature of the articles covered thereby, issued or authorized by an inspector for use with bulk or lot shipments of regulated articles.

(n) *Limited permit.* A document issued or authorized by an inspector for the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

(o) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(p) *Director of the Plant Pest Control Division (or Director).* The Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, or any officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(q) *Administrator of the Agricultural Research Service (or Administrator).* The Administrator of the Agricultural Research Service, United States Department of Agriculture, or any officer or employee of that Department to whom authority to act in his stead has been or may hereafter be delegated.

(r) *Administrative instructions.* Published rules relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director.

§ 301.72–2 Designation of regulated areas.

The Director, from time to time, in administrative instructions promulgated by him, shall list each quarantined State in its entirety or shall list the counties, parishes, or other minor civil divisions, or parts thereof, in the quarantined State in which he determines infestation of white-fringed beetles exists or is likely to exist, or which he deems it necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from

infested localities, and shall designate each listed State or civil division or part of a civil division as constituting a regulated area. Less than an entire State will be designated as a regulated area if and only if, in the judgment of the administrator, limiting the enforcement of the regulations to such portion of the State will be adequate to prevent the spread of white-fringed beetles from the State as provided in § 301.72(b)(2)(i). The Director may revoke the designation of any civil division, or part thereof, as a regulated area by modifying the administrative instructions when he determines that adequate eradication measures have been practiced for a sufficient length of time to eradicate white-fringed beetles therein and that regulation of such area is not otherwise necessary under this section. The Director, in the administrative instructions, may divide any regulated area into a suppressive area and a generally infested area in accordance with the definitions thereof in § 301.72–1.

§ 301.72–3 Restrictions on the movement of regulated articles.

(a) *Applicability of restrictions.* The movement of the regulated articles is restricted from any regulated area into or through any point outside of the regulated areas, or from any generally infested area into or through any suppressive area, or between or within the suppressive areas, as provided in this subpart. No restriction is imposed by this subpart on the movement of regulated articles from any suppressive area into any generally infested area.

(b) *Conditions of movement.* Except as provided in paragraph (c) of this section or in § 301.72–7 or in administrative instructions of the Director under § 301.72:

(1) *Certificate or limited permit.* A certificate or limited permit is required to accompany the regulated articles when moved:

(i) From any regulated area into or through any point outside of the regulated areas;

(ii) From the generally infested area into or through any suppressive area; or

(iii) Between or within the suppressive areas.

(2) *Inspection of regulated articles.* Persons intending to move any regulated articles required by this section to be accompanied by a certificate or limited permit shall make application to an inspector for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

(3) *Safeguards against infestation.* Subsequent to certification, as provided in § 301.72–4, regulated articles may be moved under certificate under this subpart only if they are loaded, handled, and shipped under such protections and safeguards against infestation as are required by the inspector.

(c) *Articles originating outside the regulated areas.* Regulated articles which originate outside of the regulated areas and are moving through or are being reshipped from any regulated area may be moved from any regulated area into or through any point outside of the regulated areas, or from any generally infested area into or through any suppressive area, or between or within the suppressive areas, without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained and when they have been safeguarded against infestation while in the regulated area in a manner satisfactory to an inspector and in his judgment do not present a hazard of spread of white-fringed beetles. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated area.

§ 301.72–4 Issuance and use of certificates and limited permits.

(a) *Certificates.* Certificates may be issued by the inspector for the movement of any regulated articles under any of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation;

(2) When they have been examined by the inspector and found to be free of infestation;

(3) When they have been treated to destroy infestation under the observation of the inspector and in accordance with administratively authorized procedures known to be effective under the conditions in which applied;

(4) When they were grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles to specified destinations for limited handling, utilization, or processing, or for treatment.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector to prevent the spread of infestation.

(d) *Attachment of certificates and limited permits.* Every container of regulated articles, or, if there is none, the article itself, required to have a certificate or limited permit under § 301.72–2, shall have such certificate or permit securely attached to the outside thereof when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required.

§ 301.72–5 Cancellation of certificates and limited permits.

Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of white-fringed beetles.

§ 301.72–6 Inspection and disposal.

Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to any regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorize to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act (7 U.S.C. 150dd, 164a).

§ 301.72–7 Shipments for experimental or other scientific purposes.

Regulated articles may be moved under this subpart for experimental or other scientific purposes only on such conditions and under such safeguards as may be prescribed by the Director of the Plant Pest Control Division to carry out the purposes of this subpart. The container or, if there is none, the article itself shall bear, securely attached to the outside thereof, an identifying tag issued by the Director.

§ 301.72–8 Nonliability of Department.

The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

§ 301.72–9 Movement of live white-fringed beetles; regulations.

Regulations requiring a permit for, and otherwise governing the movement of live white-fringed beetles are contained in Part 330 of this chapter. Applications for permits for movement of said pests may be made to the Director, Plant Pest Control Division, Agricultural

Research Service, Hyattsville, Maryland 20781, in accordance with said part.

The proposed revision would add to the white-fringed beetle quarantined area the States of Arkansas and Virginia. Quarantining of these two States was considered at a public hearing held at Atlanta, Georgia, on January 23, 1964. It is also proposed to require a certificate or limited permit to accompany regulated articles when moved interstate between or within the suppressive areas. Changes in the format of the notice of quarantine and supplementary regulations are also proposed in the interests of clarity and simplification.

All persons who desire to submit written data, views or arguments in connection with this matter should file the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Hyattsville, Maryland 20781, within 30 days after the date of 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 such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 22d day of June 1964.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-6484; Filed, June 29, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[44 CFR Part 401]

[Foreign Excess Property Order No. 1]

FOREIGN EXCESS PROPERTY

Importation Into U.S. of Pneumatic Tires and Inner Tubes, Except 14-Inch Rim Diameter Pneumatic Tires and Inner Tubes

Insofar as the Administrative Procedure Act may be applicable herein and pursuant to the provisions of § 401.5, *General determinations of shortage or benefit,* of Foreign Excess Property Order No. 1, 27 F.R. 4202, the Administrator hereby gives notice of his intention to issue General Determination No. 1 that importation of foreign excess property consisting of pneumatic tires and inner tubes, except 14-inch rim diameter passenger car tires and inner tubes, would relieve domestic shortages and otherwise be beneficial to the economy of this country. Following the issuance of General Determination No. 1, any foreign excess property specified therein may be imported into the United States, Puerto Rico, or the Virgin Islands without any application being made to, or FEP Import Authorization being issued by, the Foreign Excess Property Officer.

It is proposed to have General Determination No. 1 include:

(a) All used pneumatic tires and inner tubes, except 14-inch rim diameter passenger car tires and inner tubes.

(b) All unused airplane tires and inner tubes.

(c) All other unused pneumatic tires and inner tubes, except 14-inch rim diameter passenger car tires and inner tubes, that are over-age or which by virtue of handling or exposure have deteriorated so that they are fit only for limited service application. Deterioration of the tires must be evidenced by either (1) branding with the letters "N.F.C." (Not First Class) in one inch (1") block type on each sidewall of each tire so as to be clearly visible above the bead area, or (2) buffing the tires so as to remove from each sidewall thereof the name of the manufacturer and trade name(s). Deterioration of the inner tubes must be evidenced by the stamping thereon in one inch block type with indelible ink, the letters "N.F.C." (Not First Class).

On presentation of any of the above described tires and/or inner tubes at a port of entry with the requisite buffing or branding of the tires and stamping of the tubes completed to the satisfaction of the Collector of Customs, the tires and/or inner tubes may be entered without presentation of an FEP Import Authorization.

Nothing in General Determination No. 1, however, shall be construed to exempt the importer from presentation of such other entry documents or conforming with any procedures required by the Collector of Customs.

The decision to issue General Determination No. 1 was made by the Administrator:

(a) After a finding by the Rubber Branch, Rubber, Leather and Allied Products Division, BDSA, concurred in by the National Tire Dealers and Recappers Association, that, except for 14-inch rim diameter passenger car tires and inner tubes, there is a general shortage of recappable tire carcasses and inner tubes for limited service applications and that importation of foreign excess property in the form of such used tires and inner tubes would relieve domestic shortages and otherwise be beneficial to the economy of this country;

(b) In order to give recognition to the fact that under continuing shortage conditions individual application processing had become routine;

(c) In order to effect economies in the operation of the various governmental units involved in the handling of foreign excess property matters;

(d) In order to reduce the paperwork and procedural requirements imposed on persons desiring to import foreign excess property; and

(e) Since removal of doubt as to importability and reduction of procedural requirements on importers would probably result in a higher return to the Government on sales of the subject kinds of foreign excess property.

It is proposed to issue General Determination No. 1 not less than 30 days subsequent to the publication of this notice. General Determination No. 1 will be effective on publication in the FEDERAL REGISTER.

Interestd persons may submit to the Foreign Excess Property Officer, Business and Defense Services Administration, Department of Commerce, Room 4324, Washington, D.C. 20230, data, views, or arguments in writing, but not orally, relative to the proposed issuance of General Determination No. 1. All relevant material received within twenty (20) days following the date of publication of this notice will be considered.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
GEORGE DONAT,
Administrator.

[F.R. Doc. 64-6501; Filed, June 29, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 25]

PERMITS FOR ACCESS TO RESTRICTED DATA

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the authority of sections 141–146 and 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2161–2166, 2201), and 10 CFR 25.30, the Commission, effective on publication of this notice in the FEDERAL REGISTER and until further notice, has incorporated in any access permit now in effect and will incorporate in any access permit hereafter issued for access to Secret Restricted Data in Category C–24, Isotope Separation—Gas Centrifuge Method, an additional condition that the Commission's Restricted Data information in Category C–24 will no longer be available under access permits issued pursuant to 10 CFR Part 25. The Commission has found that this action is necessary in the interest of the common defense and security and is otherwise in the public interest.

This is an interim measure which will be in effect until further notice from the Commission pending the Commission's consideration and decision as to whether Category C–24 should be removed from 10 CFR Part 25 and a new regulation issued which would provide for the conditions under which privately developed Restricted Data, including privately developed Restricted Data in the gas centrifuge field, could be transmitted to others.

All the requirements of 10 CFR Part 25 in regard to access to Secret Restricted Data in Category C–24 remain in effect.

The Commission has found that the foregoing rule involves the military, naval and foreign affairs functions of the United States, that notice and public procedure thereon are contrary to the public interest and that good cause exists why this regulation should be made effective upon publication in the FEDERAL REGISTER.

Dated: June 29, 1964.

For the Atomic Energy Commission.

W. B. McCool,
Secretary to the Commission.

[F.R. Doc. 64-6578; Filed, June 29, 1964; 10:13 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs.; Docket No. 15363]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Local Service Air Carriers Unit Cost Data

JUNE 25, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 of the Economic Regulations (14 CFR Part 241) which would require local service air carriers to file quarterly reports showing additional cost data concerning flight equipment acquired.

The principal features of the proposed amendment are explained in the attached Explanatory Statement. The rule is proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) written copies of their views addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant material in communications received by July 15, 1964, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Subpart K of Part 302 of the Procedural Regulations (§§ 302.1101–1109), effective October 1, 1963, prescribes a standardized method of costing proposed changes in authorized operations of the local service air carriers. The compilation "Local Service Air Carriers' Unit Costs", issued semiannually, prescribes the unit costs for each local service air carrier, which must be used in estimating the total annual cost of the proposed change. The data used in computing these unit costs are now obtained from the carriers' Form 41 reports,[1] together with supplemental data from the carriers' records upon request. Experience indicates that the present Schedule B–7, which contains cost data only for airframes and engines, does not adequately meet the Board's needs. Therefore, a new Schedule B–7 (b) is proposed for the local service air carriers, in lieu of Schedule B–7, for reporting costs of all classes of flight equipment, including such items as propellers and aircraft navigation and communication equipment. The value of overhaul unused at the time of acquisition and the estimated cost of full overhaul for each airframe and engine acquired would also be reported. The present reporting of airworthiness reserves applicable to property and equipment transferred from non-transport divisions would be discontinued. The initial reporting period for Schedule B–7(b) would be the quarter ended June 30, 1964.

The proposed rule would also amend the definition of "horsepower" to include power definitions for both reciprocating and turbine engines.

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) in the following respects:

1. By deleting from section 03 the present definition of "horsepower" and inserting in its place new definitions to read:

Horsepower, maximum continuous for reciprocating engines: The brake horsepower developed in standard atmosphere at a specified altitude and under the maximum conditions of crankshaft rotational speed and engine manifold pressure, and approved for use during periods of unrestricted duration.

Horsepower, maximum continuous for turbine engines: The brake horsepower developed at specified altitudes, atmospheric temperatures, and flight speeds and under the maximum conditions of rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

Thrust, maximum continuous for turbine engines: The jet thrust developed at specified altitudes, atmospheric temperatures, and flight speeds and under the maximum conditions of rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

2. By inserting in the list of schedules in section 22(a), immediately after Schedule B–7(a), the following:

Schedule No.	Description	Frequency	Postmark interval (days)
B–7(b)	Flight equipment acquired	Quarterly	40

3. By changing the first sentence of paragraph (a) of the instructions for Schedule B–7 in section 23 to read:

(a) This schedule shall be filed by all route air carriers except local service air carriers.

4. By adding in section 23 a new center heading "Schedule B–7(b)—Flight Equipment Acquired" and related instructions, immediately following the text for Schedule B–7(a), to read:

Schedule B–7(b)—Flight Equipment Acquired

(a) This schedule shall be filed by each local service air carrier.

(b) The indicated data shall be reported for each individual airframe, identified by type, model, and design of cabin as to use for passengers exclusively, cargo exclusively, or both passengers and cargo in combination. Data pertaining to aircraft engines shall be reported in aggregate for each type or model. Data pertaining to propellers, aircraft navigation and communication equipment, miscellaneous flight equipment, and flight equipment rotable parts and assemblies shall be reported in aggregate for each such property classification. Where the acquisition of various units of flight equipment is priced as a single transaction, the cost shall be apportioned to each classification and, within the airframe and engine classifications, to each airframe, and each type or model of engine, respectively, with explanation in footnote. A separate subsection shall show, for each type of airframe acquired, the number and value of items of navigation and communication equipment and miscellaneous flight equipment required for installation in ordinary operation. Airframe units leased from others for more than 90 days shall be reported in an additional subsection. Also, a notation shall be made by license number for airframe units of the air carrier returned after lease to others for more than 90 days. Airframe units obtained through interchange lease arrangements shall not be so reported.

(c) Dates shall consist of the day, the month and the year; shall be provided on a unit basis for airframes only; and shall be reported for each group of other items by date of transaction. The number of aircraft engines and propellers acquired shall be indicated in Column 5 "Number of Units Acquired."

(d) Report shall be made in the quarter in which flight equipment is actually acquired irrespective of whether the cost thereof is reflected in the property and equipment accounts during the current quarter or a subsequent quarter. If the cost data are not reflected in the current quarter, a footnote to that effect shall accompany the report of acquisition. The costs shall be reported during the quarter in which determined, and the equipment to which related shall be listed again in this schedule with complete information and shall be identified as being the same equipment reported at the earlier date.

(e) Column 2, "Date Placed in Transport Service," shall relate to airframes only and shall be the date on which each airframe was or will be placed in regular service by the reporting entity. If this date is not known at the time of submission of the report, an estimated date bearing the notation "estimate" shall be provided with the exact date shown by footnote on a subsequent schedule B–7 (b) in which the airframe is reidentified by license number, type of aircraft and date acquired.

(f) Column 8, "Maximum Continuous Horsepower/Pounds Thrust" shall re-

[1] Filed as part of the original document.

flect, as appropriate, the maximum continuous horsepower rating or pounds of maximum continuous static thrust for each type of aircraft engine acquired. (See section 03 for definition as applied in this system of accounts and reports.)

(g) Column 9, "Aircraft Engines per Airframe" shall reflect the number of aircraft engines for which each acquired airframe is designed.

(h) Column 10, "Maximum Seat Capacity" shall reflect the number of passenger seats installed in each airframe acquired. When the configuration of airframes provides sleeping accommodations, the passenger capacity shall be shown in terms of a sleeper version and a non-sleeper version. When airframes are designed for multiple adjustable seating configurations, the maximum number of seats for which designed shall be reported. When the seating configuration of airframes is modified subsequent to original acquisition, the revised passenger capacity of each airframe shall be reported in the quarter in which modified and referenced to identify original capacity reported.

(i) Column 11, "Cost" shall agree in totals for each property classification with the corresponding cost of additions reported in schedule B–5 column 3, "Additions."

(j) Column 12, "Estimated Value of Overhaul Acquired" shall reflect the value of the remaining unexpired overhaul hours with respect to each airframe or aircraft engine, before relicensing is required, at the date of acquisition.

(k) Column 13, "Estimated Cost of Full Overhaul" shall reflect the entire cost of overhaul for each airframe and aircraft engine on either a periodic or phase overhaul basis. In the latter case this column shall include the cost of all operations which would encompass a full overhaul. (See sec. 5–4(f) for definition of "overhaul".)

(l) Column 14, "Reserve for Depreciation" shall include the amount of such reserve applicable to property and equipment transferred from non-transport divisions.

(m) Column 15, "Estimated Residual Value" shall reflect in dollars the residual value assigned to the equipment acquired exclusive of any amount reported in columns 12 and 13.

(n) Column 16, "Estimated Depreciable Life (mos.)" shall reflect the estimated depreciable life of each airframe and each group of aircraft engines in months (e.g., 144).

[F.R. Doc. 64–6498; Filed, June 29, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15521; FCC 64–578]

ANTENNA SYSTEMS FOR FM BROADCAST STATIONS; HORIZONTAL AND CIRCULAR OR ELLIPTICAL POLARIZATION

Notice of Proposed Rule Making

1. The Commission has under consideration its rule governing the use of vertical component of power for FM broadcast stations, § 73.316(a) of the rules. This paragraph reads as follows:

(a) It shall be standard to employ horizontal polarization; however, circular or elliptical polarization may be employed if desired. Clockwise or counterclockwise rotation may be used. The supplemental vertically polarized effective radiated power required for circular or elliptical polarization shall in no event exceed the effective radiated power authorized.

2. In the First Report and Order in Docket No. 14185, FCC 62–866, we discussed this rule and the various comments filed with respect thereto. See paragraphs 89 and 90. We concluded at that time that no change in the rule was warranted.

3. In the past licensees assumed, and rightly so, that they could apply for vertical power in the same amount as that authorized for the horizontal component. However, since the adoption of the Third Report, Memorandum Opinion and Order in August of 1963 we have received applications from super-powered stations (those which have power in excess of the maximums in § 73.211 or the equivalents of these powers and antenna heights) some of which are also short-spaced with respect to one or more other FM stations for permission to utilize vertical power in the same amount as the horizontal. We have been reluctant to grant such applications. We recognize that in theory the vertical component should not create additional interference. However, in actual practice, the local fields in the vicinity of typical home receiving antennas are usually disturbed and standing waves could result in an apparent increase of as much as 3 decibels in the strength of the undesired signal. In cases where FM stations are adequately spaced in accordance with the adopted separation rules, we will continue to permit the use of power into the vertical radiator equal to that authorized for the horizontal radiator up to the maximum permissable for the class of station. However, before we will permit stations which now have power in excess of the maximums authorized in the rules, to employ vertical power in excess of these powers or their equivalents, we would prefer to study further the effect of adding a vertical component of power in order to more accurately assess the increase in interference potential. We therefore invite comments or data which any interested party may have on this subject.

4. In view of the foregoing, it is proposed to add to the text of § 73.316(a) the following: "Stations authorized as of September 10, 1962 with powers in excess of those specified in § 73.211 or their equivalents, will not be permitted to operate with vertically polarized effective radiated power in excess of those maximum powers or their equivalents listed in that section."

5. Authority for the adoption of the amendment proposed herein is contained in sections 4(i) and (j), 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 August 3, 1964, and reply comments on or before August 23, 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 § 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 24, 1964.

Released: June 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64–6509; Filed, June 29, 1964; 8:51 a.m.]

[1] Commissioner Henry, chairman; and Hyde absent.

Notices

DEPARTMENT OF THE TREASURY

Office of Secretary

[Bureau Memorandum 21, Rev., Supp. 2]

LENDING AND LIQUIDATION

Delegation of Functions

By virtue of authority vested in me as Commissioner of Accounts by Treasury Department Order No. 185–2 dated June 24, 1964 (29 F.R. 8177), it is ordered as follows:

1. There are delegated to the Director, Defense Lending in the Bureau of Accounts, all of the functions of the Secretary of the Treasury under Reorganization Plan No. 1 of 1957, under section 409 of the Federal Civil Defense Act of 1950 and under section 302 of the Defense Production Act of 1950, as amended, which have been transferred to me by Treasury Department Order No. 185–2.

2. The provisions hereof shall be effective July 1, 1964.

Dated: June 24, 1964.

[SEAL] H. R. GEARHART,
Commissioner of Accounts.

[F.R. Doc. 64–6503; Filed, June 29, 1964; 8:50 a.m.]

[AA 643.3–m]

FIAT AUTOMOBILES FROM ITALY

Fair Value Determination

JUNE 23, 1964.

Information was received that Fiat automobiles from Italy were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Fiat automobiles from Italy are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. In view of the interrelationship between the importer and the exporter in Italy, and the adequacy of the quantity sold for home consumption, a comparison was made for fair value purposes between exporter's sales price and adjusted home market price.

In computing exporter's sales price, deductions were made from the on-dock duty paid selling price to United States distributors, for ocean freight, marine insurance, United States import duty, and customs brokerage. The Italian tax refund and drawback of Italian import duty, rebated to the manufacturer on exportation of the automobiles, were added as required by the statute. No deduction was made for selling expenses in the United States, since deliveries are made at the dock to the established distributors in the United States who absorb such expenses.

In calculating adjusted home market price, a deduction was made from the Italian retail price for a distributor's discount granted to home market distributors. Deductions were also made from such price to allow for the following differences in circumstance of sale: financing costs; transportation and delivery to retail purchaser; advertising (difference between United States and home market); training schools and warranty (in excess over the cost in the United States).

Exporter's sales price was found to be not lower than adjusted home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES P. HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 64–6505; Filed, June 29, 1964; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM 079468]

ARKANSAS

Proposed Withdrawal and Reservation of Land

JUNE 24, 1964.

The Forest Service, Department of Agriculture, by letter dated May 26, filed application BLM 079468 requesting the withdrawal of public domain lands, described below, from location and entry under the United States General Mining Laws, subject to valid existing rights, and reservation thereof for use of the Forest Service.

The surface rights to all of the lands were withdrawn and made a part of the Ouachita National Forest by Executive Order No. 4436, dated April 29, 1926.

The Forest Service has requested the reservation for the protection of the unique scenic views of the Ouachita Mountains and the aesthetic and recreational development along the Skyline Drive.

For a period of 30 days from the date of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington, D.C., 20240. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the withdrawal application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are as follows:

FIFTH PRINCIPAL MERIDIAN, ARKANSAS

(POLK COUNTY)

	Acres
T. 1 S., R. 30 W., sec. 31:	
W½SE¼	80.00
E½SW¼	80.00
Frl. SW¼SW¼SW¼	10.46
Frl. SW¼NE¼NW¼	9.87
Frl. N½NW¼NW¼	20.50
T. 1 S., R. 31 W., sec. 7:	
S½N½SE¼	40.00
NE¼SW¼	40.00
Frl. SW¼SW¼NW¼	15.20
T. 1 S., R. 31 W., sec. 8:	
SW¼NW¼SW¼	10.00
SW¼SW¼	40.00
T. 1 S., R. 31 W., sec. 15:	
SW¼SE¼	40.00
S½SW¼	80.00
SW¼NE¼SW¼	10.00
T. 1 S., R. 31 W., sec. 17:	
N½S½NW¼	40.00
T. 1 S., R. 31 W., sec. 18:	
NE¼NE¼	40.00
Frl. N½NW¼NW¼	29.35
T. 1 S., R. 31 W., sec. 22:	
NE¼	160.00
NE¼SE¼	40.00
NE¼NW¼	40.00
NE¼SE¼NW¼	10.00
NE¼NW¼NW¼	10.00
T. 1 S., R. 31 W., sec. 23:	
SE¼	160.00
N½SW¼	80.00
N½S½SW¼	40.00
S½S½NW¼	40.00
T. 1. S., R. 31 W., sec. 25:	
SE¼	160.00
SW¼SE¼NE¼	10.00
NW¼	160.00
SW¼NE¼	40.00
NE¼SW¼	40.00
NE¼NW¼SW¼	10.00
T. 1 S., R. 31 W., sec. 26:	
N½SE¼NE¼	20.00
NE¼NE¼	40.00
NE¼NW¼NE¼	10.00
T. 1 S., R. 31 W., sec 36:	
E½NE¼	80.00
E½NW¼NE¼	20.00
T. 1 S., R. 32 W., sec. 7:	
N½NE¼	80.00
Frl. N½NW¼	37.86
T. 1 S., R. 32 W., sec. 8:	
S½NE¼	80.00
N½S½NW¼	40.00
NW¼NE¼	40.00
T. 1 S., R. 32 W., sec. 10:	
N½N½SE¼	40.00
T. 1 S., R. 32 W., sec. 11:	
S½S½NW¼NW¼	10.00
T. 2 S., R. 30 W., sec. 6:	
Frl. E½NE¼NW¼	21.30

The areas described aggregate 2104.54 acres.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 64–6462; Filed, June 29, 1964; 8:46 a.m.]

[Idaho 015359]

IDAHO

Proposed Withdrawal and Reservation of Lands

JUNE 22, 1964.

The Department of Agriculture has filed an application, Serial Number Idaho 015359, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the General Mining Laws, except mineral leasing under the mineral leasing laws and disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, subject to existing valid rights.

The applicant desires the land for recreation, camp and picnic grounds.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

COEUR D'ALENE NATIONAL FOREST

Lake Elsie—French Lake Recreation Area

T. 47 N., R. 3 E.,
Sec. 12, S½S½ of lot 4, NW¼SW¼ of lot 4, E½SW¼NW¼SW¼, S½SE¼NW¼SW¼, E½SW¼SW¼, E½W½SW¼SW¼, W½SE¼SW¼, NW¼NE¼SE¼SW¼, S½NE¼SE¼SW¼, SE¼SE¼SW¼, SW¼NW¼SW¼SE¼, and S½SW¼SE¼;
Sec. 13, lot 1, N½NE¼ of lot 2, NW¼ of lot 2, NW¼SW¼ of lot 2, NW¼NE¼, N½SW¼NE¼, N½SE¼SW¼NE¼, NE¼NW¼, NE¼NW¼NW¼, E½NW¼NW¼NW¼, S½NW¼NW¼, N½S½NW¼, SW¼SW¼NW¼, N½SE¼SW¼NW¼, SW¼SE¼SW¼NW¼, N½SW¼SE¼NW¼, and N½NW¼NW¼SW¼;
Sec. 14, S½SE¼NE¼NE¼, NE¼SE¼NE¼ and NE¼SE¼SE¼NE¼.

T. 47 N., R. 4 E.,
Sec. 18, lot 1, N½ of lot 2, W½NE¼NE¼NW¼, W½NE¼NW¼, N½NW¼SE¼NW¼, and SW¼NW¼SE¼NW¼.

The Cedars Campground

T. 47 N., R. 3 E.,
Sec. 4, SW¼NE¼SE¼SE¼, SE¼NW¼SE¼SE¼, E½SW¼SE¼SE¼, and SE¼SE¼SE¼.

The areas described aggregate 507.905 acres, more or less.

ORVAL G. HADLEY,
Acting Land Office Manager.

[F.R. Doc. 64–6463; Filed, June 29, 1964; 8:46 a.m.]

[BLM 079480; Survey Group No. 92]

MINNESOTA

Notice of Filing of Plat of Limited Dependent Resurvey

JUNE 24, 1964.

The plat of Limited Dependent Resurvey and survey of three islands in secs. 11 and 12 and survey of two islands in secs. 23 and 24, both approved and accepted May 18, 1964, will be officially filed in this office effective 10 a.m. on July 31, 1964.

FIFTH PRINCIPAL MERIDIAN, MINNESOTA

T. 135 N., R. 43 W.,
Sec. 11, lot 7, containing 2.57 acres.
Sec. 11, lot 8, containing 4.73 acres.
Sec. 12, lot 6, containing 4.51 acres.
Sec. 12, lot 7, containing 4.63 acres.
Sec. 23, lot 5, containing 3.30 acres.
Sec. 23, lot 6, containing 0.16 acres.
Sec. 24, lot 4, containing 6.33 acres.

The areas described aggregate 26.23 acres.

The plats represent a dependent resurvey of a portion of the line between secs. 11 and 12, and the survey of three islands within Twelve Lake, secs. 11 and 12, and of two islands within Grandrud Lake, secs. 23 and 24, which were not included in the original survey of the township as represented on the plat approved August 26, 1870.

All of the islands' formation are in all regards similar to the opposing mainland, are of rich loam, land rolling; timber consists of maple, birch, ash, oak, butternut, balsam fir, elm, and basswood.

The islands in secs. 11 and 12 have an elevation ranging from 0 to 24 feet above mean-high-tide line, with a timber growth ranging in size from 4 to 50 inches in diameter, with undergrowth of dense young trees, brush, vines and grasses, being sparsely surrounded by water.

The islands in secs. 23 and 24, have an elevation ranging from 0 to 8 feet above mean-high-water, with a timber growth ranging in size from 0 to 40 inches in diameter, with undergrowth composed of young trees, brush and grasses.

The character of each of the islands and the timber growth thereon attest to their existence in 1858, when Minnesota was admitted into the Union, and at all times since. They are, therefore, held to be public lands.

The islands are well over 50 percent upland in character, within the interpretation of the swamp and overflowed land grant acts.

The islands are open to application and selection under the public land laws, subject to valid existing rights and the requirements of applicable laws and regulations. All applications must be accompanied by a petition for classification and no occupancy will be permitted or disposition made of the land until it has been classified.

All inquiries relating to the islands should be directed to the Manager, Eastern States Office, Bureau of Land Management, Washington, D.C., 20240.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 64–6464; Filed, June 29, 1964; 8:47 a.m.]

National Park Service

[Order No. 4]

SHENANDOAH NATIONAL PARK, VIRGINIA

Assistant Supperintendent et al.; Delegation of Auhtority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Assistant Superintendent.* The Assistant Superintendent may execute and approve contracts not in excess of $100,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent in behalf of any office or area for which Shenandoah National Park serves as field finance office.

2. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any office or area for which Shenandoah National Park serves as field finance office.

3. *General Supply Specialist.* The General Supply Specialist may execute and approve contracts not in excess of $25,000 for construction, supplies, equipment and services. This authority may be exercised by the General Supply Specialist in behalf of any office or area for which Shenandoah National Park serves as field finance office.

4. *Revocation.* This order supersedes Order No. 1, issued August 26, 1955, and its Amendment No. 1, issued January 11, 1956, Order No. 2, issued January 11, 1956, and Order No. 3, issued July 16, 1958.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Southeast Region Order No. 3 in 21 F.R. 1493)

Dated: June 11, 1964.

R. TAYLOR HOSKINS,
Superintendent, Shenandoah National Park.

[F.R. Doc. 64–6461; Filed, June 29, 1964; 8:46 a.m.]

Office of the Secretary

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 19, 1964.

Dated: June 19, 1964.

MAX R. LLEWELLYN.

[F.R. Doc. 64-6465; Filed, June 29, 1964; 8:47 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 15, 1964.

Dated: June 17, 1964.

JOHN P. MADGETT.

[F.R. Doc. 64-6466; Filed, June 29, 1964; 8:47 a.m.]

CLARENCE W. MAYOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of the 15th day of June 1964.

Dated: June 15, 1964.

CLARENCE W. MAYOTT.

[F.R. Doc. 64-6467; Filed, June 29, 1964; 8:47 a.m.]

LILBERT A. MOLLMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 12, 1964.

Dated: June 12, 1964.

LILBERT A. MOLLMAN.

[F.R. Doc. 64-6468; Filed, June 29, 1964; 8:47 a.m.]

STANLEY J. SICKEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) I have disposed of the following stocks: Gulf Oil Corp., 100 Shares Common; Union Pacific RR., 125 Shares Pfd.
(2) I have acquired in the name of Mrs. Margaret Sickel: Springfield Insurance Co., 50 Shares Common.
(3) No change.
(4) No change.

This statement is made as of June 18, 1964.

Dated: June 18, 1964.

STANLEY J. SICKEL.

[F.R. Doc. 64-6469; Filed, June 29, 1964; 8:47 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 17, 1964.

Dated: June 17, 1964.

WILLARD B. SIMONDS.

[F.R. Doc. 64-6470; Filed, June 29, 1964; 8:47 a.m.]

ALEXANDER H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 11, 1964.

Dated: June 11, 1964.

ALEXANDER H. WADE, Jr.

[F.R. Doc. 64-6471; Filed, June 29, 1964; 8:47 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 17, 1964.

Dated: June 17, 1964.

WILFORD D. WILDER.

[F.R. Doc. 64-6472; Filed, June 29, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Ellis.	Nueces.
Hidalgo.	San Patricio.
Kleberg.	Willacy.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of June, 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-6516; Filed, June 29, 1964; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 9, set forth below, to Facility License No. R-67, as amended. The license authorizes General Dynamics Corporation to operate its TRIGA Mark F nuclear reactor located at Torrey Pines Mesa, California. The amendment authorizes General Dynamics Corporation to operate the TRIGA Mark F reactor with two rack and pinion rods and two transient rods provided that the reactor can be made $1.00 subcritical by insertion of all control rods except the more reactive of the two transient rods as described in the licensee's application for license amendment dated April 24, 1964.

The Commission has found that:

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

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

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

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test & Power Reactor Safety Branch of the Division of Reactor Licensing and (2) the Licensee's application for license amendment dated April 24, 1964 both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 17th day of June 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-67; Amdt. No. 9]

License No. R-67, as amended, issued to General Dynamics Corporation is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-67, as amended, General Dynamics Corporation is authorized to operate the TRIGA Mark F reactor located at Torrey Pines Mesa, California, with two rack and pinion rods and two transient rods provided that the reactor can be made $1.00 subcritical by insertion of all control rods except the more reactive of the two transient rods, as described in its application for license amendment dated April 24, 1964.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

Date of issuance: June 17, 1964.

[F.R. Doc. 64-6444; Filed, June 29, 1964; 8:45 a.m.]

[Docket No. 50-226]

GENERAL ELECTRIC CO.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that General Electric Company, Atomic Power Equipment Department, 175 Curtner Avenue, P.O. Box 254, San Jose, California, 95103, has submitted an application dated June 16, 1964, for a license to authorize the export of two boiling water nuclear power reactors, with a combined net electrical output of approximately 380 megawatts electrical, to the Government of India for a nuclear power plant to be constructed near Tarapur, Maharashtra State, India.

Upon finding that the reactor proposed for export is within the scope of the Agreement for Cooperation between the Government of the United States of America and the Government of India, signed October 25, 1963, and unless within fifteen days after the publication of this notice in the FEDERAL REGISTER, a request for a formal hearing is filed with the U.S. Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, CFR, Chapter I, Part 2), the Commission proposes to issue to General Electric Company a facility export license on Form AEC-250 containing the authority set forth in the text below authorizing export of the reactors described in the application.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter I, Code of Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactors proposed to be exported are utilization facilities as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated June 16, 1964, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 25th day of June, 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, General Electric Company, Atomic Power Equipment Department, 175 Curtner Avenue, P.O. Box 254, San Jose, California, 95103, is authorized to export two boiling water nuclear power reactors, with a combined net electrical output of approximately 380 megawatts electrical, to the Government of India, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized export subcontractor, Bechtel Corporation, 220 Bush Street, San Francisco, California, and their forwarding agent, Behring Shipping Company, Inc., 596 Clay Street, San Francisco, California.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on July 31, 1970.

For the Atomic Energy Commission.

[F.R. Doc. 64-6558; Filed, June 29, 1964; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14493]

EASTERN AIR LINES, INC.

Postponement of Hearing Regarding Redesignation of Philadelphia, Pa.-Wilmington, Del.

Notice is given herewith, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held in Wilmington, Del., on July 13, 1964, is hereby postponed until July 20, 1964, and will be held at a time and place to be indicated in a

formal notice which will be issued at a later date.

Dated at Washington, D.C., June 25, 1964.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 64-6499; Filed, June 29, 1964; 8:50 a.m.]

[Docket 15352]

SAINT JOHN AIR SERVICES

Notice of Hearing

Application of Saint John Air Services for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, from Canada into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on July 9, 1964, at 10:00 a.m. (eastern daylight saving time) in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., June 25, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-6500; Filed, June 29, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14748 etc.; FCC 64M-595]

CHARLES COUNTY BROADCASTING CO., INC. AND DORLEN BROADCASTERS, INC.

Order Continuing Hearing

In re applications of Charles County Broadcasting Co., Inc., La Plata, Maryland, Docket No. 14748, File No. BP-14748; Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 14749, File No. BP-15287; for construction permits and Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 15202, File No. BRP-1209; for renewal of license of Station WSMD (FM).

The Hearing Examiner has for consideration a Joint Petition for Continuance filed by the applicants on June 22, 1964;

It appearing, that grant of the requested relief may result in simplification of further hearing procedures herein:

It is ordered, This 24th day of June 1964, that the subject petition is granted; and that the procedural dates herein are continued as follows:

Exchange of Exhibits—September 1, 1964.
Notification of Witnesses—September 15, 1964.
Commencement of Hearing—September 21, 1964.

Released: June 25, 1964.

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

[F.R. Doc. 64-6510; Filed, June 29, 1964; 8:51 a.m.]

[Docket Nos. 15260, 15261; FCC 64M-581]

COOSA VALLEY RADIO CO. AND ROME BROADCASTING CORP.

Order Continuing Hearing

In re applications of Coosa Valley Radio Company, Rome, Georgia, Docket No. 15260, File No. BPH-4108; Rome Broadcasting Corporation, Rome, Georgia, Docket No. 15261, File No. BPH-4136; for construction permits.

The Hearing Examiner having under consideration a motion filed June 19, 1964 by Rome Broadcasting Corporation, requesting that the June 24, 1964 further prehearing conference be continued until such time as the Commission has finally acted upon its notice of proposed rule making in Docket No. 15501 (FCC 64-522), released June 15, 1964;

It appearing, that until final action is taken in the rule-making proceeding no useful purpose would be gained by proceeding further in the subject case and that should another channel become available in Rome, Georgia, Rome Broadcasting Corporation would amend its application to specify the other channel and the present proceedings herein would become unnecessary; and

It further appearing, that counsel for Coosa Valley Radio Company and the Commission's Broadcast Bureau join in the subject request and that it is appropriate to grant the continuance; and

It further appearing, that, in view of the above, it is also necessary to continue the presently scheduled date for commencement of hearing herein:

It is ordered, This 23d day of June 1964, that the subject motion is granted and that the further prehearing conference, presently scheduled for June 24, 1964, and the hearing, presently scheduled to commence on July 1, 1964, are continued to dates to be established by subsequent order.

Released: June 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-6511; Filed, June 29, 1964; 8:51 a.m.]

[Docket Nos. 15299, 15300; FCC 64M-592]

GREAT NORTHERN BROADCASTING SYSTEM AND MIDWESTERN BROADCASTING CO.

Order Continuing Hearing

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

On the joint oral request of counsel for applicants Great Northern and Midwestern, and without objection by counsel for the Broadcast Bureau: *It is ordered,* This 24th day of June 1964, that pending final action on Midwestern's petition for rule-making to add Channel 278 to Traverse City and consequent possible avoidance of the comparative hearing, the hearing now scheduled for July 13, 1964 is rescheduled to September 14, 1964, and the other dates mentioned in the Statement and Order released March 10, 1964 (FCC 64M-197) are extended for a period of 60 days in addition to the period allowed in the Order released April 16, 1964 (FCC 64M-319).

Released: June 25, 1964.

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

[F.R. Doc. 64-6512; Filed, June 29, 1964; 8:51 a.m.]

[Docket Nos. 15111, 15112; FCC 64M-553]

HOLSTON BROADCASTING CORP. AND C. M. TAYLOR

Order Continuing Hearing

In re applications of Holston Broadcasting Corporation, Elizabethton, Tennessee, Docket No. 15111, File No. BP-15012; C. M. Taylor, Blountville, Tennessee, Docket No. 15112, File No. BP-15115; for construction permits.

The Hearing Examiner having under consideration an informal request for continuance of the further hearing date;

It appearing, that the applicants in this proceeding have heretofore entered into an agreement providing for the dismissal of the Blountville application; and

It further appearing, that the Review Board on June 8, 1964 ordered the parties to publish notice of the availability of this facility in Blountville so that a period of 30 days since publication must elapse before any further action can be taken in the instant proceeding:

It is ordered, This 17th day of June 1964, that the further hearing scheduled for June 18 is continued to July 31, 1964.

Released: June 17, 1964.

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

[F.R. Doc. 64-6513; Filed, June 29, 1964; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64–776, etc.]

W. S. CLINE ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 23, 1964.

W. S. Cline, et al., and other Respondents listed herein:

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwsie 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 supplements 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 5, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–776	W. S. Cline, et al., c/o O'Brien Co., P.O. Box 448, Amarillo, Tex.	1	1	Warren Petroleum Corp. (East Panhandle Field, Wheeler County, Tex.) (R.R. Dist. No. 10).	$3,600	5–18–64	[2] 7–1–64	[2] 7–2–64	5.25	[4] [5] 9.0	
RI64–777	Mitchell, Smith, and Archer, 214 North Summer Street, Pampa, Tex.	1	2	Warren Petroleum Corp. (Langley-Lease, Wheeler County, Tex.) (R. R. Dist. No. 10).	1,603	5–25–64	[2] 7–1–64	[2] 7–2–64	6.25	[4] [5] 9.0	
RI64–778	Otis C. Coles, Jr., 742 Neal Drive, Shreveport, La.	2	3	Warren Petroleum Corp. (Wheeler and Collingsworth Counties, Tex.) (R.R. Dist. No. 10).	2,541	5–25–64	[2] 7–1–64	[2] 7–2–64	6.25	[4] [5] 9.0	
RI64–779	Frank F. DuBose, P.O. Box 24, Shamrock, Tex.	2	2	Warren Petroleum Corp. (East Panhandle Sweet Field, Wheeler County, Tex.) (R.R. Dist. No. 10).	6,050	5–25–64	[2] 7–1–64	[2] 7–2–64	6.25	[4] [5] 9.0	
RI64–780	Mary Nona Pendleton, et al., c/o Walter Pendleton, Jr., Shamrock, Tex	1	2	Warren Petroleum Corp. (East Panhandle Field, Collingsworth County, Tex.) (R.R. Dist. No. 10).	1,067	6– 1–64	[2] 7–1–64	[2] 7–2–64	6.25	[4] [5] 9.0	
RI64–781	Walter Pendleton, Jr., (Operator), et al., Shamrock, Tex.	1	2	----do----	2,368	6– 1–64	[2] 7–1–64	[2] 7–2–64	6.25	[4] [5] 9.0	

[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Revenue-sharing rate increase.
[5] Based on buyer's increase in weighted average rate to 16.0 cents per Mcf effective July 1, 1964.
[6] Pressure base is 14.65 psia.

The buyer, Warren Petroleum Corporation (Warren), gathers the subject gas and other gas for processing through its Sitter Gasoline Plant. The residue gas is resold in interstate commerce at the plant tailgate to High Plains Natural Gas Company and Transwestern Pipeline Company. Warren also makes an intrastate sale to Peerless Carbon Company for the manufacture of carbon black.

All of the proposed changes in rate are geared to the weighted average gross price per Mcf received by Warren for all residue gas sold at the outlet of the Sitter Plant. Warren, by letter, has advised each of the Respondents herein that the weighted average gross price will increase to approximately 16.0¢ per Mcf effective July 1, 1964, and suggests that Respondents file for the related increased rate of 9.0¢ per Mcf effective as of that date.

Although Respondents' proposed 9.0¢ per Mcf wellhead rate is below the 11.0¢ per Mcf ceiling for rate increases, the ceiling rate is considered applicable at the tailgate of the Sitter Gasoline Plant and not at the wellhead as the gas is gathered and processed through the plant before delivery and sale at the plant tailgate. Accordingly, Respondents' proposed increased rates, though not in excess of the increased ceiling for pipeline quality gas for Texas Railroad District No. 10 as set forth in the Commission's Statement of General Policy No. 61–1, as amended [18 CFR, Chapter I, Part 2, Section 2.56], should be suspended for one day because the sales related thereto are considered to be for non-pipeline quality gas.

[F.R. Doc. 64–6448; Filed, June 29, 1964; 8:45 a.m.]

[1] Does not consolidate for hearing or dispose of the several matters herein.

[Docket Nos. RI64–782 etc.]

R. L. FOREE ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 23, 1964.

R. L. Foree and other Respondents listed herein.

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 below.

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 5, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary,*

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	
RI64-782	R. L. Foree, 607 First National Bank Building, Dallas 2, Tex.	1	7	El Paso Natural Gas Co. (Spraberry Trend Area, Midland County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area).	$2,911	5-25-64	[2] 8-1-64	1-1-65	17.0	[3 4] 18.0	G-20539.
RI64-783	Aztec Oil & Gas Co., 920 Mercantile Securities Building, Dallas 1, Tex., Attn: Mr. Quilman B. Davis.	7	1 to 17	Southern Union Gathering Co. (Basin Dakota, San Juan County, N. Mex.) (San Juan Basin Area).	1,208	5-25-64	[5] 6-25-64	11-25-64	[6] 13.0	[3 6 7] 14.0593	
RI64-784	Continental Oil Co., P.O. Box 2197, Houston 1, Tex.	113	6	Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. Dist. No. 6).	61	5-25-64	[5] 7-11-64	12-11-64	[10 11] 13.6296	[4 9 10 11] 15.1440	
RI64-785	M. F. Powers Estate, 624 South Cheyenne, Tulsa, Okla.	5	1	Michigan-Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Oklahoma-Panhandle Area).	415	5-25-64	[12] 6-25-64	11-25-64	[13] 17.0	[3 4 13] 19.5	
RI64-786	Placid Oil Co., 600 Beck Building, Shreveport, La.	35	2	Arkansas Louisiana Gas Co. (Anthon Area, Custer County, Okla.) (Oklahoma "Other" Area).	1,200	5-25-64	[12] 6-25-64	11-25-64	[16] 15.0	[4 14 15] 17.0	
RI64-787	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	221	6	Panhandle Eastern Pipe Line Co. (Enns-Camrick Field, Texas County, Okla.) (Panhandle Area).	1,018	5-28-64	[5] 7-1-64	12-1-64	17.0	[3 4] 17.2	RI63-457.
RI64-788	Cities Service Oil Co., Cities Service Building, Bartlesville, Okla.	178	10	Tennessee Gas Transmission Co. (West Delta Area, Offshore Louisiana).	31,000	5-27-64	[12] 6-27-64	11-27-64	[19 20] 19.5	[5 19 20] 20.0	
	do	180	16	Tennessee Gas Transmission Co. (East and West Cameron Area, Offshore Louisiana).	55,000	5-27-64	[12] 6-27-64	11-27-64	[19] 18.5	[6 18] 19.0	
RI64-789	Reserve Oil and Gas Co., 1700 Fidelity Union Tower, Dallas, Tex., 75201.	1	2	Union Texas Petroleum, a division of Allied Chemical Corp. (Marrs McLean Field, Jefferson County, Tex.) (R.R. Dist. No. 3).	19,800	6-1-64	[12] 7-2-64	12-2-64	[10] 14.6	[3 4 10] 15.6	G-18570.
	do	2	2	Union Texas Petroleum, a division of Allied Chemical Corp. (Phelan Field, Jefferson County, Tex.) (R.R. Dist. No. 3).	4,400	6-1-64	[12] 7-2-64	12-2-64	[10] 14.38069	[3 4 10] 15.38069	G-18570.

[2] Contractually provided effective date.
[3] Periodic rate increase.
[4] Pressure base is 14.65 psia.
[5] The stated effective date is the effective date requested by Respondent.
[6] Pressure base is 15.025 psia.
[7] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.
[8] Permanently certificated rate for the added acreage (Supplement No. 17). All previously dedicated gas in the Dakota Formation is at a rate of 14.0593 cents per Mcf.
[9] Four-step periodic rate increase.
[10] Subject to downward Btu adjustment.
[11] Includes base rate of 13.0 cents per Mcf plus tax reimbursement before increase and 15.0 cents plus tax reimbursement after increase.
[12] The stated effective date is the first day after expiration of the required statutory notice.
[13] Subject to upward Btu adjustment.
[14] Placid is filing from certificated rate to initial contract rate.
[15] Initial contract rate.
[16] Permanent certificate issued October 30, 1963 in Docket No. CI63-1150 at 15.0 cents per Mcf. (Area ceiling for initial service.)
[17] Producer was permitted, by the approved settlement offer, to file in advance so that the effective date would be November 1, 1964, assuming the filing would be suspended for the maximum period. Adequate notice was not given.
[18] Rate increase permitted by settlement offer approved by Commission Order issued December 21, 1962, in Docket Nos. G-11024, et al.
[19] Rate is the result of a settlement offer approved by Commission Order issued December 21, 1962, in Docket Nos. G-11024, et al.
[20] Rates inclusive of reimbursement for Louisiana State Taxes and for 1.0 cent per Mcf escrow payment by buyer for properties for which such taxes are not paid pending determination of the State's jurisdiction.

Placid Oil Company requests waiver of notice to make its proposed rate increase effective as of June 1, 1964; M. F. Powers Estate requests a retroactive effective date of October 9, 1963, and Reserve Oil and Gas Company requests an effective date of July 1, 1964, for its 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 the aforementioned producers' rate filings and such requests are denied.

Cities Service Oil Company proposes an effective date of November 1, 1964, for its increased rate filings. These filings are permitted pursuant to an offer of settlement approved by the Commission in its order issued December 21, 1962, in Docket No. G-11024, et al., whereby the producer was permitted to file for 0.5 cent per Mcf increases sufficiently in advance of November 1, 1964, so that such rate changes may become effective on that date, assuming the changes would be suspended for the maximum period permitted by law. The proposed changes were not filed sufficiently in advance to allow them to become effective November 1, 1964, after a full 5-month suspension period, as contemplated in the settlement. Under the circumstances, we believe such changes should be suspended until November 27, 1964.

The notice of change filed by Placid Oil Company represents a change in rate from the permanently certificated rate of 15¢ per Mcf to the initial contract rate of 17¢ per Mcf. The proposed rate of 17¢ does not establish a new plateau for increased rate nor does it in itself trigger rates in the Oklahoma "Other" Area.

[F.R. Doc. 64-6449; Filed June 29, 1964; 8:45 a.m.]

[Project No. 2469]

ARIZONA PUBLIC SERVICE CO.

Notice of Application for Minor-Part License for Transmission Line

JUNE 23, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Arizona Public Service Company (Correspondence to: F. W. Smith, Secretary, Arizona Public Service Company, P.O. Box 2591, Phoenix, Arizona, 85002) for a minor-part license for construction of a transmission line between the Glen Canyon Dam and facilities of the Utah Power and Light Company in Coconino County, Arizona, and affecting lands of the United States.

The proposed transmission line will consist of 10.4 miles of single circuit 230 kv transmission line, starting at the U.S.B.R. Substation at Glen Canyon Dam and running northwesterly to the Arizona-Utah State Line, where it will tie with the Utah Power and Light Company's 230 kv deadend structure. The first three structures are self supporting steel towers. The remaining line is supported by two-pole structures.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in ac-

cordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests of petitions may be filed is August 14, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6450; Filed, June 29, 1964; 8:45 a.m.]

[Docket No. CP64-250]

CITIES SERVICE GAS CO.

Notice of Application

JUNE 23, 1964.

Take notice that on April 22, 1964, as amended on June 11, 1964, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP64-250 an application pursuant to section 7(c) of the Natural Gas Company (Applicant), P.O. Box venience and necessity authorizing the construction and operation of certain minor tap and measuring facilities and the short-term sale and delivery of natural gas to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) in interstate commerce for resale, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that the purpose of the proposed sale arrangement is to assist in reducing the amount of accumulated excess allowables of wells located in the Kansas-Hugoton Field from which Applicant is purchasing gas.

Under the terms of the agreement between Applicant and Kansas-Nebraska, a total of twenty (20) billion cubic feet of natural gas will be sold. It is contemplated the sale will be completed in three years. The sales to Kansas-Nebraska by Applicant will take place at four points of interconnection in Kearny, Finney and Grant Counties, Kansas. Two of these interconnections presently exist. The construction and installation of metering and regulator equipment at the two additional delivery points for which Applicant seeks authority herein will cost Applicant approximately $16,730.00, which cost will be paid out of treasury cash.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6451; Filed, June 29, 1964; 8:45 a.m.]

[Docket No. CP63-292]

INDIANA NATURAL GAS CORP.

Notice of Amendment and Supplement to Application and Date of Hearing

JUNE 23, 1964.

Take notice that Indiana Natural Gas Corporation (Applicant) filed on May 25, 1964, a supplement to the application in the above-numbered docket. Said supplement shows that Applicant was granted a necessity certificate by the Indiana Public Service Commission authorizing Applicant to render gas distribution service within the rural areas in Orange County, Indiana, adjacent to the towns of French Lick and West Baden Springs, a copy of which order dated February 28, 1963, is attached to said supplement.

By notice issued by the Secretary of the Commission on February 11, 1964, and published in the FEDERAL REGISTER on February 15, 1964 (29 F.R. 2529), Docket No. CP63-292 was consolidated for hearing with Indiana Natural Gas Corporation, Docket No. CP61-45, for the reason that the plan of financing covered facilities proposed in both of said dockets. However, there is attached to said supplement a letter agreement dated March 25, 1964, between Northwestern National Life Insurance Company (Northwestern) and Applicant providing that the 6¼ percent first mortgage sinking fund notes in the amount of $70,000, which Applicant proposes to sell to Northwestern, will be secured by a lien on the property and franchises held by Applicant in the towns of Paoli, Orleans, French Lick, and West Baden Springs, Indiana, only and does not cover the facilities proposed in Docket No. CP61-45.

Also, attached to said supplement is a letter dated March 17, 1964, from Yates, Heitner & Woods, St. Louis, Missouri, stating, among other things, that in the event the requisite approvals for the City of Worthington, Indiana, (authority sought in Docket No. CP61-45) are not obtained, best efforts will be made by Yates, Heitner & Woods to offer the shares of stock of Applicant, representing the equity portion of the financing required for the construction of the new facilities at French Lick and West Baden Springs, Indiana, for which authority is sought in Docket No. CP63-292.

On February 28, 1964, Applicant filed an amendment to its application to provide current exhibits, including:

(1) A balance sheet as of December 31, 1963;

(2) Income and expense statement year ending December 31, 1963;

(3) Projected pro forma balance sheet for the years ending August 31, 1964, 1965, 1966, and 1967, giving effect to the addition of French Lick and West Baden systems;

(4) Projected pro forma income and expense statement for the years ending August 31, 1964, 1965, 1966, and 1967, giving effect to the addition of the French Lick and West Baden systems;

(5) Projected pro forma cash statement for the years ending August 31, 1964, 1965, 1966, and 1967, giving effect to the addition of the French Lick and West Baden systems.

Said amendment also included as exhibits letters from Northwestern National Life Insurance Company and Yates, Heitner & Woods, which have been superseded by the supplement to the application filed May 25, 1964.

Said supplement and amendment are on file with the Commission and open for public inspection.

It is appropriate that Docket No. CP63-292 now be set for hearing upon a separate record.

Take notice that the hearing on the application in Docket No. CP63-292 scheduled to be heard on a consolidated record with Docket No. CP61-45 to commence on March 17, 1964, and by notice of the Secretary of the Commission issued March 10, 1964, postponed to a date to be hereafter fixed by further notice is hereby set for hearing on a separate record on July 20, 1964, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

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 15, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6453; Filed, June 29, 1964; 8:45 a.m.]

[Docket No. CP64-277]

MICHIGAN GAS STORAGE CO.

Notice of Application

JUNE 23, 1964.

Take notice that on May 18, 1964, Michigan Gas Storage Company (Applicant), 212 West Michigan Avenue, Jackson, Michigan, filed in Docket No. CP64-277 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to establish and operate a new interchange or delivery point with Consumers Power Company (Consumers) at the Mount Clemens regulator station, Clinton Township, Macomb County, Michigan, and to operate Applicant's existing facilities to transport gas for and in behalf of Consumers,

all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of the proposed project is to connect Consumers' St. Clair gas supply to the integrated gas transmission system of Applicant, thus, resulting in a wider distribution of the St. Clair gas supply and in delivery of gas by Applicant to Consumers' storage facilities and market area in St. Clair County, Michigan, and vicinity.

The application indicates that the proposed interchange will eliminate the necessity for Consumers to construct new pipelines to carry on functions that could be performed with Applicant's existing facilities.

Applicant will not be required to construct any new facilities for the proposal. Consumers will pay the entire cost of making the proposed interconnection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6454; Filed, June 29, 1964; 8:45 a.m.]

[Project No. 2470]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Notice of Application for Preliminary Permit

JUNE 23, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Public Service Company of New Hampshire (Correspondence to: A. R. Schiller, President, Public Service Company of New Hampshire, 1087 Elm Street, Manchester, New Hampshire, 03105) for preliminary permit for proposed Project No. 2470, to be known as the Pontook Project, to be located on the Androscoggin River and would include land and/or flowage in Berlin, Milan, Dummer, Cambridge, and Errol, all in the County of Coos, New Hampshire.

The proposed project would consist of (1) a dam, tentatively 3,600 feet long and 125 feet high, crest elevation 1,225 feet, made up of concrete powerhouse and spillway sections, earth embankments, and a log sluice; (2) a reservoir (pool elevation not yet determined); (3) a powerhouse, with an ultimate installed capacity of about 262,500 kw; (4) a substation and appurtenant electrical and mechanical facilities; and (5) a re-regulating reservoir formed by a dam about eight miles downstream with provision for appropriate water control gates and a log sluice.

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 7, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6455; Filed, June 29, 1964; 8:45 a.m.]

[Docket No. CP64-259]

SOUTHERN NATURAL GAS CO.

Notice of Application

JUNE 23, 1964.

Take notice that on April 29, 1964, Southern Natural Gas Company (Southern Natural), P.O. Box 2563, Birmingham, Alabama, 35202, filed in Docket No. CP64-259, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of approximately 2580 Hp compressor capacity and increase its system delivery capacity by approximately 16,000 Mcf daily, all as more fully set forth in the application on file with the Commission, and open to public inspection.

The application reflects Southern Natural proposes:

(1) To install and operate a compressing unit of 800 H.P. at its Reform Compressor Station;

(2) To install and operate a compressing unit of 1,080 H.P. at its DeArmanville Compressor Station; and

(3) Supercharge two existing 1,000 H.P. compressor units (and thereby add 700 H.P.) at its McConnells Compressor Station.

The application states that the facilities will increase Applicant's system delivery capacity by approximately 16,000 Mcf per day and are required to meet unexpected increases in the firm requirements of Applicant's existing customers for the 1964–1965 heating season.

The estimated cost of constructing Applicant's proposed facilities is $492,600. The cost of construction will be defrayed from cash on hand or to be available from current operations.

The proposal is more fully described in the application on file with the Commission and open to public inspection.

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 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6456; Filed, June 29, 1964; 8:46 a.m.]

[Project No. 459]

UNION ELECTRIC CO.

Notice of Application for Amendment of License

JUNE 23, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Union Electric Company (Correspondence to: H. Wuertenbaecher, Secretary, Union Electric Company, 315 North Twelfth Boulevard, St. Louis, Missouri 63166) for amendment of license for Project No. 459, located on the Osage River in Miller, Morgan, Camden and Benton Counties, Missouri.

The amendment proposes to exclude from the license for Project No. 459, the Osage-Rivermines (south) Transmission Line, the Osage-Page Avenue (north) Transmission Lines, the high voltage Osage Substation located near the power plant and the land and land rights appurtenant to the transmission lines and the substation. The Licensee states that the operational function of these transmission lines and the substation have become part of its interconnected primary transmission system rather than part of the project works of Project No. 459.

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 10, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6457; Filed, June 29, 1964; 8:46 a.m.]

[Project No. 2246]

YUBA COUNTY WATER AGENCY

Notice of Application for Amendment of License

JUNE 23, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Yuba County Water Agency, Marysville, California (Correspondence to: John Sanbrook, Secretary, Yuba County Water Agency, P.O. Box 28, Marysville, California) for amendment of license for proposed Project No. 2246 to be located on the Yuba River and its tributaries, North Yuba River, Middle Yuba River, and Oregon Creek, in the vicinity of Marysville, California, and affecting lands of the United States within the Plumas and Tahoe National Forests, and utilizing the Englebright Dam of the California Debris Commission, an agency of the Corps of Engineers, U.S. Army.

The amendment proposes to revise the proposed project, known as the Yuba River Development, in the following principal respects: (1) The Lohman Ridge Tunnel would be reduced in size from 14.0 to 12.5 feet diameter, modified horseshoe shaped; (2) Camptonville Tunnel would be reduced in size from 15.5 to 14.5 feet diameter, modified horseshoe shaped; (3) New Bullards Bar Dam would be changed from rockfill to concrete arch type with relocated spillway and power plant, the latter with installed capacity reduced from 132,000 to 120,000 kw; (4) New Colgate Diversion Dam would be eliminated and the existing Colgate Dam of Pacific Gas and Electric Company would serve as a forebay; (5) New Colgate Tunnel would be relocated to meet the revised forebay location; (6) New Colgate Power Plant would have installed capacity increased from 122,000 to 135,000 kw; (7) New Narrows Power Plant would be located upstream from the previously proposed location; and (8) Timbuctoo Afterbay Dam would be changed from impervious core, rockfill type with independent spillway to permeable overflow type rockfill embankment.

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 17, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6458; Filed, June 29, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-5890]

LANCE BARKLIE AND SOUTH OF HEAVEN CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 24, 1964.

I. Lance Barklie as The South of Heaven Company (issuer), 127 Lexington Avenue, New York, New York, a preformation limited partnership, filed with the New York Regional Office a notification and offering circular relating to a proposed offering of 50 limited partnership units at $5,000 per unit, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file a report of sales on Form 2-A, as required by rule 260 of Regulation A.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-6446; Filed, June 29, 1964; 8:45 a.m.]

[File No. 811-970]

PINNACLE INVESTMENT CORP.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 24, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Pinnacle Investment Corporation ("Applicant"), P.O. Box 1742, Hickory, North Carolina, a management closed-end non-diversified investment company, has ceased to be an investment company by reason of the exception contained in section 3(c)(1) of the Act.

Applicant represents that all of its outstanding stock was sold by Pinnacle Industries, Inc. to Hickory Spinners, Inc., a North Carolina corporation, on February 26, 1964. All of the outstanding securities of Hickory Spinners, Inc. are beneficially owned by 6 persons, and neither Applicant nor Hickory Spinners, Inc. is making or presently proposes to make a public offering of its securities.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities (other than short term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 10, 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 applicant 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 such 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 upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-6447; Filed, June 29, 1964; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 472]

MISSOURI

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 Newton County in the State of Missouri;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area 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 Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about June 8, 1964.

OFFICE:

Small Business Administration Regional Offices, 911 Walnut Street, Kansas City 6, Missouri.

2. A temporary office will be established in Seneca, Missouri, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1964.

Dated: June 16, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-6445; Filed, June 29, 1964; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are 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 the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Altamont Shirt Corp., Altamont, Tenn.; effective 6-12-64 to 6-11-65. (Men's and boys' dress shirts)

Angelica Uniform Co., Marquand, Mo.; effective 6-18-64 to 6-17-65. (Men's cotton washable pants)

The Arrow Co., Plant #2, Jackson St., Eveleth, Minn.; effective 6-15-64 to 6-14-65. (Men's pajamas)

Burlington Mfg. Co., Concordia, Mo.; effective 6-15-64 to 6-14-65. (Men's pants)

Central Apparel Corp., 2409 N. Main St., Danville, Va.; effective 6-16-64 to 6-15-65. (Children's pants)

Eudora Garment Corp., Eudora, Ark.; effective 6-10-64 to 6-9-65. (Washable service apparel)

Forest Hills Sportswear Co., Lawrenceburg, Tenn.; effective 6-25-64 to 6-24-65. (Men's dress trousers)

The KYM Co., Jackson, Ga.; effective 6-16-64 to 6-15-65. (Men's single pants)

Monticello Mfg. Co., Inc., Monticello, Ky.; effective 6-18-64 to 6-17-65. (Men's and ladies' sport shirts)

Ruth Originals Corp., 2029 Asheville Hwy., Hendersonville, N.C.; effective 6-15-64 to 6-14-65. (Children's dresses)

Henry I. Siegel Co., Inc., Gleason, Tenn.; effective 6-23-64 to 6-22-65. (Men's and boys' single pants)

Square Apparel Co., 181 Darling St., Wilkes-Barre, Pa; effective 6-10-64 to 6-9-65. (Women's dresses and blouses)

Wilson County Garment Co., Elm St., Watertown, Tenn.; effective 6-16-64 to 6-15-65. (Ladies' blouses)

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Curtis Mfg. Co., Inc., 625 Wilmar Ave., Orlando, Fla.; effective 6-10-64 to 6-9-65; 10 learners. (Men's and boys' trousers)

Four Sisters Mfg. Co., Inc., 121 E. Second St., Flora, Ill.; effective 6-12-64 to 6-11-65; 10 learners. (Women's brassieres, garterbelts, and girdles)

Freeland Dress Co., Inc., 721 Birkbeck St., Freeland, Pa.; effective 6-16-64 to 6-15-65; 5 learners. (Girls' dresses)

Glenn Clothing Mfg. Co., Inc., Dickenson County, Clintwood, Va.; effective 6-11-64 to 6-10-65; 10 learners. (Boys' pants)

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Hamburg Shirt Corp., Hamburg, Ark.; effective 6-15-64 to 12-14-64; 90 learners. (Boys' shirts)

Eileen Hope, Inc., 135 E. Fifth St., Newport, Pa.; effective 6-15-64 to 12-14-64; 20 learners. (Women's dresses)

Punxy Sportswear Co., Inc., Walnut St., Punxsutawney, Pa.; effective 6-12-64 to 12-11-64; 40 learners. Learners may not be employed at special minimum wage rates in the production of skirts. (Misses' and ladies' pants and blouses)

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

T. E. Brooks & Co., Poplar & Dewey Sts., York, Pa.; effective 6-12-64 to 3-8-65; 10 learners for normal labor turnover purposes. (Cigars) (Replacement)

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Fox River Glove Co., Inc., W. Fond Du Lac St., Ripon, Wis.; effective 6-11-64 to 6-10-65; 2 learners for normal labor turnover purposes. (Leather and canvas work gloves and children's leather mittens)

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Lawler Hosiery Mills, Inc., 301 Bradley St., Carrollton, Ga.; effective 6-11-64 to 6-10-65; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Seamless)

Lenoir Hosiery Mills, Inc., Lenoir, N.C.; effective 6-12-64 to 6-11-65; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Full-fashioned and 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).

The Arrow Co., A Division of Cluett, Peebody & Co., Inc., Plant No. 1, Carfield & Adams Ave., Eveleth, Minn.; effective 6-24-64 to 6-23-65; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Men's underwear and pajama pants)

Eagleknit, Inc., Shawano, Wis.; effective 6-15-64 to 12-14-64; 20 learners for plant expansion purposes. (Children's knit sweaters, headwear)

Roan Mills, Inc., P.O. Box 31, Bakersville, N.C.; effective 6-12-64 to 12-11-64; 20 learners for plant expansion purposes. (Infants', toddlers', and ladies' sleepwear)

Terre Hill Mfg. Co., Inc., Plant #1, Blue Ball, Pa.; effective 6-11-64 to 6-10-65; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Ladies' and children's slips, ladies' nightgowns)

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

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.

Beatrice Needle Craft, Inc., Malecon Rd. Plant, P.O. Box 88, Mayaguez, P. R.; effective 5-18-64 to 5-17-65; 20 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88¢ an hour for the first 320 hours and 98¢ an hour for the remaining 160 hours. (Brassieres)

Beatrice Needle Craft, Inc., P.O. Box 391, Ponce, P. R.; effective 6–10–64 to 6–9–65; 30 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88¢ an hour for the first 320 hours and 98¢ an hour for the remaining 160 hours. (Brassieres and girdles)

Hanro Corp., Calle A, Lt. #8, Las Palmas Industrial Dev., Catano, P.R.; effective 6–8–64 to 12–7–64; 16 learners for plant expansion purposes, in the occupation of machine operator; coil winder; wire tester; assembler (Soldering); harness sub-assembler, each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours. (Energizing of coils for electric motors)

Sommers of Puerto Rico, Inc., P.O. Box 376, San Lorenzo, P.R; effective 6–1–64 to 11–30–64; 15 learners for plant expansion purposes, in the occupation of machine operator for a learning period of 240 hours at the rate of 72¢ an hour. (Artificial leather)

Swimtex Corp., P.O. Box 688, Salinas, P.R.; effective 6–1–64 to 11–30–64; 50 learners for plant expansion purposes, in the occupation of machine stitcher for a learning period of 320 hours at the rates of 88¢ an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours. (Men's and boys' lastex swim suits)

United Corp., P.O. Box 52, Cabo Rojo, P.R.; effective 5–25–64 to 11–24–64; 20 learners for plant expansion purposes, in the occupations of: (1) machine stitcher; layer off, each for a learning period of 480 hours at the rates of 71¢ an hour for the first 240 hours and 82¢ an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at the rate of 71¢ an hour. (Leather gloves)

United Corp., P.O. Box 52, Cabo Rojo, P.R.; effective 5–25–64 to 5–24–65; 10 learners for normal labor turnover purposes, in the occupations of: (1) machine stitcher; layer off, each for a learning period of 480 hours at the rates of 71¢ an hour for the first 240 hours and 82¢ an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at the rate of 71¢ an hour. (Leather gloves)

Wilida, Inc., Barrio Marias, Rte. #402, Km. .8 Anasco, P.O. Box 273, Mayaguez, P.R.; effective 6–2–64 to 6–1–65; 11 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88¢ an hour for the first 320 hours and 98¢ an hour for the remaining 160 hours. (Brassieres and girdles)

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 19th day of June 1964.

LUTHER E. STONE,
Authorized Representative of the Administrator.

[F.R. Doc. 64–6473; Filed, June 29, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 1005]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 25, 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 66792. By order of June 23, 1964, the Transfer Board approved the transfer to Bill G. Carr and Phyllis R. Carr, a partnership, doing business as Arrowhead Transportation, Billings, Mont., of Certificate in No. MC 116698 (Sub No. 1), issued March 20, 1964, to Wigwam Trailer Sales, a Corporation, doing business as Arrowhead Transportation, Billings, Mont., authorizing the transportation of: General commodities, excluding household goods, commodities, in bulk and other specified commodities, between Billings, Mont., and Absarokee, Mont., over specified routes, serving the intermediate points of Park City and Columbus, Mont., and between Billings, Mont., and Roundup, Mont., serving all intermediate points on U.S. Highway 87.

R. F. Hibbs, 2619 First Avenue North, Billings, Montana, attorney for applicants.

No. MC–FC 66875. By order of June 23, 1964, The Transfer Board approved the transfer to Peter J. Farley and Richard H. Farley, a Partnership, doing business as P. J. Farley Express, Biddeford, Maine, of the operating rights in Certificate in No. MC 30469, issued October 27, 1952, to Peter J. Farley and John R. Farley, a Partnership, doing business as P. J. Farley Express, Biddeford, Maine, authorizing the transportation, over irregular routes, of household goods, between points in Maine, on the one hand, and, on the other, points in Massachusetts and New Hampshire.

Harold D. Carroll, 5 Washington Street, Biddeford, Maine, attorney for applicants.

No. MC–FC 66951. By order of June 23, 1964, the Transfer Board approved the transfer to Edward Eyring & Sons, Inc., Cleveland, Ohio, of the operating rights in Certificates in Nos. MC 87872 and MC 87872 (Sub No. 1), issued by the Commission June 7, 1950, and December 11, 1963, respectively, to Edward W. Eyring, doing business as Edward W. Eyring & Sons, Cleveland, Ohio, authorizing the transportation, over irregular routes, of: household goods, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, those in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia.

Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio, attorney for applicants.

No. MC–FC 66973. By order of June 23, 1964, the Transfer Board approved the transfer and substitution of Fred H. Fink, Bedford, Pa., as applicant in the "claimed grandfather rights" proceeding seeking the issuance of a Certificate of Registration, filed February 7, 1963 on Form BOR 99, assigned docket No. MC 98355 (Sub No. 1), covering operations in interstate or foreign commerce under the former second proviso of Section 206(a)(1) of the Act, supported by Pennsylvania Certificate No. A. 78204, pursuant to a Form BMC 75 Statement filed May 7, 1952, and accepted May 12, 1952, in the name of Carl C. Koontz, Bedford, Pa., assigned docket No. MC 98355, covering the transportation of property between points in the Borough of Bedford, Bedford County, and within 10 miles of the limits of said borough; and property for The Pennsylvania Railroad Company between points in the Borough of Bedford, Bedford County, and from points in the said borough to points in the Villages of Wolfsburg, Ryot, Alum Bank, Reynolds Dale, Fishertown and Cessna and the Boroughs of Manns Choice, Schellsburg and New Paris, Bedford County, and vice versa.

Ray G. Replogle, 12 Public Square, Bedford, Pa., attorney for transferee.

No. MC–FC 66977. By order of June 23, 1964, the Transfer Board approved the transfer to Joseph Makowski and Leonard Makowski, a partnership, doing business as Makowski Hauling, Concordville, Pa., of Certificate in No. MC 102885, issued February 29, 1956, to Matthew Santangelo, Alfonso Santangelo, and Catherine Santangelo, a partnership, doing business as Charles Santangelo & Sons, Norristown, Pa., authorizing the transportation over irregular routes of road-building materials in dump trucks (except brick, tile and cinder block), between Bridgeport and Norristown, Pa., and points in upper Merion Township, Montgomery County, Pa., on the one hand, and, on the other, points in Delaware and New Jersey; and road-building materials, between Howellville, Pa., and points within 25 miles of Howellville, on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey.

Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102, attorney for transferor and Vincent B. Makowski, National Dime Bank Building, Shamokin, Pa., attorney for transferee.

No. MC–FC 66986. By order of June 23, 1964, the Transfer Board approved the transfer to Fred Schaffer, doing business as Canton-Quincy Transfer,

Canton, Mo., of Certificate in No. MC 8199, issued November 4, 1952, to Raymond C. Schaefer, Palmyra, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, between Palmyra, Mo., and East St. Louis, Ill., and the intermediate points of St. Louis, Mo.

No. MC–FC 66995. By order of June 23, 1964, the Transfer Board approved the transfer to Dale Strom, Wilson, Wis., of Certificate in No. MC 70142, issued March 14, 1942, to Gerhart Solberg, Woodville, Wis., acquired by George Solberg, Woodville, Wis., pursuant to approval order issued April 1, 1964, in No. MC–FC 66695, authorizing the transportation of household goods and general commodities, excluding commodities in bulk, over irregular routes, between Woodville, Wis., and points within ten miles of Woodville, on the one hand, and, on the other, South St. Paul, St. Paul, Newport, and Minneapolis, Minn.

A. R. Fowler, 2288 University Avenue, St. Paul, Minn., 55114, representative for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–6489; Filed, June 29, 1964; 8:49 a.m.]

[Notice No. 1005–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 25, 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.

MC–FC 66393 (Corrected Notice [1]) By order of June 16, 1964, the Transfer Board approved the transfer to J. Perry Kinzie, doing business as Bestway Line, 8841 Belding Road, Rockford, Mich., applicant in No. MC 124081 (Sub No. 2), BOR–99 issued February 14, 1964, in the name of John J. Orth, doing business as Bestway Line, 900 E. Fulton, Grand Rapids, Mich., 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 Michigan certificate No. P–12741, authorizing transportation of passengers, from Grand Rapids and Belding via River Road to Plainfield, thence via US–131 to its junction with M–44, thence via M–44 to Belding; and from Greenville to Belding over Highway M–91.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–6490; Filed, June 29, 1964; 8:49 a.m.]

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[1] On page 8043 in the FEDERAL REGISTER dated June 24, 1964 the MC–FC number 66393 was inadvertently omitted.

CUMULATIVE CODIFICATION GUIDE—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

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