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FEDERAL REGISTER

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

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

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

[Reg. Docket No. 6211; Amdt. 95–119]

PART 95—IFR ALTITUDES [NEW]

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] of the Federal Aviation Regulations is amended, effective October 15, 1964, as follows:

1. By amending Subpart C as follows:

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

From, to, and MEA

Sitka, Alaska, LFR; Pelican INT, Alaska; 5,300.

Pelican INT, Alaska; Yakutat, Alaska, LFR; 2,000.

Bainbridge INT, Wash.; United States-Canadian border; 6,500.

Dungeness, Wash., FM; United States-Canadian border, northbound only; 2,500.

Section 95.201 *Red Federal airway 1* is amended to read in part:

Port Alexander INT, Alaska; Cape Decision, Alaska, LF/RBn; 6,000.

Cape Decision, Alaska, LF/RBn; Grand Islands, Alaska, LF/RBn; *6,000. *4,000—MOCA.

Section 95.240 *Red Federal airway 40* is amended to read in part:

*Homer, Alaska, LFR; **Skilak INT, Alaska; 5,000. *3,900—MCA Homer LFR, southbound. **4,000—MCA Skilak INT, southbound.

Section 95.241 *Red Federal airway 41* is amended to read in part:

Pelican INT, Alaska; Gustavus, Alaska, LFR; 5,500.

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

From, to, and MEA

Cold Bay, Alaska, LFR; Adak, Alaska, LFR; 11,400.

Cold Bay, Alaska, LFR; Port Heiden, Alaska, LF/RBn; 10,200.

Galena, Alaska, LFR; Kotzebue, Alaska, LF/RBn; 6,500.

Greensboro, N.C., VOR; Norwood INT, N.C.; 3,000.

Hinchinbrook, Alaska, LFR; Middleton Island, Alaska, LFR; 5,000.

Kodiak, Alaska, LFR; King Salmon, Alaska, LFR; 9,700.

Kodiak, Alaska, LFR; Middleton Island, Alaska, LFR; 4,000.

McGrath, Alaska, LFR; Galena, Alaska, LFR; 6,200.

Middleton Island, Alaska, LFR; Homer, Alaska, LFR; 8,000.

Tabor City INT, S.C.; Green INT, S.C.; *2,800. *1,300—MOCA.

Rond Lake INT, La.; Baton Rouge, La., VOR; 1,500.

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

Atlanta, Ga., VOR; Rome, Ga., VOR; 2,500.

Barksdale AFB, La., VOR; Cotton INT, La.; 1,700.

Canal INT, Fla.; Clewiston INT, Fla.; *2,000. *1,200—MOCA.

Dock INT, N.C.; Green INT, N.C.; *4,500. *1,400—MOCA.

Domestic Annette INT, Alaska; Domestic Sitka INT, Alaska, via Control 1310; 2,000.

Domestic Sitka INT, Alaska; Domestic Gustavus INT, Alaska, via control 1310; 2,000.

Domestic Gustavus INT, Alaska; Domestic Yakutat INT, Alaska, via Control 1310; 2,000.

Lafayette, La. VOR; Rich INT, La.; *1,500. *1,300—MOCA.

Saddle INT, Calif., via SMO R–261; Santa Monica, Calif., VOR; 4,500.

Santa Monica, Calif. VOR, via SMO R–078; Stadium INT, Calif.; 2,500.

St. Petersburg, Fla. VOR; Oyster INT, Fla.; *2,000. *1,300—MOCA.

Tabor City INT, N.C.; Dock INT, N.C.; *3,000. *1,400—MOCA.

W. Palm Beach, Fla. VOR; Canal INT, Fla.; 2,000.

Section 95.1001 *Direct route—U.S.* is amended to read in part:

Greenville, Fla., VOR; Valdosta, Ga., VOR; *1,800. *1,600—MOCA.

Route 7

Point Tuna INT, P.R.; *San Lorenzo INT, P.R.; 3,100. *4,000—MRA.

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

*Seattle, Wash., VOR; Palmer INT, Wash.; eastbound, 8,000; westbound, 4,000. *3,000—MCA Seattle VOR, eastbound.

*Seattle, Wash., VOR, via S alter.; Black Diamond INT, Wash., via S alter.; southeastbound, 6,000; northwestbound, 4,000. *5,200—MCA Seattle VOR, southeastbound.

Thorp INT, Wash., via S alter.; Ellensburg, Wash., VOR; via S alter.; eastbound, 7,700; westbound, 10,000.

*Seattle, Wash., VOR, via N alter.; **Taylor INT, Wash., via N alter.; eastbound, 8,500; westbound 5,000. *6,700—MCA Seattle VOR, eastbound. **8,600—MCA Taylor INT, eastbound.

Cashmere INT, Wash., via N alter.; *Wenatchee, Wash., VOR, via N alter.; eastbound, **7,500; westbound, 12,000. *8,200—MCA Wenatchee VOR, westbound, **6,600—MOCA.

From, to, and MEA

Ephrata, Wash., VOR; Spokane, Wash., VOR; 5,100.

*Spokane, Wash., VOR; Rockford INT, Wash., westbound, 6,500; eastbound, 9,000. *5,200—MCA Spokane VOR, eastbound.

Ephrata, Wash., VOR, via S alter.; *Grange INT, Wash., via S alter.; **6,000. *6,000—MRA. **5,000—MOCA.

*Spokane, Wash., VOR, via S alter.; Mullan Pass, Idaho, VOR, via S alter.; **10,700. *6,300—MCA Spokane VOR, eastbound, **8,800—MOCA.

Mullan Pass, Idaho, VOR; Missoula, Mont., VOR; 9,600.

Missoula, Mont., VOR; Drummond, Mont., VOR; 8,900.

Drummond, Mont., VOR; Garrison INT, Mont.; 9,500.

Garrison INT, Mont.; Helena, Mont., VOR; *9,800. *9,200—MOCA.

Helena, Mont., VOR; *Canton INT, Mont.; 9,000. *10,300—MCA Canton INT, eastbound.

Canton INT, Mont.; Livingston, Mont., VOR; 10,500.

Billings, Mont., VOR; Miles City, Mont., VOR; 5,500.

Miles City, Mont., VOR; Dickinson, N. Dak., VOR; *6,000. *5,100—MOCA.

Helena, Mont., VOR, via N alter.; *Watson INT, Mont., via N alter.; 9,400. *10,500—MCA Watson INT, eastbound.

Watson INT, Mont., via N alter.; Baxter INT, Mont., via N alter.; *12,000. *10,500—MOCA.

Baxter INT, Mont., via N alter.; Rapelje DME fix, Mont., via N alter.; northwestbound, 10,500; southeastbound, 7,000.

Rapelje DME fix, Mont., via N alter.; Billings, Mont., VOR, via N alter.; 6,000.

Billings, Mont., VOR, via N alter.; Miles City, Mont., VOR, via N alter.; 5,400.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

*Seattle, Wash., VOR; Black Diamond INT, Wash.; southeastbound, 6,000; northwestbound, 4,000. *5,200—MCA Seattle VOR, southeastbound.

Seattle, Wash., VOR, via S alter.; *Carbonado INT, Wash., via S alter.; **6,000. *7,000—MCA Carbonado INT, eastbound. **4,000—MOCA.

Carbonado INT, Wash., via S alter.; Mud Lake INT., Wash., via S alter.; eastbound, 10,000; westbound, 8,100.

Baker, Oreg., VOR; Payette INT, Idaho; *9,000. *7,700—MOCA.

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

*Ogden, Utah, VOR; Pineview INT, Utah; eastbound, 12,000; westbound, 10,000. *11,000—MCA Ogden VOR, eastbound.

Pineview INT, Utah; Fort Bridger, Wyo., VOR; 12,000.

Hiram INT, Ohio; Youngstown INT, Ohio; *2,900. *2,600—MOCA.

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

*Ontario, Calif., VOR; Fontana INT, Calif.; northeastbound, **10,000; southwestbound, 5,000. *7,000—MCA Ontario VOR, northeastbound. **5,000—MOCA.

Antwerp INT, Ohio; Findlay, Ohio, VOR; *2,600. *2,000—MOCA.

Findlay, Ohio, VOR; Upper Sandusky, INT, Ohio; *2,500. *2,200—MOCA.

Kilgore INT, Ohio; Allegheny, Pa., VOR; 3,000.

From, to, and MEA

Allegheny, Pa., VOR; Scottdale INT, Pa.; 3,100.

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

Wilbur INT, Ind., VOR; Indianapolis, Ind.; *2,400. *2,000—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Richmond, Ind., VOR; Dayton, Ohio, VOR; 2,900.
Wheeling, W. Va., VOR; Allegheny, Pa., VOR; 3,000.
Allegheny, Pa., VOR; *Greensburg INT, Pa.; 3,000. *4,000—MCA Greensburg INT, eastbound.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

*Caprock INT N. Mex.; **Whiteface INT, Tex.; ***7,000. *7,500—MRA. **7,000—MRA. ***5,500—MOCA.
Findlay, Ohio, VOR; Attica, Ohio, VOR; *2,500. *2,100—MOCA.
*Rockford INT, Ohio; Findlay, Ohio, VOR; **3,000. *3,000—MRA. **2,200—MOCA.

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

Fairbanks INT, Tex.; Magnolia INT, Tex.; *2,000. *1,600—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Dallas, Tex., VOR; Sulphur Springs, Tex., VOR; 1,900.
Sulphur Springs, Tex., VOR, via N alter.; *Avery INT, Tex., via N alter.; 1,800. *2,000—MRA.
Sulphur Springs, Tex., VOR, via S alter.; Naples INT, Tex., via S alter.; 1,800.
Pine Bluff, Ark., VOR; *Walls INT, Miss.; **3,000. *2,500—MRA. **1,500—MOCA.
Ontario, Calif., VOR; Moreno INT, Calif.; 5,500. *Moreno INT, Calif.; Banning INT, Calif.; westbound, 9,500; eastbound, 13,000. *12,000—MCA Moreno INT, eastbound.
Banning INT, Calif.; *Palm Springs, Calif., VOR; **13,000. *11,500—MCA Palm Springs VOR, westbound. **12,200—MOCA.
Palm Springs, Calif., VOR; Blythe, Calif., VOR; *8,000. *7,500—MOCA.
Memphis, Tenn., VOR, via S alter.; Wilson INT, Tenn., via S alter.; *1,900. *1,700—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Weatherford INT., Okla., via W alter.; *Custer INT, Okla., via W alter.; **3,500. *4,300—MRA. **3,100—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Quitman, Tex., VOR; Caddo Lake INT, Tex.; *2,200. *1,900—MOCA.
Quitman, Tex., VOR, via S alter.; Woodlawn INT, Tex., via S alter.; *2,200. *1,900—MOCA.

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

Billings, Mont., VOR; *Musselshell INT, Mont.; 6,000. *8,500—MRA.
Musselshell INT, Mont.; Int. 330° M rad, Billings VOR, and 086° M rad, Lewistown VOR; 7,700.
Int. 330° M rad, Billings VOR, and 086° M rad, Lewistown VOR; Lewistown, Mont., VOR; *9,000. *7,500—MOCA.
Lewistown, Mont., VOR; *Great Falls, Mont., VOR; 8,400. *6,800—MCA Great Falls VOR, eastbound.

From, to, and MEA

Lewistown, Mont., VOR; Int. 103° M rad, Great Falls VOR, and 256° M rad, Lewistown VOR, via W alter.; 10,300.
Int. 103° M rad, Great Falls VOR, and 256° M rad, Lewistown VOR, via W alter.; Great Falls, Mont., VOR, via W alter.; *11,000. *10,300—MOCA.

Section 95.6022 *VOR Federal airway 22* is amended to read in part:

Horn INT, Miss.; Brookley, Ala., VOR; 1,400.

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

Roseburg, Oreg. VOR, via W alter.; *Drain INT, Oreg., via W alter.; 5,000. *7,000—MRA.
Drain INT, Oreg., VOR, via W alter.; Eugene, Oreg., VOR, via W alter.; northbound, 4,000; southbound, 5,000.
Eugene, Oreg. VOR, via W alter.; Kings Valley INT, Oreg., via W alter.; 5,000.
Kings Valley INT., Oreg., via W alter.; McCoy INT, Oreg., via W alter.; 6,100.
McCoy INT, Oreg., via W alter.; Newberg, Oreg. VOR, via W alter.; 3,400.
Volta INT, Calif., via W alter.; Stockton, Calif., VOR; via W alter.; *3,000. *2,000—MOCA.
Oceanside, Calif., VOR; Long Beach, Calif., VOR; 3,800.

Section 95.6024 *VOR Federal airway 24* is amended to read in part:

Aberdeen, S. Dak., VOR, via N alter.; Watertown, S. Dak., VOR, via N alter; *3600. *3100—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Mt. Dome INT, Calif.; Klamath Falls, Oreg., VOR; northbound, 8,600; southbound, 11,000.

Sprague INT, Oreg., Redmond, Oreg., VOR; *12,000. *9,000—MOCA.

Redmond, Oreg., VOR; *Gateway INT, Oreg.; **7,000. *9,000—MRA. **6,400—MOCA.

Gateway INT, Oreg.; The Dalles, Oreg., VOR; *7,000. *6,400—MOCA.

*The Dalles, Oreg., VOR; Yakima, Wash., VOR; 8,000. *4,800—MCA The Dalles VOR, northbound.

*The Dalles, Oreg., VOR, via E alter.; Yakima, Wash., VOR, via E alter.; 7,000. *4,800—MCA The Dalles VOR, northeastbound.

*Ellensburg, Wash., VOR; Wenatchee, Wash., VOR; 8,500. *6,800—MCA Ellensburg VOR, northbound.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Huron, S. Dak., VOR; *Oakwood INT, S. Dak.; **4,000. *4,000—MRA. **3,000—MOCA.

Section 95.6027 *VOR Federal airway 27* is amended to read in part:

Newport, Oreg., VOR; Astoria, Oreg., VOR; 5,100.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Cobb INT, Ga.; Myrtle INT, Ga.; *2,000. *1,700—MOCA.
Myrtle INT, Ga.; Macon, Ga., VOR; *2,000. *1,800—MOCA.
Albany, Ga., VOR, via W alter.; Macon, Ga., VOR, via W alter.; *2,000. *1,900—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Millsboro INT, Pa.; Allegheny, Pa., VOR; 3,000.

From, to, and MEA

Allegheny, Pa., VOR; Ellwood City, Pa., VOR; 3,000.
Statesville INT, N.C.; Burch INT, N.C.; *5,000. *3,500—MOCA.

Section 95.6040 *VOR Federal airway 40* is amended to read in part:

Imperial, Pa., VOR; Allegheny, Pa., VOR; *3,000. *2,500—MOCA.

Section 95.6041 *VOR Federal airway 41* is amended to read in part:

Allegheny, Pa., VOR; Imperial, Pa., VOR; *3,000. *2,500—MOCA.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

Kinston, N.C., VOR; Wendell INT, N.C.; *2,000. *1,600—MOCA.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Findlay, Ohio, VOR; Custar INT, Ohio; 2,200.

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

Ellijay INT, Ga.; *Glenn INT, Ga.; 6,000. *5,000—MCA Glenn INT, southbound.
Glenn INT, Ga.; Georgetown INT, Tenn.; *4,000. *3,700—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Memphis, Tenn., VOR; Rossville INT, Tenn.; *1,900. *1,700—MOCA.
Memphis, Tenn., VOR, via N alter.; Wilson INT, Tenn., via N alter; *1,900. *1,700—MOCA.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

Loyal INT, Wis.; Eau Claire, Wis., VOR; *3,200. *2,500—MOCA. MAA—14,000.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Montgomery, Ala., VOR; Kent INT, Ala.; 2,000.
*Junction City INT, Ga.; Roberta INT, Ga.; **2,200. *3,000—MRA. **1,900—MOCA.
Roberta INT, Ga.; Macon, Ga., VOR; *2,000. *1,900—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Cabezon INT, N. Mex.; Santa Fe, N. Mex.; VOR; 10,000.
Lubbock, Tex., VOR; *Acuff INT, Tex.; **4,800. *4,500—MRA. **4,500—MOCA.
Acuff INT, Tex.; *Rotan INT, Tex.; **5,000. *4,500—MRA. **4,300—MOCA.
Rotan INT, Tex.; Abilene, Tex., VOR; *3,700. *3,200—MOCA.

Section 95.6064 *VOR Federal airway 64* is amended to read in part:

Wilmington INT, Calif.; Long Beach, Calif., VOR; 2,300.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

*Tucson, Ariz., VOR; Geronimo INT, Ariz.; southeastbound, 9,000; northwestbound, 7,000. *6,600—MCA Tucson VOR, southeastbound.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Roswell, N. Mex., VOR; Dexter INT, N. Mex.; *5,000. *4,800—MOCA.
Dexter INT, N. Mex.; *Hagerman INT, N. Mex.; **6,000. *6,500—MRA. **4,800—MOCA.

From, to, and MEA

Hagerman INT, N. Mex.; Hobbs, N. Mex., VOR; *6,000. *5,900—MOCA.
Hobbs, N. Mex., VOR; Andrews INT, Tex.; *5,200. *5,000—MOCA.
Andrews INT, Tex.; Pipe Line INT, Tex.; *5,000. *4,600—MOCA.
Pipe Line INT, Tex.; Midland, Tex., VOR; 5,000.
Roswell, N. Mex., VOR, via S alter.; Hobbs, N. Mex., VOR, via S alter.; *6,000. *5,400—MOCA.
Hobbs, N. Mex., VOR, via S alter.; Goldsmith INT, Tex., via S alter.; *5,200. *4,700—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Americus INT, Ga.; Vienna, Ga., VOR; *2,200. *1,800—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Findlay, Ohio, VOR; Attica, Ohio, VOR; *2,500. *2,100—MOCA.
Bradford, Pa., VOR; Elmira, N.Y., VOR; 4,500.
Youngstown, Ohio, VOR; Hadley INT, Pa.; *3,000. *2,800—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to delete:

Troy, Ill., VOR; Vandalia, Ill., VOR; *2,500. *1,900—MOCA.
Vandalia, Ill., VOR; Arcola INT, Ill.; *3,000. *2,100—MOCA.
Arcola INT, Ill.; State Line INT, Ind.; *3,500. *2,200—MOCA.
State Line INT, Ind.; Westpoint, Ind., VOR; *2,500. *1,900—MOCA.
Westpoint, Ind., VOR; Lafayette, Ind., VOR; *2,500. *2,000—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Round Top INT, Tex.; Sealy INT, Tex.; *5,000. *1,700—MOCA.
Hyman, Tex., VOR; San Angelo, Tex., VOR; *4,400. *3,800—MOCA.
Austin, Tex., VOR; Paige INT, Tex.; 2,000.

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

Hobbs, N. Mex., VOR; Welsh INT, Tex.; *5,400. *5,300—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Plainview, Tex., VOR, via E alter.; Palo Duro INT, Tex., via E alter.; 4,800.
Palo Duro INT, Tex., via E alter.; Amarillo, Tex., VOR, via E alter.; 4,700.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

Billings, Mont., VOR; Sheridan, Wyo., VOR; *8,000. *7,000—MOCA.

Section 95.6089 *VOR Federal airway 89* is amended to read in part:

Cheyenne, Wyo., VOR; Little Horse INT, Wyo.; 7,900.
Denver, Colo.; VOR; *Platte INT, Colo.; 7,000. *10,500—MRA.
Platte INT, Colo.; Nunn INT, Colo.; 7,000.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

Gerald INT, Ohio; Waterville, Ohio; *2,200 2,100—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

*Toltec INT, Ariz.; Chrome INT, Ariz.; eastbound, 8,000; westbound, 6,500. *5,400—MCA Toltec INT, eastbound.

From, to, and MEA

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

Albany, Ga., VOR; Americus INT, Ga.; *1,800. *1,600—MOCA.
Americus INT, Ga.; *Junction City, Ga., VOR; **3,000. *3,000—MRA. *1,800—MOCA.
Shelbyville, Ind., VOR; Stockwell INT, Ind.; 2,900. MAA—14,000.
Lebanon INT, Ind., via W alter.; Stockwell INT, Ind., via W alter.; 2,900. MAA—14,000.

Section 95.6099 *VOR Federal airway 99* is amended to read in part:

Winlock INT, Wash.; Centralia INT, Wash.; northbound, 5,100; southbound, 5,500.
Centralia INT, Wash.; Olympia, Wash., VOR; northbound, 3,100; southbound, 4,000.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

Chadron, Nebr., VOR; O'Neill, Nebr., VOR; *12,000. *5,900—MOCA.

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

*Carlsbad, N. Mex., VOR; Hobbs, N. Mex., VOR; **5,600. *7,000—MCA Carlsbad VOR, southwestbound. **4,900—MOCA.

Section 95.6107 *VOR Federal airway 107* is amended to read in part:

*Los Angeles, Calif., VOR, via W alter.; Bay INT, Calif., via W alter.; westbound, 5,000; eastbound, 4,000. *2,400—MCA Los Angeles, VOR, westbound.

Section 95.6108 *VOR Federal airway 108* is amended to read in part:

Golden Gate INT, Calif.; Sausalito, Calif., VOR; 4,000.
Sausalito, Calif., VOR; Commodore INT, Calif.; 4,000.

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

The Dalles, Oreg., VOR; *Ione INT, Oreg.; 4,300. *7,000—MRA.
Pendleton, Oreg., VOR; Lamar INT, Oreg.; 4,300.
Lamar INT, Oreg.; Spokane, Wash., VOR; *5,400. *4,900—MOCA.
Pendleton, Oreg., VOR, via W alter.; Pasco, Wash., VOR, via W alter.; 4,200.

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

Fruitvale INT, Tex.; Gregg County, Tex., VOR; *2,500. *1,900—MOCA.
Dallas, Tex., VOR, via S alter.; Canton INT, Tex., via S alter.; *3,000. *1,900—MOCA.
Canton INT, Tex., via S alter.; Mt. Sylvan INT, Tex., via S alter.; *3,000. *1,800—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Munhall INT, Pa.; Allegheny, Pa., VOR; 3,000.

Section 95.6117 *VOR Federal airway 117* is amended to read in part:

Thermal, Calif., VOR; Palm Springs, Calif., VOR; 4,000.

Section 95.6122 *VOR Federal airway 122* is amended to read in part:

Klamath Falls, Oreg., VOR; Lakeview, Oreg., VOR; 9,600.

Section 95.6126 *VOR Federal airway 126* is amended to read in part:

Gerald INT, Ohio; Waterville, Ohio, VOR; *2,200. *2,100—MOCA.

From, to, and MEA

Section 95.6137 *VOR Federal airway 137* is amended to delete:

*Thermal, Calif., VOR; **Arrowhead INT, Calif.; 13,500. *10,000—MCA Thermal VOR, northwestbound. **12,000—MCA Arrowhead INT, southeastbound.
Arrowhead INT, Calif.; Pearblossom INT, Calif.; *10,000. *8,500—MOCA.
Pearblossom INT, Calif.; *Palmdale, Calif., VOR, northwestbound; **8,000. Southeastbound; **10,000. *6,000—MCA Palmdale VOR, southeastbound. *5,600—MOCA.

Section 95.6137 *VOR Federal airway 137* is amended by adding:

Palm Springs, Calif., VOR; Arrowhead INT, Calif.; 14,000.
Arrowhead INT, Calif.; Palmdale, Calif., VOR; 12,000.

Section 95.6138 *VOR Federal airway 138* is amended to read in part:

Medicine Bow, Wyo., VOR, via N alter.; Morton INT, Wyo., via N alter.; 9,500.
Morton INT, Wyo., via N alter.; Cheyenne, Wyo., VOR, via N alter.; 9,000.

Section 95.6150 *VOR Federal airway 150* is amended to read in part:

Golden Gate INT, Calif.; Sausalito, Calif., VOR; 4,000.
Sausalito, Calif., VOR; Commodore INT, Calif.; 4,000.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

*Junction City INT, Ga.; Roberta INT, Ga.; **2,200. *3,000—MRA. **1,900—MOCA.
Roberta INT, Ga.; Macon, Ga., VOR; *2,000. *1,900—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Forest Hill INT, Md.; New Castle, Del., VOR; *2,000. *1,700—MOCA.

Section 95.6166 *VOR Federal airway 166* is amended to read in part:

Forest Hill INT, Md.; New Castle, Del., VOR; *2,000. *1,700—MOCA.

Section 95.6168 *VOR Federal airway 168* is amended to read in part:

Snake INT, Nebr.; O'Neill, Nebr., VOR; *14,000. *5,600—MOCA.

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

Albuquerque, N. Mex., VOR; Cabezon INT, N. Mex.; 10,000.
Cabezon INT, N. Mex.; Station INT, N. Mex.; *11,000. *10,100—MOCA.

Section 95.6200 *VOR Federal airway 200* is amended to read in part:

Myton, Utah, VOR; Rangely INT, Colo.; *10,000. *8,600—MOCA.

Section 95.6204 *VOR Federal airway 204* is amended to read in part:

Hoquiam, Wash., VOR; *Olympia, Wash., VOR; 4,000. *3,200—MCA Olympia, VOR, westbound.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

Springfield, Mo., VOR; *Bolivar INT, Mo.; **3,000. *5,500—MRA. **2,300—MOCA.
Bolivar INT, Mo.; Blue Springs, Mo., VOR; $3,000. *2,300—MOCA.

From, to, and MEA

Section 95.6208 *VOR Federal airway 208* is amended to read in part:

Santa Catalina, Calif., VOR; *Avalon INT, Calif.; 4,000. *3,000—MCA Avalon INT, westbound.

Section 95.6213 *VOR Federal airway 213* is amended to read in part:

Myrtle Beach, S.C., VOR; *Longwood INT, S.C.; **1,800. *2,500—MRA. **1,300—MOCA.
Longwood INT, S.C.; *Dock INT, S.C.; **1,800. *3,000—MRA. **1,300—MOCA
Dock INT, S.C.; Bolton INT, N.C.; *1,800. *1,300—MOCA.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

Richmond, Ind., VOR; Lewisburg INT, Ohio; 2,900.
Lewisburg INT, Ohio; Liberty INT, Ohio; 2,500.
Wolfdale INT, Pa.; Allegheny, Pa., VOR; 3,000.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

*Wind Lake Int, Wis.; Pike INT, Wis.; **4,000. *3,000—MRA. **2,100—MOCA.

Section 95.6219 *VOR Federal airway 219* is amended to read in part:

Hayes Center, Nebr., VOR; Eddyville INT, Nebr.; *5,000. *4,100—MOCA.

Section 95.6220 *VOR Federal airway 220* is amended to read in part:

Longmont INT, Colo.; *Platte INT, Colo.; eastbound, **10,500; westbound, **13,000. *10,500—MRA. *10,500—MCA Platte INT, westbound. **6,900—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Round Top INT, Tex.; Sealy INT, Tex.; *5,000. *1,700—MOCA.
Gordonsville, Va., VOR; Grubbs INT, Va.; *2,000. *1,500—MOCA.

Section 95.6231 *VOR Federal airway 231* is amended to read:

Missoula, Mont., VOR; Charlo INT, Mont.; *10,000. *9,100—MOCA.

Section 95.6234 *VOR Federal airway 234* is amended to read in part:

Meade INT, Kans.; *Greensburg INT; **8,000 *7,500—MRA. **3,800—MOCA.
*Greensburg INT, Kans.; Pratt INT, Kans.; *7,500. *3,500—MOCA.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Garrison INT, Mont.; Wolf Creek INT, Mont.; 9,800.
Wolf Creek INT, Mont.; Great Falls, Mont., VOR; 8,500.

Section 95.6264 *VOR Federal airway 264* is amended to read in part:

Ontario, Calif., VOR, via S alter.; Moreno INT, Calif., via S alter.; 5,500.
*Moreno INT, Calif., via S alter; Banning INT, Calif., via S alter.; westbound, 9,500; eastbound, 13,000. *12,000—MCA Moreno INT, eastbound.
Banning INT, Calif., via S alter.; *Palm Springs, Calif., VOR, via S alter.; **13,000. *11,500—MCA Palm Springs VOR, westbound. **12,200—MOCA.
Palm Springs, Calif., VOR, via S alter.; Twentynine Palms, Calif., VOR, via S alter.; *9,000. *7,500—MOCA.

From, to, and MEA

*Rialto INT, Calif.; Redlands INT, Calif.; eastbound, 13,500; westbound, 9,000. *6,500—MCA Rialto INT, westbound. *11,000—MCA Rialto INT, eastbound.

Section 95.6275 *VOR Federal airway 275* is amended to read in part:

Richmond, Ind., VOR, via W alter.; Dayton, Ohio, VOR, via W alter.; 2,900.
Cincinnati, Ohio, VOR, via W alter.; Richmond, Ind., VOR, via W alter.; 2,800.
Findlay, Ohio, VOR; Custar INT, Ohio; 2,200.

Section 95.6281 *VOR Federal airway 281* is amended to read in part:

Pendleton, Oreg., VOR; Walla Walla, Wash., VOR; 4,300.
Walla Walla, Wash., VOR; Spokane, Wash., VOR; *8,000. *5,000—MOCA.
Pendleton, Oreg., VOR, via E alter.; Walla Walla, Wash., VOR, via E alter.; 4,800.

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

North Bend, Oreg., VOR; Kings Valley INT, Oreg.; *7,400. *6,100—MOCA.
Kings Valley INT, Oreg.; McCoy INT, Oreg.; 6,000.
McCoy INT, Oreg.; Newberg, Oreg., VOR; 3,400.

Section 95.6291 *VOR Federal airway 291* is amended by adding:

Winslow, Ariz., VOR; Peach Springs, Ariz., VOR; 14,600.

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

Borger, Tex., VOR, via W alter.; Int. 222° M rad, Liberal VOR, and 343° M rad, Borger VOR, via W alter.; *6,000. *4,700—MOCA.
Int. 222° M rad, Liberal VOR, and 343° M rad, Borger VOR, via W alter.; Liberal, Kans., VOR, via W alter.; *5,700. *4,700—MOCA.

Section 95.6401 *Hawaii VOR Federal airway 1* is amended to read in part:

Southgate INT, Hawaii; Palmtree INT, Hawaii; *2,500. *1,000—MOCA.
Palmtree INT, Hawaii; Penguin INT, Hawaii; *2,000. *1,000—MOCA.
Keiki INT, Hawaii; Mango INT, Hawaii; *3,000. *2,500—MOCA.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

South Kauai, Hawaii, VOR; Lihue, Hawaii, VOR; 5,000.
Lihue, Hawaii, VOR; High Tide INT, Hawaii; southeastbound, 3,000; northwestbound, 4,000.
High Tide INT, Hawaii; Seaweed INT, Hawaii; *3,000. *1,000—MOCA.
Honolulu, Hawaii, VOR; *Kahala INT, Hawaii; 4,000. *2,500—MCA Kahala INT, northwestbound.
*Honolulu, Hawaii, VOR, via S alter.; Ono INT, Hawaii, via S alter.; 2,000. *4,000—MCA Honolulu VOR, westbound.
Palmtree INT, Hawaii; Penguin INT, Hawaii; *2,000. *1,000—MOCA.

Section 95.6407 *Hawaii VOR Federal airway 7* is amended to read:

Lanai, Hawaii, VOR; Molokai, Hawaii, VOR; *4,000. *2,800—MOCA.

Section 95.6408 *Hawaii VOR Federal airway 8* is amended to read in part:

Southgate INT, Hawaii; Palmtree INT, Hawaii; *2,500. *1,000—MOCA.
Molokai, Hawaii, VOR; Bluefin INT, Hawaii; 5,000.
Bluefin INT, Hawaii; Windward INT, Hawaii; 3,000.

From, to, and MEA

Section 95.6409 *Hawaii VOR Federal airway 9* is amended to read in part:

*So. Honolulu INT, Hawaii; Village INT, Hawaii; **9,000. *9,000—MRA. **1,000—MOCA.
Village INT, Hawaii; Coral INT, Hawaii; *6,000. *1,000—MOCA.
Southgate INT, Hawaii; *Honolulu, Hawaii, VOR; 2,000. *4,000—MCA Honolulu VOR, westbound.

Section 95.6410 *Hawaii VOR Federal airway 10* is amended to read:

Hilo, Hawaii, VOR; *Whitecap INT, Hawaii; **2,000. *7,000—MRA. **1,200—MOCA.
Whitecap INT, Hawaii; *Skipjack INT, Hawaii; **3,000. *7,000—MRA. **1,000—MOCA.

Section 95.6411 *Hawaii VOR Federal airway 11* is amended to read in part:

Int. 138° M rad, Lanai VOR, and 200° Upolu Pt., VOR; *Seahorse INT, Hawaii; **2,300. *4,500—MCA Seahorse INT, northbound. **1,200—MOCA.
Upolu Pt., Hawaii, VOR; Breadfruit INT, Hawaii; 5,400.
Breadfruit INT, Hawaii; Sweet Pea INT, Hawaii; *5,000. *3,300—MOCA.

Section 95.6412 *Hawaii VOR Federal airway 12* is amended to read in part:

*Koko Head, Hawaii, VOR; Bamboo INT, Hawaii; 4,000. *4,500—MCA Koko Head VOR, westbound.

Section 95.6414 *Hawaii VOR Federal airway 14* is amended to read in part:

*Dogwood INT, Hawaii; So. Kauai, Hawaii, VOR; **9,000. *9,000—MRA.
So. Kauai, Hawaii, VOR; Hulu Girl INT, Hawaii; 4,000.

Section 95.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

*Vanda INT, Hawaii; So. Kauai, Hawaii, VOR; **6,000. *6,000—MRA. **4,400—MOCA.
*Molokai, Hawaii, VOR; **Maui, Hawaii, VOR; 7,500. *5,000—MCA Molokai VOR, eastbound. **6,500—MCA Maui VOR, westbound.
Maui, Hawaii, VOR; Barracuda INT, Hawaii; 6,000.
Barracuda INT, Hawaii; *Rainbow INT, Hawaii; 9,000. *9,000—MRA.

Section 95.6417 *Hawaii VOR Federal airway 17* is amended to read in part:

Mango INT, Hawaii; Maui, Hawaii, VOR; 6,000.

Section 95.6422 *VOR Federal airway 422* is amended to read in part:

Wolflake, Ind., VOR; Antwerp INT, Ohio; 2,600.
Antwerp INT, Ohio; Findlay, Ohio, VOR; *2,600. *2,000—MOCA.

Section 95.6433 *VOR Federal airway 433* is amended to read in part:

Rock Hall INT, Md.; New Castle, Del., VOR; *2,000. *1,600—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

*Homer, Alaska, VOR; **Skilak INT, Alaska; 5,000. *3,000—MCA Homer VOR, southeastbound. **4,000—MCA Skilak INT, southbound.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

Unalakleet, Alaska, VOR; Golovin INT, Alaska; *3,000. *2,800—MOCA.

From, to, and MEA

Golovin INT, Alaska; Darby INT, Alaska; *3,000. *2,000—MOCA.
Darby INT, Alaska; Nome, Alaska, VOR; *3,000. *2,800—MOCA.

Section 95.6543 *VOR Federal airway 453* is added to read:

King Salmon, Alaska, VOR; Dillingham, Alaska, VOR; westbound, 7,500; eastbound, *2,000. *1,300—MOCA.
King Salmon, Alaska, VOR, via S alter.; Dillingham, Alaska, VOR, via S alter.; westbound, 7,500; eastbound, *2,000. *1,400—MOCA.
Dillingham, Alaska, VOR; Bethel, Alaska, VOR; *7,500. *6,400—MOCA.

Section 95.6456 *VOR Federal airway 456* is amended to read in part:

*Big Mountain, Alaska, LF/RBn; **Copper INT, Alaska; northeastbound, ***11,500. Southwestbound, 6,000. *10,000—MCA Big Mountain LF/RBn, northeastbound. **12,000—MCA Copper INT, northeastbound. ***6,000—MOCA.

Section 95.6459 *VOR Federal airway 459* is amended to read in part:

Berry INT, Calif.; *Saugus INT, Calif.; 8,000. *6,600—MCA Saugus INT, northbound.
Saugus INT, Calif.; Lake Hughes, Calif., VOR; 7,800.

Section 95.6465 *VOR Federal airway 465* is amended to read in part:

Miles City, Mont., VOR; Williston, N. Dak., VOR; *6,000. *4,700—MOCA.
Miles City, Mont., VOR, via E alter.; Williston, N. Dak., VOR, via E alter.; *6,000. *4,700—MOCA.

Section 95.6477 *VOR Federal airway 477* is amended to read in part:

Fairbanks INT, Tex., via W alter.; Magnolia INT, Tex., via W alter.; *2,000. *1,600—MOCA.
Magnolia INT, Tex., via W alter.; Bedias INT, Tex., via W alter.; *3,000. *1,600—MOCA.

Section 95.6480 *VOR Federal airway 480* is amended by adding:

Bethel, Alaska, VOR; Holy Cross INT, Alaska; 3,000.
Holy Cross INT, Alaska; McGrath, Alaska, VOR; *#8,000. *5,600—MOCA. #Continuous Navigation signal coverage does not exist below 13,000' between 110 NM BET and 60 NM MCG.

Section 95.6485 *VOR Federal airway 485* is amended to read in part:

Cathedral INT, Calif.; Mt. Hamilton INT, Calif.; *7,000. *6,400—MOCA.

Section 95.6494 *VOR Federal airway 494* is amended to read in part:

Lake Tahoe, Calif., VOR; *Virginia City INT, Nev.; 12,000. *11,000—MCA Virginia City INT, westbound.
Roseville INT, Calif.; *Newcastle INT, Calif.; 4,000. *7,500—MCA Newcastle INT, northeastbound.

Section 95.6500 *VOR Federal airway 500* is amended to read in part:

Newberg, Oreg., VOR; Gladstone INT, Oreg.; *5,000. *3,600—MOCA.
Gladstone INT, Oreg.; *Squaw Mountain INT, Oreg.; 7,200. *7,800—MCA Squaw Mountain INT, eastbound.

From, to, and MEA

Section 95.6505 *VOR Federal airway 505* is amended to read in part:

Helena, Mont., VOR; Watson INT, Mont.; 9,400. Watson INT, Mont.; *Millegan INT, Mont.; northbound, 9,700; southbound, 10,300. *9,700—MRA. *10,000—MCA Millegan INT, southbound.

Section 95.6506 *VOR Federal airway 506* is amended by adding:

Bethel, Alaska, VOR; Kwikpuk INT, Alaska; *#7,000. Kwikput INT, Alaska; Nome, Alaska, VOR; northwestbound, *5,000; southeastbound, *#7,000. *3,500—MOCA. #Continuous Navigation signal coverage does not exist below 11,000' between 91 NM BET and 135 NM OME.

Section 95.6518 *VOR Federal airway 518* is amended to read:

Fillmore, Calif., VOR; *Lang INT, Calif.; 6,000. *7,500—MCA Lang INT, northbound.
Lang INT, Calif.; Palmdale, Calif., VOR; 7,500.

Section 95.6520 *VOR Federal airway 520* is amended to read in part:

Pasco, Wash., VOR; Walla Walla, Wash., VOR; 3,200.
*Walla Walla, Wash., VOR; Lewiston, Idaho, VOR; 8,000. *5,500—MCA Walla Walla VOR, eastbound.

Section 95.6536 *VOR Federal airway 536* is amended to read in part:

*Walla Walla, Wash., VOR; Mullan Pass, Idaho, VOR; **10,000. *4,000—MCA Walla Walla VOR, northeastbound. **8,800—MOCA.

Section 95.6802 *VOR Federal airway 802* is amended to read in part:

Wheeling, W. Va., VOR; Allegheny, Pa., VOR; 3,000.
Allegheny, Pa., VOR; *Greensburg INT, Pa.; 3,000. *4,000—MCA Greensburg INT, eastbound.
Richmond, Va., VOR; Dayton, Ohio, VOR; 2,900.

Section 95.6805 *VOR Federal airway 805* is amended to read in part:

Salisbury, Md., VOR; Snow Hill, Md., VOR; 1,500.
Snow Hill, Md., VOR; Cape Charles, Va., VOR; 2,000.
Charleston, S.C., VOR; Savannah, Ga., VOR; *5,000. *1,300—MOCA.

Section 95.6810 *VOR Federal airway 810* is amended to read in part:

*Spring Hill INT, Calif.; Int. 060° M rad, Lake Tahoe, VOR and 190° M rad, Reno VOR; **13,000. *13,000—MCA Spring Hill INT, northeastbound. **12,000—MOCA.
Int. 060° M rad, Lake Tahoe, VOR and 190° M rad, Reno VOR; *Virginia City INT, Nev.; 12,000. *11,000—MCA Virginia City INT, westbound.
Chadron, Nebr., VOR; O'Neill, Nebr., VOR; *12,000. *5,900—MOCA.

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

Shelbyville, Ind., VOR; Stockwell INT, Ind.; 2,900. MAA—14,000.
Ellijay INT, Ga.; *Glenn INT, Ga.; 6,000. *5,000—MCA Glenn INT, southbound.
Glenn INT, Ga.; Georgetown INT, Tenn.; *4,000. *3,700—MOCA.

From, to, and MEA

Section 95.6830 *VOR Federal airway 830* is amended to read in part:

Pine Bluff, Ark., VOR; *Walls INT, Tenn.; **3,000. *2,500—MRA. **1,500—MOCA.

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

Whitman, Mass., VOR; Cohassett INT, Mass.; *2,000. *1,200—MOCA.

Section 95.6839 *VOR Federal airway 839* is amended to read in part:

Statesville INT, N.C.; Burch INT, N.C.; *5,000. *3,500—MOCA.

Section 95.6843 *VOR Federal airway 843* is amended to read in part:

Danville, Ill., VOR; Peotone, Ill., VOR; *2,500. *1,900—MOCA. MAA—14,000.
*Junction City INT, Ga.; Americus INT, Ga.; **3,000. *3,000—MRA. **1,800—MOCA.

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

Wolbach, Neb., VOR; Eddyville INT, Nebr.; *5,000. *3,700—MOCA.

Section 95.6854 *VOR Federal airway 854* is amended to read in part:

Ft. Bridger, Wyo., VOR; Pineview INT, Utah; 12,000.
Pineview INT, Utah; *Ogden, Utah, VOR; eastbound 12,000; westbound 10,000. *11,000—MCA Ogden VOR, eastbound.
O'Neill, Nebr., VOR; Chadron, Nebr., VOR; *12,000. *5,900—MOCA.

Section 95.6887 *VOR Federal airway 887* is amended to read in part:

*Walls INT, Miss.; Pine Bluff, Ark.; **3,000. *2,500—MRA. **1,500—MOCA.
Sulphur Springs, Tex., VOR; Dallas, Tex., VOR; 1,900.

Section 95.7006 *Jet route No. 6* is amended to read in part:

From, to, MEA, and MAA

Winslow, Ariz., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7007 *Jet route No. 7* is amended to read in part:

Dillon, Mont., VORTAC; Great Falls, Mont., VOR; 18,000; 45,000.

Section 95.7008 *Jet route No. 8* is amended to read in part:

Winslow, Ariz., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7010 *Jet route No. 10* is amended to read in part:

Farmington, N. Mex., VORTAC; Gunnison, Colo., VORTAC; 18,000; 45,000.
Gunnison, Colo., VORTAC; Denver, Colo., VORTAC; 18,000; 45,000.

Section 95.7012 *Jet route No. 12* is amended to read in part:

Allegheny, Pa., VORTAC; Baltimore, Md., VOR; 18,000; 45,000.

Section 95.7014 *Jet route No. 14* is amended by adding:

Atlanta, Ga., VORTAC; Spartanburg, S.C., VORTAC; 18,000; 45,000.
Spartanburg, S.C., VORTAC; Greensboro, N.C., VOR; 18,000; 45,000.
Greensboro, N.C., VOR; Richmond, Va., VOR; 18,000; 45,000.

From, to, MEA, and MAA

Section 95.7020 *Jet route No. 20* is amended to read in part:

Denver, Colo., VORTAC; Lamar, Colo., VOR; 18,000; 45,000.
Lamar, Colo., VOR; Gage, Okla., VORTAC; 18,000; 45,000.

Section 95.7030 *Jet route No. 30* is amended by adding:

Front Royal, Va., VOR; Herndon, Va., VORTAC; 18,000; 45,000.

Section 95.7032 *Jet route No. 32* is amended to read in part:

Reno, Nev., VORTAC; Battle Mountain, Nev., VOR; 18,000; 45,000.
Battle Mountain, Nev., VOR; Wells, Nev. VOR; 18,000; 45,000.
Wells, Nev., VOR; Maled City, Idaho, VORTAC; 18,000; 45,000.

Section 95.7034 *Jet route No. 34* is amended to read in part:

Cleveland, Ohio, VORTAC; Allegheny, Pa., VORTAC; 18,000; 45,000.
Allegheny, Pa., VORTAC; Front Royal, Va., VOR; 18,000; 45,000.
Front Royal, Va., VOR; Herndon, Va., VORTAC; 18,000; 45,000.

Section 95.7040 *Jet route No. 40* is amended to delete:

Wilmington, N.C., VORTAC; Norfolk, Va., VORTAC; 18,000; 45,000.

Section 95.7040 *Jet route No. 40* is amended by adding:

Wilmington, N.C., VORTAC; Richmond, Va., VOR; 18,000; 45,000.
Richmond, Va., VOR; Ironsides INT, Md.; 18,000; 45,000.

Section 95.7049 *Jet route No. 49* is amended to read in part:

Allegheny, Pa., VORTAC; Philipsburg, Pa., VORTAC; 18,000; 45,000.

Section 95.7050 *Jet route No. 50* is amended to read in part:

Lufkin, Tex., VOR; Alexandria, La., VOR; 18,000; 45,000.
Alexandria, La., VOR; McComb, Miss., VOR; 18,000; 45,000.

Section 95.7051 *Jet route No. 51* is amended by adding:

Raleigh-Durham, N.C., VORTAC; Norfolk, Va., VORTAC; 18,000; 45,000.

Section 95.7052 *Jet route No. 52* is amended by adding:

Raleigh-Durham, N.C., VORTAC; Richmond, Va., VOR; 18,000; 45,000.

Section 95.7053 *Jet route No. 53* is amended to read in part:

Pulaski, Va., VOR; Allegheny, Pa., VORTAC; 18,000; 45,000.
Allegheny, Pa., VORTAC; Erie, Pa., VORTAC; 18,000; 45,000.

Section 95.7058 *Jet route No. 58* is amended to read in part:

Stockton, Calif., VORTAC; Coaldale, Nev., VOR; 18,000; 45,000.
Coaldale, Nev., VOR; Wilson Creek, Nev., VOR; 18,000; 45,000.
Wilson Creek, Nev., VOR; Bryce Canyon, Utah, VOR; 18,000; 45,000.

Section 95.7064 *Jet route No. 64* is amended to read in part:

Bradford, Ill., VOR; Int. 085° M rad, Bradford VOR, and 106° M rad, Joliet VORTAC; 18,000; 41,000.

From, to, MEA, and MAA

Int. 085° M rad, Bradford VOR, and 106° M rad, Joliet VORTAC; Ft. Wayne, Ind., VORTAC; 18,000; 45,000.
Yardley, Pa., VOR; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7065 *Jet route No. 65* is amended to read in part:

Blythe, Calif., VORTAC; Palmdale, Calif., VORTAC; 24,000; 45,000.

Section 95.7069 *Jet route No. 69* is amended to read in part:

Mobile, Ala., VORTAC; Int. 010° M rad, Mobile VORTAC, and 229° M rad, Birmingham VORTAC; 22,000; 45,000.
Int. 010° M rad, Mobile VORTAC, and 229° M rad, Birmingham VORTAC; Birmingham, Ala., VORTAC; 18,000; 45,000.

Section 95.7072 *Jet route No. 72* is amended to read in part:

Winslow, Ariz., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 41,000.

Section 95.7073 *Jet route No. 73* is amended to read in part:

Boise, Idaho, VORTAC; John Day, Oreg., VOR; 18,000; 45,000.
John Day, Oreg.; VOR; The Dalles, Oreg., VOR; 18,000; 45,000.

Section 95.7075 *Jet route No. 75* is amended to read in part:

Columbia, S.C., VOR; Greensboro, N.C., VOR; 18,000; 45,000.
Greensboro, N.C., VOR; Gordonsville, Va., VORTAC; 18,000; 45,000.

Section 95.7078 *Jet route No. 78* is amended to read in part:

Winslow, Ariz., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7080 *Jet route No. 80* is amended to read in part:

Appleton, Ohio, VORTAC; Allegheny, Pa., VORTAC; 18,000; 45,000.
Allegheny, Pa., VORTAC; Coyle, N.J., VORTAC; 18,000; 45,000.
Stockton, Calif., VORTAC; Coaldale, Nev., VOR; 18,000; 45,000.
Coaldale, Nev., VOR; Wilson Creek, Nev., VOR; 18,000; 45,000.
Wilson Creek, Nev., VOR; Milford, Utah, VORTAC; 18,000; 45,000.
Grand Junction, Colo., VORTAC; Denver, Colo., VORTAC; 20,000; 45,000.

Section 95.7084 *Jet route No. 84* is amended to read in part:

Reno, Nev., VORTAC; Battle Mountain, Nev., VOR; 18,000; 45,000.
Battle Mountain, Nev., VOR; Bonneville, Utah, VOR; 18,000; 45,000.

Section 95.7085 *Jet route No. 85* is amended to read in part:

Spartanburg, S.C., VORTAC; Charleston, W. Va., VORTAC; 18,000; 45,000.
Charleston, W. Va., VORTAC; Cleveland, Ohio, VORTAC; 18,000; 45,000.

Section 95.7089 *Jet route No. 89* is amended to read in part:

Louisville, Ky., VORTAC; Lafayette, Ind., VORTAC; 18,000; 45,000.
Lafayette, Ind., VORTAC; Northbrook, Ill., VORTAC; 18,000; 45,000.

Section 95.7092 *Jet route No. 92* is amended to read in part:

Stockton, Calif., VORTAC; Coaldale, Nev., VOR; 18,000; 45,000.
Coaldale, Nev., VOR; Beatty, Nev., VOR; 18,000; 45,000.

From, to, MEA, and MAA

Section 95.7094 *Jet route No. 94* is amended to read in part:

Reno, Nev., VOR; Battle Mountain, Nev., VOR; 18,000; 45,000.
Battle Mountain, Nev., VOR; Bonneville, Utah, VOR; 18,000; 45,000.

Section 95.7096 *Jet route No. 96* is added to read:

Seattle, Wash., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7098 *Jet route No. 98* is added to read:

Springfield, Mo., VOR; Farmington, Mo., VORTAC; 18,000; 45,000.

Section 95.7114 *Jet route No. 114* is added to read:

The Dalles, Oreg., VORTAC; McCall, Idaho, VOR; 18,000; 45,000.

Section 95.7116 *Jet route No. 116* is added to read:

Pendleton, Oreg., VORTAC; McCall, Idaho, VOR; 18,000; 45,000.
McCall, Idaho, VOR; Dubois, Idaho, VOR; 18,000; 45,000.
Dubois, Idaho, VOR; Crazy Woman, Wyo., VORTAC; 18,000; 33,500.
Crazy Woman, Wyo., VORTAC; Rapid City, S. Dak., VORTAC; 18,000; 45,000.
Rapid City, S. Dak., VORTAC; Sioux Falls, S. Dak., VORTAC; 18,000; 45,000.

Section 95.7118 *Jet route No. 118* is added to read:

Memphis, Tenn., VOR; Chattanooga, Tenn., VORTAC; 18,000; 45,000.
Chattanooga, Tenn., VORTAC; Spartanburg, S.C., VORTAC; 18,000; 45,000.

Section 95.7505 *Jet route No. 505* is added to read:

Seattle, Wash., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7516 *Jet route No. 516* is added to read:

Great Falls, Mont., VOR; United States-Canadian border; 18,000; 45,000.

Section 95.7517 *Jet route No. 517* is added to read:

Spokane, Wash., VOR; United States-Canadian border; 18,000; 45,000.

Section 95.7530 *Jet route No. 530* is added to read:

Great Falls, Mont., VOR; United States-Canadian border; 24,000; 41,000.

Section 95.7531 *Jet route No. 531* is added to read:

Buffalo, N.Y., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7538 *Jet route No. 538* is added to read:

United States-Canadian border; Duluth, Minn., VORTAC; 18,000; 45,000.

Section 95.7547 *Jet route No. 547* is added to read:

Peck, Mich., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7549 *Jet route No. 549* is added to read:

Erie, Pa., VORTAC; United States-Canadian border; 18,000; 45,000.

From, to, MEA, and MAA

Section 95.7550 *Jet route No. 550* is added to read:

United States-Canadian border; Erie, Pa., VORTAC; 18,000; 45,000.

Section 95.7564 *Jet route No. 564* is added to read:

Presque Isle, Maine, VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7566 *Jet route No. 566* is added to read:

Massena, N.Y., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7567 *Jet route No. 567* is added to read:

Plattsburgh, N.Y., VOR; United States-Canadian border; 18,000; 45,000.

Section 95.7581 *Jet route No. 581* is added to read:

Bangor, Maine, VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7582 *Jet route No. 582* is added to read:

Presque Isle, Maine, VORTAC; United States-Canadian border; 18,000; 45,000.

2. By amending Subpart D as follows:

§ 95.8003 VOR Federal airway changeover points.

Airway segment: From; to—Changeover point: Distance; from

V–5 is amended by adding:
Dublin, Ga., VOR; Macon, Ga., VORTAC, via W alter.; 11; Dublin.
V–12 is amended to delete:
Hector, Calif., VOR; Goffs, Calif., VOR, via N alter.; 46; Hector.
Fillmore, Calif., VORTAC; Palmdale, Calif., VORTAC; 27; Fillmore.
V–16 is amended to read in part:
Los Angeles, Calif., VOR; Ontario, Calif., VOR; 23; Los Angeles.
V–16 is amended by adding:
Ontario, Calif., VOR; Palm Springs, Calif., VORTAC; 30; Palm Springs.
V–51 is amended by adding:
Dublin, Ga., VORTAC; Macon, Ga., VORTAC, via W alter.; 11; Dublin.
V–53 is amended to delete:
Dalhart, Tex., VOR; Tobe, Colo., VOR; 40; Dalhart.
Pomona, Calif., VOR; Twenty Nine Palms, Calf., VOR; 37; Pomona.
V–60 is amended by adding:
Albuquerque, N. Mex., VOR; Otto, N. Mex., VOR; 23; Albuquerque.
V–62 is amended by adding:
Lubbock, Tex., VOR; Abilene, Tex., VOR; 60; Lubbock.
V–66 is amended by adding:
San Diego, Calif., VOR; Imperial, Calif., VOR; 39; San Diego.
Imperial, Calif., VOR; Yuma, Ariz., VOR; 22; Imperial.
V–68 is amended to delete:
Roswell, N. Mex., VOR; Hobbs, N. Mex., VOR; 45; Roswell.
V–74 is amended to delete:
Hugo, Colo., VOR; Garden City, Kans., VORTAC; 66; Hugo.
V–76 is amended by adding:
Lubbock, Tex., VOR; Big Spring, Tex., VOR, via N alter.; 40; Lubbock.
V–77 is amended by adding:
Lamoni, Iowa, VOR; Des Moines, Iowa, VORTAC; 31; Lamoni.
V–79 is amended to delete:
Hobbs, N. Mex., VOR; Lubbock, Tex., VORTAC, via W alter.; 40; Lubbock.
V–90 is amended to delete:
Mullan Pass, Idaho, VOR; Billings, Mont., VORTAC; 168; Mullan Pass.
V–97 is amended by adding:
Shelbyville, Ind., VOR; Lafayette, Ind., VOR; 54; Shelbyville.
V–102 is amended to delete:
Hobbs, N. Mex., VOR; Lubbock, Tex., VOR; 40; Hobbs.
V–103 is amended by adding:
Wheeling, W. Va., VOR; Briggs, Ohio, VOR; 22; Wheeling.
V–107 is amended by adding:
Los Banos, Calif., VOR; Oakland, Calif., VORTAC; 35; Los Banos.
V–137 is amended to delete:
Gorman, Calif., VORTAC; Palmdale, Calif., VORTAC; 24; Palmdale.
V–137 is amended by adding:
Palm Springs, Calif., VORTAC; Palmdale, Calif., VORTAC; 30; Palm Springs.
V–140 is amended to delete:
Amarillo, Tex., VORTAC; Sayre, Okla., VOR; 39; Amarillo.
V–167 is amended to read in part:
Kennedy, N.Y., VOR; Hartford, Conn., VOR; 26; Kennedy.
V–154 is amended by adding:
Macon, Ga., VORTAC; Dublin, Ga., VOR; 17; Macon.
V–157 is amended by adding:
Washington, D.C., VOR; Baltimore, Md., VOR; 10; Washington.
V–161 is amended by adding:
Ardmore, Okla., VOR; Okmulgee, Okla., VOR; 59; Ardmore.
V–186 is amended by adding:
Fillmore, Calif., VORTAC; Pomona, Calif., VOR; 28; Pomona.
V–190 is amended by adding:
Grants, N. Mex., VOR; Albuquerque, N. Mex., VORTAC; 26; Grants.
Walnut Ridge, Ark., VOR; Farmington, Mo., VORTAC; 45; Walnut Ridge.
V–197 is amended by adding:
Pomona, Calif., VOR; Palmdale, Calif., VORTAC; 18; Palmdale.
V–203 is amended to delete:
Albany, N.Y., VORTAC; Massena, N.Y., VOR; 68; Albany.
V–216 is amended to delete:
Peck, Mich., VOR; Toronto, Canada, VOR; 80; Peck.
V–200 is amended by adding:
Provo, Utah, VORTAC; Myton, Utah, VOR; 32; Provo.
V–230 is amended by adding:
Los Banos, Calif.; Fresno, Calif., VOR; 14; Los Banos.
V–251 is amended to delete:
Sparta, N.J., VOR; Hartford, Conn., VOR; 50; Sparta.
V–259 is amended to delete:
Fort Mill, N.C., VOR; Holston Mountain, Tenn., VOR, via E alter.; 67; Fort Mill.
V–259 is amended by adding:
Fort Mill, S.C., VOR; Holston Mountain, Tenn., VOR; 67; Fort Mill.
V–264 is amended to delete:
Twentynine Palms, Calif., VOR; Parker, Calif.; 27; Twentynine Palms.
V–264 is amended by adding:
Ontario, Calif., VOR; Palm Springs, Calif., VORTAC, via S alter.; 30; Palm Springs.
V–265 is amended by adding:
Harrisburg, Pa., VOR; Philipsburg, Pa., VOR; 39; Harrisburg.
V–291 is added to read:
Winslow, Ariz., VORTAC; Peach Springs, Ariz., VORTAC; 59; Winslow.
V–298 is amended to delete:
Smithwick, S. Dak., VOR; Winner, S. Dak., VOR; 73; Smithwick.
Winner, S. Dak., VOR; Sioux Falls, S. Dak., VOR; 82; Winner.
V–440 is amended by adding:
Middleton Island, Alaska, VOR; Anchorage, Alaska, VOR; 102; Middleton Island.
V–480 is amended to delete:
Oakland, Calif., VOR; Los Banos, Calif., VOR; 57; Oakland.
V–485 is amended by adding:
Los Banos, Calif., VOR; Oakland, Calif., VORTAC; 35; Los Banos.
J–23 is amended to delete:
Hill City, Kans., VOR; Cheyenne, Wyo., VORTAC; 129; Hill City.
J–46 is amended to delete:
Flippin, Ark., VOR; Nashville, Tenn., VORTAC; 136; Flippin.
J–78 is amended to delete:
Prescott, Ariz., VORTAC; Albuquerque, N. Mex., VORTAC; 131; Prescott.
J–94 is amended by adding:
Rocksprings, Wyo., VORTAC; Scottsbluff, Nebr., VORTAC; 105; Rocksprings.

This amendment is made under the authority of sections 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510).

Issued in Washington, D.C., on September 21, 1964.

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

[F.R. Doc. 64–9776; Filed, Sept. 29, 1964; 8:45 a.m.]

[Reg. Docket No. 4023; Amdt. 95–118]

PART 95—IFR ALTITUDES [NEW]

Designation of Changeover Points

Correction

In F.R. Doc. 64–9511, appearing at page 13166 of the issue for Wednesday, Sept. 23, 1964, the following corrections are made:

1. The last three entries under § 95.6026 (Point Reyes, Ukiah, and Crescent City, Calif., appearing in the center column of page 13169), should appear after the last entry under § 95.6027.

2. The last three entries under § 95.6028 (Cadott INT, Eau Claire, and Loyal INT, Wis., appearing in the center column of page 13169), should appear in § 95.6026, after the entry for Sand Creek INT, Wyo.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–829]

PART 13—PROHIBITED TRADE PRACTICES

Emess Sales Co., Inc., and Chester Sax

Subpart—Advertising falsely or misleadingly: § 13.95 *Identity of product;* § 13.175 *Quality of product or service;* § 13.235 *Source or origin:* 13.235–50 Maker or seller, etc. Subpart—Misbranding or mislabeling: § 13.1230 *Identity;* § 13.1295 *Quality or grade;* § 13.1325 *Source or origin:* 13.1325–60 Maker or seller. Subpart—Passing off: § 13.2105 *Passing off products as competitor's.* Subpart—Simulating another or product thereof: § 13.2220 *Name, containers or dress of products.* Subpart—Using misleading

name—Goods: § 13.2300 *Identity;* § 13.2345 *Source or origin:* 13.2345–50 Maker.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45. [Cease and desist order, Emess Sales Company, Inc., et al., St. Louis, Mo., Docket C–829, Sept. 11, 1964]

In the Matter of Emess Sales Company, Inc., a Corporation, and Chester Sax, Individually and as an Officer of Said Corporation

Consent order requiring St. Louis, Mo., distributors of perfumes to cease misrepresenting the quality, identity and origin of their perfumes by representing certain of them falsely in advertising matter, labels, invoices and imprinted cartons as "No. 5 Chanel", and representing by use of the initials "C", "A", "MS" and "W", that perfumes so labeled were the same as those sold under the trade and brand names "Chanel", "Arpege", "My Sin" and "White Shoulders", respectively.

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

It is ordered, That respondents Emess Sales Company, Inc., a corporation, and its officers and Chester Sax, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, toilet waters or other related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Simulating the brand or trade name, labeling, packaging, shape of container or other distinctive characteristics of any nationally advertised, preferred or accepted perfume, toilet water or allied product, or in any other manner misrepresenting the company of origin of any of respondents' products.

2. Using the brand name "No. 5 Chanel" in connection with any merchandise not manufactured by Chanel Inc., of New York, N.Y.

3. Using the letter "C" in any advertising or labeling of perfumes, toilet waters or related products unless said products are manufactured by Chanel Inc., of New York, N.Y., and sold and distributed by said corporation under the trade name "Chanel".

4. Using the letter "A" in any advertising or labeling of perfumes, toilet waters or related products unless said products are manufactured by Lanvin Parfums, Inc., of New York, N.Y., and sold and distributed by said corporation under the brand name "Arpege".

5. Using the letters "MS" in any advertising or labeling of perfumes, toilet waters or related products unless said products are manufactured by Lanvin Parfums, Inc., of New York, N.Y., and sold and distributed by said corporation under the brand name "My Sin".

6. Using the letter "W" in any advertising or labeling of perfumes, toilet waters or related products unless said products are manufactured by Parfums Evyan, Inc., of New York, N.Y., and sold and distributed under the brand name "White Shoulders".

7. Using any letters, numerals or symbols not specifically listed in Paragraphs 2 through 6 above, either singly or in combination, in the advertising or labeling of said perfumes, toilet waters or cosmetics to designate or describe the kind or quality thereof without clearly and conspicuously revealing in immediate connection therewith the actual trade name of the manufacturer of said products.

8. Furnishing or placing in the hands of retailers and distributors of their said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

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

Issued: September 11, 1964.

By the Commission.

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

[F.R. Doc. 64–9870; Filed, Sept. 29, 1964; 8:45 a.m.]

[Docket No. C–830]

PART 13—PROHIBITED TRADE PRACTICES

Mar-Cal Sportswear of California, Inc., et al.

Subpart—Furnishing false guaranties; § 13.1053 *Furnishing false guaranties:* 13.1053–80 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 72 Stat. 1717; 15 U.S.C. 45, 69f, 70) [Cease and desist order, Mar-Cal Sportswear of California, Inc., et al., Los Angeles, Calif., Docket C–830, Sept. 11, 1964]

In the Matter of Mar-Cal Sportswear of California, Inc., a Corporation, Trading as Melvyn Modes of California, and Gene Wishan, and Joseph A. Capitano, Individually and as Officers of Said Corporation

Consent order requiring Los Angeles manufacturers of fur and textile fiber products to cease violating the Fur Products Labeling Act by failing in invoices to show the true animal name of fur used in fur products and to set forth required item numbers, and abbreviating required information; and to cease violating the Textile Fiber Products Identification Act by furnishing false guarantees that certain of their textile fiber products were not misbranded or falsely invoiced.

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

It is ordered, That respondents Mar-Cal Sportswear of California, Inc., a corporation, trading as Melvyn Modes of California and its officers and Gene Wishan and Joseph A. Capitano, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and of rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Mar-Cal Sportswear of California, Inc., a corporation trading as Melvyn Modes of California and its officers, and Gene Wishan and Joseph A. Capitano, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale in commerce, or the transportation or causing to be transported into commerce, or the importation into the United States of textile fiber products, or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product whether in its original state or contained in other textile fiber products as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely and deceptively invoiced.

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

Issued: September 11, 1964.

By the Commission.

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

[F.R. Doc. 64-9871; Filed, Sept. 29, 1964; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4725, 34-7425]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Summary and Interpretation of Amendments to Securities Act of 1933 and Securities Exchange Act of 1934 Contained in the Securities Acts Amendments of 1964

Summary of the Securities Acts Amendments of 1964. On August 20, 1964 President Johnson signed the Securities Acts Amendments of 1964 ("1964 Amendments"), which legislation revises the Securities Exchange Act of 1934 ("Exchange Act") extensively and amends the Securities Act of 1933 ("Securities Act") in one respect. These amendments, the most significant statutory advance in federal securities regulation and investor protection since 1940, affect the obligations of both broker-dealers and issuers of securities. The purpose of this release is to facilitate an understanding of and compliance with the new law. The release is written in general terms and is not intended to be a conclusive interpretation of the new amendments.[1]

The 1964 Amendments achieve two major objectives. The first is to afford investors in publicly-held companies whose securities are traded over-the-counter the same fundamental disclosure protections as have been provided to investors in companies whose securities are listed on an exchange. For this purpose the registration, periodic reporting, proxy solicitation and insider reporting and trading provisions of the Exchange Act have been extended to a significant portion of the securities traded in the over-the-counter markets. The second is to strengthen the standards of entrance into the securities business and to make more effective the disciplinary controls of the Securities and Exchange Commission and the rules of industry self-regulatory organizations over securities brokers and dealers and persons associated with them. In addition, the Exchange Act was amended to strengthen the periodic reporting and proxy provisions which have now been made applicable with respect to securities traded on the exchanges and in the over-the-counter markets. The Securities Act was also amended to extend from 40 to 90 days the period during which dealers are required to deliver prospectuses for securities of issuers which have not previously registered securities under the Securities Act and to authorize the Commission to shorten either period.

The effects of these amendments are briefly summarized in this release. For convenience, the discussion is divided into six parts, as follows:

I. Provisions Affecting Issuers of Over-The-Counter Securities.

II. Provisions Affecting Issuers of Over-The-Counter and Listed Securities.

III. Provisions Affecting Issuers of Securities With Unlisted Trading Privileges on Exchanges.

IV. Provisions Relating to Enforcement, Disclosure and Civil Liabilities.

V. Provisions Affecting Broker-Dealers and Persons Associated With Broker-Dealers.

VI. Provisions Affecting Registered Securities Associations and Their Members.

In addition, reference should be made to the provisions of the 1964 Amendments, to the legislative history of those amendments[2] and to the Commission's rules and regulations under the Exchange Act. The provisions of the Securities Act and those of the Exchange Act relating to issuers of securities are administered by the Division of Corporation Finance. The provisions of the Exchange Act relating to broker-dealers and associated persons, as well as to national securities exchanges and registered securities associations are administered by the Division of Trading and Markets. Inquiries concerning the provisions of the 1964 Amendments should be addressed to the appropriate division.

From time to time the Commission will propose rules and regulations to implement the new legislation and will make appropriate revisions in its forms. Persons desiring notice of these proposals should write to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and request to be placed on the mailing list.

I. Provisions Applicable to Issuers of Over-The-Counter Securities. The 1964 Amendments will extend the registration, periodic reporting, proxy solicitation and insider reporting and trading provisions of the Exchange Act to issuers with total assets in excess of $1,000,000 and a class of equity security which is held of record by 750 or more persons, if the issuer is engaged in interstate commerce or in a business affecting interstate commerce, or its securities are traded by use of the mails or any means or instrumentality of interstate commerce. After July 1, 1966, these requirements will be applicable to issuers with total assets in excess of $1,000,000 and a class of equity securities held of record by 500 or more persons.

A number of exemptions from the new registration requirements are available. These include exemptions for securities listed and registered on a national securities exchange; securities issued by registered investment companies; securities (other than stock generally representing non-withdrawable capital) of savings and loan associations and similar institutions; securities of certain non-profit organizations operated exclusively for religious, educational, benevolent, fraternal, charitable or reformatory purposes; securities of certain agricultural marketing cooperatives; securities of certain non-profit mutual or cooperative organizations which supply a commodity or service primarily to members; and direct obligations issued or guaranteed by the United States or any State or political subdivision thereof.

Insurance companies are exempt from the new registration requirements which are contained in new section 12(g) of the Exchange Act, provided the insurance company is regulated by its state of incorporation in all three of the following respects:

(1) It is required to and does file annual reports with a state official or agency substantially in accordance with the requirements prescribed by the National Association of Insurance Commissioners;

(2) It is regulated in the solicitation of proxies in accordance with the requirements prescribed by the National Association of Insurance Commissioners; and

(3) After July 1, 1966, the purchase and sale of securities issued by the insurance company by beneficial owners, directors or officers of the company are subject to regulation (including reporting) substantially in the manner provided in section 16 of the Exchange Act. The periodic reporting requirements of section 15(d) of the Exchange Act will continue to be applicable to insurance companies as in the past, and to insurance companies which file Securities Act registration statements in the future. Insurance companies registered on a national securities exchange, or which register under new section 12(g), will be subject to the periodic reporting, proxy solicitation and insider reporting and trading provisions of the Exchange Act.

[1] The 1964 Amendments were enacted as Public Law 88-467. Pamphlet copies are now available from the Government Printing Office at a cost of 10 cents a copy. Pamphlet copies of the Securities Act and the Exchange Act revised to reflect the amendments will be available from the Government Printing Office in October.

[2] See H.R. Rept. No. 1418, 88th Cong., 2d Sess. (1964); Senate Rept. No. 379, 88th Cong., 1st Sess. (1963); Hearings Before a Subcommittee of the House Committee on Interstate and Foreign Commerce on H.R. 6789, H.R. 6793, S. 1642, 88th Cong., 1st and 2d Sess. (1963-1964); Hearings Before a Subcommittee of the Senate Committee on Banking and Currency, on S. 1642, 88th Cong., 1st Sess. (1964); 109 Cong. Rec. 9963-70, 10175 (June 4, 1963); 109 Cong. Rec. 13715-29 (July 30, 1964); 110 Cong. Rec. 17320-17333 (daily ed., August 4, 1964); 110 Cong. Rec. 17596-17609, 17535-37 (daily ed., August 5, 1964); 110 Cong. Rec. 17793-17805 (daily ed., August 6, 1964).

Although the Exchange Act applies to all banks, the registration, periodic reporting, proxy solicitation, and insider reporting and trading provisions with respect to bank securities, whether listed or unlisted, will now be administered and enforced by the Federal bank regulatory agencies; the Comptroller of the Currency with respect to securities issued by national and District of Columbia banks; the Board of Governors of the Federal Reserve System with respect to state banks which are members of the Federal Reserve System; and the Federal Deposit Insurance Corporation with respect to all other insured banks. Banks which are not subject to regulation by a Federal bank regulatory agency will be required to comply with these requirements as administered by this Commission. Banks, insurance companies and interested investors, therefore, may wish to contact the appropriate regulatory agency to determine the nature of the obligation and the procedure to be followed with respect to these requirements.

The 1964 Amendments also empower the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions if such exemption is not inconsistent with the public interest or the protection of investors. In addition, the 1964 Amendments specifically authorize the Commission to exempt from these requirements securities of foreign issuers and certificates of deposits issued against such securities. The Commission has indicated to the Congress that it will provide by rule a temporary exemption for all such foreign securities. Such a rule is now under consideration. After further study by the Commission and after an opportunity for interested persons to present their views, the Commission will make appropriate findings and issue orders or adopt rules with respect to specific foreign companies or classes thereof.

Registration under section 12(g). New section 12(g) of the Exchange Act requires an issuer to file a registration statement within 120 days after the last day of its first fiscal year end after July 1, 1964 on which it has both total assets in excess of $1,000,000 and a class of nonexempt equity security held of record by 750 or more persons. Whether registration is required is determined at the fiscal year end and the entire fiscal period need not expire after the effective date of this amendment, July 1, 1964. However, the Commission has authority to extend the registration date specified in section 12(g). It presently has under consideration a rule to extend the date an issuer which meets these tests will first be required to file a registration statement. The rule will apply only to an issuer whose fiscal year ends before December 31, 1964, and will not be applicable to an issuer filing reports under sections 13 or 15(d). The registration statement will become effective 60 days after filing with the Commission or within such shorter period as the Commission may direct. An issuer may, at its option, register any class of equity security which is not required to be registered under new section 12(g). Securities of issuers registered under these new requirements may sometimes be referred to as "OTC registered."

Although new section 12(g) requires an issuer to file a registration statement with respect to each class of securities held of record by the specified number of persons, the Commission is devising rules, regulations and forms which will substantially reduce duplication of filings by companies filing reports under the Exchange Act, or initially registering more than one class of equity securities.

As described above, registration is dependent upon the existence of several key factors at the end of the issuer's fiscal year, i.e., "total assets" in excess of $1,000,000 and a "class" of "equity security" which is "held of record" initially by 750 persons, and after July 1, 1966 by 500 persons.

Section 3(a)(11) of the Exchange Act defines "equity security" to mean any stock or similar security; or any security convertible, with or without consideration, into such a security; or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right. The term "class" is defined in section 12(g)(5) to include all securities of an issuer which are of substantially similar character and the holders of which enjoy substantially similar rights and privileges. The Commission has published proposed Rule 12g5–2 which defines the term "total assets" to be generally as shown on its balance sheet, as in the case of an issuer with a subsidiary or subsidiaries, by its consolidated balance sheet, whichever is larger, prepared in accordance with the pertinent provisions of Regulation S–X. The Commission has also published proposed Rule 12g5–1 which will define the term "held of record." The application of the Exchange Act to a particular issuer will be dependent upon the definitions of these terms as finally adopted by the Commission.

The required registration statement must be filed on the appropriate form for registration under the Exchange Act which will be similar to the forms for application for registration on an exchange. These forms are currently being revised by the Commission, but, in general, require the issuer to furnish information with respect to its business, its management, and the securities being registered. The revised forms will also require the issuer to file material contracts, not made in the ordinary course of business, to implement a new provision of the Exchange Act.

Current regulations require most issuers to file a balance sheet, and statements of profit and loss and surplus for the preceding three fiscal years, certified by an independent public accountant. The Commission's requirements with respect to the capacity of an independent public accountant and as to the independence of an accountant are set forth in Rule 2.01 of Regulation S–X, and in the Commission's Accounting Series Releases, in particular, Accounting Series Release No. 81. In general, an accountant is not deemed independent if, during the period covered by his certification, he had any direct or material indirect financial interest in the issuer, its parent, or its subsidiaries, or had any other relationships or arrangements which might affect the exercise of his independent judgment.

Periodic reporting under *section 13.* Section 13 of the Exchange Act and rules thereunder require an issuer to keep the information in the registration statement current by filing reports on Form 8–K within 10 days after the end of any month during which certain major company events occur, and by filing within 120 days after each fiscal year end an annual report on Form 10–K, or other appropriate annual report form, containing, among other things, financial statements certified (with some exceptions) by an independent public accountant. Most registered companies will also be required to file with the Commission semi-annual reports on Form 9–K concerning the company's first six months operating results, within 45 days after the end of the period for which they are filed. These requirements will be applicable to issuers registered under new section 12(g).

Proxy solicitations. Section 14(a) of the Exchange Act empowers the Commission to regulate the solicitation of proxies from security holders of a registered class of securities. The Commission's proxy solicitation requirements, which are contained in Regulation 14, require that the person solicited be furnished a proxy statement describing the matters for which the proxy is solicited and a form of proxy. The proxy statement and form of proxy must comply with the Commission's requirements and must be filed in preliminary form with this Commission at least 10 days before definitive copies are sent to security holders.

Under the 1964 Amendments these requirements are now extended to solicitations with respect to securities registered under section 12(g). The 1964 amendments have also amended section 14(b) and added section 14(c). These sections are discussed below on page 9.

Insider reporting and trading. Section 16 of the Exchange Act and the rules thereunder set forth the insider reporting and trading provisions which will now be applicable to the officers and directors of issuers of securities registered under the Exchange Act and beneficial owners of more than 10 percent of the outstanding securities of a registered class. This section requires these persons to file an initial report on Form 3 stating the amount of each class of the issuer's equity securities, whether or not registered, which are owned beneficially by such person. The report must be filed by the effective date of the registration statement or within 10 days after a person becomes a director, officer or holder of more than 10 percent of a class of a registered equity security. Thereafter, each such person must report on Form 4 any change in his beneficial ownership of the issuer's equity securities within 10 days after the end of each calendar month in which any transaction takes place. The section allows recovery by or on behalf of the

issuer of any profit made by such persons in the purchase and sale or sale and purchase of any of the issuer's equity securities, whether or not of a registered class, within a period of six months. It also prohibits such person from selling "short", or from refraining from delivering promptly after sale the issuer's equity security which he owns—sometimes referred to as "selling against the box." The 1964 Amendments exempt market-making transactions by broker-dealers (otherwise than on an exchange) from the profit recovery, short sale and "selling against the box" provisions of the Exchange Act. This exemption is more fully discussed below at pages 18–19.

Termination of registration. The 1964 Amendments provide that an issuer may terminate registration of a class of securities registered under section 12(g) by filing a certification with the Commission that the securities are held of record by less than 300 persons. Registration will be terminated 90 days after an issuer files the certification or within such shorter period as the Commission may direct, unless the Commission determines, after notice and opportunity for hearing, that the certification is untrue.

An issuer with securities registered under section 12(g) will continue to be subject to the periodic reporting, proxy solicitation and insider trading provisions of the Exchange Act until registration has been terminated for each class of its registered equity securities. Any class of securities for which registration has been terminated thereafter will be subject to registration if on the last day of any fiscal year the class of securities are held of record by the requisite number of persons and the issuer has total assets in excess of $1,000,000.

Periodic reporting under section 15(d). Prior to the 1964 Amendments, many issuers with securities traded in the over-the-counter market were subject to the reporting requirements of the Exchange Act pursuant to the provisions of section 15(d). The section required that a registration statement filed under the Securities Act contain an undertaking to comply with the reporting requirements of section 13 if the value of the securities offered, plus the value of all other outstanding securities of the same class, was $2,000,000 or more. The duty to file is suspended if, and so long as, the value of the securities outstanding is reduced to less than $1,000,000 or the issuer has become subject to an equivalent reporting requirement. Under the 1964 Amendments, the requirement of an undertaking to file reports has been deleted with respect to registration statements filed after August 20, 1964. As amended, section 15(d) now automatically requires issuers filing Securities Act registration statements after that date to file reports under the Exchange Act during the fiscal year a registration statement for its securities becomes effective and during each fiscal year thereafter in which any class of securities to which a registration statement relates is held of record by 300 or more persons at the beginning of the fiscal year.

Issuers required to file under section 15(d) which meet the above described asset and shareholder tests of section 12(g) will be required to register under that section. Although their obligation to file reports pursuant to section 15(d) will be suspended while a class of securities is registered under the Exchange Act, they nevertheless will be required to file periodic reports under section 13 by virtue of being registered under section 12(g) of the Act. An issuer which is not registered under section 12(g) but which has filed a Securities Act registration statement on or prior to August 20, 1964, whether or not it becomes effective after that date, generally will be obligated to file reports pursuant to the terms of the undertaking contained in its registration statement. However, in addition to the provisions for suspension of the duty to file reports specified by the undertaking, the duty to file reports is now automatically suspended for any fiscal year, if at the beginning of such year, each class of securities offered under the registration statement is held of record by less than 300 persons, unless a Securities Act registration statement of the issuer becomes effective during that fiscal year. Thus, the obligation of an issuer presently filing reports under section 15(d) may now be automatically suspended if it has not offered securities under a Securities Act registration statement within its last fiscal year and if, at the beginning of its last fiscal year, it did not have any class of securities offered under a Securities Act registration statement which were held by 300 or more persons.

II. Provisions affecting Issuers of over-the-counter and listed securities—Proxy solicitation. In addition to the extension of the proxy solicitation requirements to issuers of securities registered under section 12(g) described above, the 1964 Amendments added new section 14(c). This section allows the Commission to promulgate rules and regulations requiring an issuer to send to holders of a security registered and listed on a national securities exchange or registered under section 12(g), from whom it does not solicit proxies, information substantially equivalent to the information that would be required to be sent if a solicitation were made. However, issuers will not be subject to this requirement until such time as the Commission has implemented the provision by rules and regulations.

Section 14(b) of the Exchange Act has been amended to empower the Commission to promulgate rules requiring registered broker-dealers to transmit proxy solicitation materials to their customers and to give proxies with respect to any registered security held in "street name". The application of this provision to broker-dealers is discussed below. This amendment also will have no effect until the Commission has adopted implementing rules and regulations.

Material contracts. The 1964 Amendments empower the Commission to adopt rules and regulations requiring issuers to file copies of and make appropriate disclosures with respect to material contracts not made in the ordinary course of business which were made not more than two years before the filing of an application or registration statement under section 12 of the Exchange Act, or which are to be performed in whole or in part at or after such filing. The 1964 Amendments also clarify the Commission's authority to require that issuers keep reasonably current the information and documents (including material contracts) included in or filed with such an application or registration statement. Under this authority the Commission may require issuers which have previously filed an application for registration on an exchange to file material contracts which were made within two years prior to the filing date of the application or which were not then wholly performed, but the Commission may not require the filing of such contracts if wholly performed prior to July 1, 1962. The Commission is currently revising its forms to implement these new provisions.

Filing of reports. Prior to the 1964 Amendments, an issuer with securities listed and registered on a national securities exchange was required by section 13 to file periodic reports, and to file duplicate originals with the Commission. Section 13 has been amended to require the issuer to file the original (and such copies as may be required) with the Commission and the duplicate original with the exchange.

A similar change has been made with respect to the reporting requirements under section 16(a) of the Exchange Act. Officers, directors and holders of more than 10 percent of a class of a registered equity security required to file reports under that section will now file the originals (and such copies as may be required) with the Commission and duplicate originals with the Exchange.

III. Provisions Affecting Issuers of Securities With Unlisted Trading Privileges on Exchanges. Prior to the 1964 Amendments, section 12(f)(3) permitted national securities exchanges, upon application to and approval by the Commission, to extend unlisted trading privileges to any security as to which the disclosure requirements and other duties and obligations of the issuer and its management were substantially equivalent to those applicable to listed securities. This provision has been deleted and the Commission is now authorized to extend unlisted trading privileges only for securities listed and registered on another national securities exchange.

The provisions of section 12(f) of the Exchange Act governing the extension, continuation, suspension and termination of unlisted trading privileges have also been amended in several other respects.

First, unlisted trading privileges on a national securities exchange for all securities granted such privileges before July 1, 1964 are continued without the necessity of an application to or approval by the Commission. To prevent a cessation of unlisted trading in securities granted unlisted trading privileges between July 1, 1964 and the date of enactment of the 1964 Amendments, the Commission has adopted a rule which grants a thirty day continuation of such privileges to permit exchanges to file new applications pursuant to the provisions of the Exchange Act, as amended.

Second, the standards by which the Commission must judge applications for unlisted trading privileges have been broadened. The 1964 Amendments have deleted from section 12(f) the requirement that an applicant exchange demonstrate the existence of widespread public distribution and public trading activity in the security in the vicinity of the exchange. Although information relating to public distribution and public trading activity continues to be relevant, the tests for extension, suspension or termination of unlisted trading privileges are amended to allow the Commission to consider all factors affecting the public interest or the protection of investors.

Third, the provision contained in prior section 12(f) requiring national securities exchanges, in the publication of exchange transactions or quotations, to differentiate between transactions or quotations in listed and unlisted securities has been deleted by the 1964 Amendments.

The Commission has proposed a revision of Rule 12f–4 adopted under the Exchange Act. Issuers of securities which have not been registered for listing on a national securities exchange but which have been admitted to unlisted trading privileges on such exchange will under the proposed revision of that rule be subject to the registration, periodic reporting, proxy and insider reporting and trading provisions of the Exchange Act, if they meet the statutory tests of section 12(g), to the same extent as any other issuer.

Many issuers of securities admitted to unlisted trading privileges on an exchange have been required to comply with the periodic reporting requirements pursuant to the provisions of section 15(d). Section 12(f)(6) of the Exchange Act provides that securities admitted to unlisted trading privileges are deemed to be registered under section 12 of the Act. Since section 15(d) has now been amended to suspend the duty of filing reports under that section for issuers of securities registered under section 12, and since the Commission's present Rule 12f–4 exempts issuers of securities admitted to unlisted trading privileges from the requirement of filing reports with the exchange, the Commission's proposed amendment to Rule 12f–4 will require the continued filing of reports by such companies pursuant to the provisions of section 13. When Rule 12f–4 is amended, such issuers will be required to file copies of their periodic reports with the exchange as well as with the Commission.

IV. Provisions Relating to Enforcement, Disclosure and Civil Liabilities. Under the 1964 Amendments, the Commission is empowered by new section 15(c)(4) of the Exchange Act to conduct administrative proceedings to determine whether any issuer subject to the registration or reporting provisions of the Exchange Act, or any rule or regulation thereunder, has failed to comply with any such provision, rule, or regulation in any material respect. If the Commission finds, after notice and opportunity for hearing, that there has been such a failure to comply, the Commission may publish its findings and issue an order requiring compliance with the provision, rule, or regulation upon such terms and conditions and within such time as the Commission may specify in the order. Under prior law the Commission had more limited powers with respect to securities registered on a national securities exchange. Under section 19(a)(2) the Commission could deny, suspend the effectiveness, or withdraw the registration of a security on such an exchange, if the issuer of the security failed to comply with any provision of the Exchange Act or the rules and regulations thereunder. As noted, the 1964 Amendments now empower the Commission by order to require compliance. The Exchange Act also provides for enforcement of any such order in the United States district courts.

The 1964 Amendments further provide the Commission in new section 15(c)(5) with authority summarily to suspend over-the-counter trading in any security (except an exempted security) for a period not exceeding 10 days. Broker-dealers are prohibited from trading in any such security during the period or periods of suspension. This provision is a counterpart to section 19(a)(4) of the Exchange Act, which provides for the summary suspension of trading in securities listed on a national securities exchange. As under section 19(a)(4), the Commission may summarily suspend trading in a security for a period not exceeding 10 days if in its opinion the public interest and protection of investors so require. The application of this section to broker-dealers is discussed below.

These new enforcement powers are in addition to those already included in the Exchange Act, under which the Commission may apply to the courts for injunctions to restrain violations of the Act or the rules or regulations adopted thereunder; conduct administrative proceedings to discipline broker-dealers and for other purposes; and in appropriate cases refer violations to the Department of Justice for criminal prosecution.

The Exchange Act also provides civil remedies for damages to persons who have purchased securities in reliance upon any false or misleading statements in any document filed with the Commission. However, issuers which file under the new registration requirements of section 12(g) will be exempt from civil liability under section 18 of the Exchange Act until the registration statement is effective. In addition, section 20(c) of the Exchange Act also has been amended to make it unlawful "* * * for any director or officer of, or any owner of any securities issued by, any issuer required to file any document, report, or information under the Exchange Act or any rule or regulation thereunder without just cause to hinder, delay, or obstruct the making or filing of any such document, report, or information." It should be noted, however, that although section 18 of the Exchange Act provides express civil liabilities, the courts have implied civil liabilities for violations of a number of sections of the Act.

V. Provisions affecting Broker-Dealers and persons Associated with Broker-Dealers—Registration. Under the amended Exchange Act, a broker-dealer (other than one whose business is exclusively intrastate) continues to be prohibited from using the mails or any means or instrumentality of interstate commerce to effect any over-the-counter transaction (other than a transaction in an exempted security, commercial paper, bankers' acceptances or commercial bills) unless registered with the Commission. However, the Exchange Act under section 15(a)(2) now permits the Commission by rule, regulation or order to exempt broker-dealers or classes of broker-dealers, either unconditionally or upon specified terms or conditions, or for specified periods, from the requirement of registration. A broker-dealer whose entire business is transacted on a national securities exchange or whose business is exclusively in exempted securities, commercial paper, bankers' acceptances or commercial bills would continue, as before, to be excluded from the registration requirements, so long as his business is so limited.

Removal of requirement of showing use of Federal instrumentalities by registered broker-dealers. The Exchange Act and rules thereunder prohibit certain acts and practices if committed through use of the mails or any means or instrumentality of interstate commerce. The Act has now been amended to provide specifically that any such act, practice, or a course of business engaged in by or on behalf of a registered broker-dealer shall be prohibited even though the mails or facilities of interstate commerce have not been employed. Under this change, it will, for example, no longer be necessary for the Commission to prove the use of interstate instrumentalities in connection with a violation by a registered broker-dealer of the anti-fraud provisions of the Exchange Act.

The application of the broker-dealer registration requirements of the Exchange Act would, of course, continue to depend ultimately on the interstate commerce clause and the use of the mails, for a broker-dealer would be required to register with the Commission only if he makes use of the mails or a means or instrumentality of interstate commerce in inducing or effecting non-exempt transactions.

Direct disciplinary power over individuals. Under prior law, if an individual member or employee of a securities firm defrauded customers or otherwise violated the law the Commission could take disciplinary action only by proceeding against the firm. Section 15(b)(7) of the Exchange Act, as amended, permits the Commission to proceed directly against any person associated with a broker-dealer[3] without joining the firm

[3] The term "person associated with a broker or dealer" is defined to include any partner, officer, director, or branch manager (or any person performing similar functions) or any person directly or indirectly controlling or controlled by such broker or dealer, including any employee, but in most cases does not include persons employed in a clerical or ministerial capacity.

with whom such person is or was associated, and to censure or bar (or suspend for a period not exceeding 12 months) the right of such person to be associated with a broker-dealer, if the Commission finds that such person has committed or omitted any act or omission which would be a basis for revocation or denial if such person were a broker-dealer, and if the Commission finds it in the public interest so to act. (See discussion below of grounds for denial or revocation of registration.) It is contemplated that in appropriate cases the Commission will proceed both against individuals and against the firm. The new authority enables the Commission to impose varying sanctions upon individuals and upon the firm, as justice may require.

It is unlawful for a person who is barred or suspended by order of the Commission under section 15(b)(7) to become, or to be, associated with any broker-dealer while such bar or suspension is in effect, without the consent of the Commission. Section 15(b)(7) also makes it unlawful and a basis for disciplinary proceedings against a broker-dealer for the broker-dealer, without the consent of the Commission, to allow such person to become, or to be, associated with him, if the broker-dealer knew, or in the exercise of reasonable care, should have known, of such order.

Sanctions of censure or suspension. Under prior law the Commission's authority to discipline a broker-dealer included the power to revoke or deny the broker-dealer's registration, to expel from or suspend a broker-dealer's membership in a registered securities association, or to suspend or remove a member from a national securities exchange. Although the Commission has imposed lesser sanctions deemed to be appropriate in a particular case in the context of an offer of settlement, the 1964 Amendments grant the Commission the discretion to impose the lesser sanctions of suspension of registration for a period not to exceed twelve months, or formal censure, without resorting to any process of negotiation.

Changes in grounds for denial or revocation of registration. The amended statute provides in section 15(b)(5) additional grounds for the Commission to deny or revoke the registration of a broker-dealer, and new powers to censure or suspend a broker-dealer upon a finding that it would be in the public interest to do so. Each registered broker-dealer should be aware of the revised statutory bars and of the requirement to file with the Commission an appropriate amendment to its broker-dealer registration if any person associated with it is under one or more such statutory bars. The list of disqualifying acts expressly incorporated into the statute is as follows:

1. Under prior law, denial or revocation could be based upon the fact that false statements were made in any application for registration or supplemental document. The 1964 Amendments enlarge the grounds for disqualification to include the willful filing with the Commission of any false report, if that report is required to be filed under the Exchange Act.

2. Under prior law, the substantive offenses which could be a basis for revocation or denial of a broker-dealer's registration included conviction of any felony or misdemeanor involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer. The 1964 Amendments add as disqualifications any conviction of a felony or misdemeanor arising out of the conduct of the business of an investment adviser, or involving embezzlement, fraudulent conversion, misappropriation of funds or securities, or a violation of the provisions of the United States Code dealing with various frauds and swindles committed by use of the mails, telephone, telegraph, radio or television.

3. Prior to the 1964 Amendments, a broker-dealer's registration could be revoked or denied on the basis of a permanent or temporary injunction by a court of competent jurisdiction against engaging in or continuing any conduct or practice in connection with the purchase or sale of any security. The 1964 Amendments add as a ground for disciplinary action the existence of a permanent or temporary injunction prohibiting a broker-dealer or person associated with a broker-dealer from acting as an investment adviser, underwriter, broker or dealer, or as an affiliated person or employee of any investment company, bank or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity.

4. The 1964 Amendments have added a wilful violation of any provision of the Investment Advisers Act of 1940 or the Investment Company Act of 1940 or any rule or regulation thereunder as a basis for disciplinary action. The prior law had provided as a basis for disciplinary action a wilful violation of the Securities Act of 1933 or the Exchange Act or any rule or regulation thereunder.

5. A new provision specifically incorporates into the Exchange Act as a basis for disciplinary action against a broker-dealer the wilful aiding or abetting of any other person in a violation of the federal securities laws or rules and regulations thereunder, or the failing reasonably to supervise other persons who commit such violations. With respect to failure to supervise, the Commission has consistently held that supervisory personnel of a broker-dealer firm have a responsibility to supervise employees and that revocation or other appropriate sanctions may be imposed upon a broker-dealer whose employees commit violations. This position is expressly incorporated into the amended Exchange Act by adding failure to supervise as an independent ground for disciplinary action. The new provisions do not lessen the duty of a broker-dealer to supervise its associated persons or reduce its responsibility for the acts of such persons. A supervisory person would, however, be responsible for violations by an employee only if the employee were subject to his supervision. The amended Act expressly provides that no person shall be deemed to have failed reasonably to supervise another person if appropriate supervisory procedures and systems exist, and the supervisory person involved has reasonably discharged his duties under these procedures and systems and has no reasonable cause to believe that they were not being complied with.

6. The association with any broker or dealer of a person barred or suspended from associating with a broker or dealer under section 15(b)(7) of the Exchange Act has been added as a ground for proceeding against the broker-dealer firm.

Changes in procedure in denial proceedings. Section 15(b) of the Exchange Act, prior to amendment, provided that where necessary or appropriate in the public interest or for the protection of investors, the Commission could postpone the effective date of a broker-dealer's registration pending final determination whether such registration should be denied. Section 15(b)(6) of the amended statute provides that a hearing for the sole purposes of determining whether or not the effectiveness of an application for registration should be postponed pending final determination of a denial proceeding may be limited by the Commission to affidavits and oral argument.

Regulation by the Commission of brokers or dealers not members of a registered securities association. Broker-dealers who are not members of a registered securities association are now subject to certain additional regulation by the Commission. The amended statute grants to the Commission power to prescribe qualifications for broker-dealers who are not members of a registered securities association and for persons associated with such broker-dealers. These qualifications would relate to training, experience and such other qualifications as the Commission finds necessary or desirable. In addition, as is the case with registered securities association with respect to its members, the Commission is empowered to prescribe rules and regulations governing such non-member broker-dealers designed to promote just and equitable principles of trade, to provide safeguards against unreasonable profits or unreasonable rates of commission or other charges, and in general to protect investors and the public interest and to remove impediments to and perfect the mechanism of a free and open market. The 1964 Amendments require such non-member broker-dealers to pay to the Commission fees which are designed to defray the additional costs to be incurred by the Commission in prescribing qualifications, giving examinations and performing the additional regulatory duties required of it with respect to such non-member broker-dealers. These provisions would become applicable upon the adoption of rules after notice and opportunity for hearing afforded to all interested persons.

Other provisions affecting broker-dealers. Broker-dealers should also note the following amendments:

1. The Commission is empowered, by amended section 14(b) of the Exchange Act, to promulgate rules requiring broker-dealers to give, or to refrain from

giving, proxies in respect of any security registered pursuant to new section 12(g) or registered on a national securities exchange and carried for the account of a customer. The scope of the section is also enlarged to apply not only to all broker-dealers which are members of any national securities exchange but also to all broker-dealers registered under section 15(b) of the Exchange Act. This section will have no effect until the Commission adopts implementing rules and regulations.

2. Prior to the 1964 Amendments a broker-dealer represented on the board of directors of an issuer whose securities were not registered for listing on a national securities exchange was generally not subject to the insider reporting and trading provisions of section 16. Now, a broker-dealer which is a holder of more than 10 percent of a class of equity securities registered under section 12(g) or a broker-dealer's representative who is an officer or director of an issuer with a class of equity securities registered under section 12(g), will be required for the first time to report pursuant to section 16(a) transactions in such issuer's equity securities in which he has a beneficial interest. Such persons will also be subject to profit recovery provisions of section 16(b) and the "short sale" and the "sale against the box" proscriptions of section 16(c). There is, however, an exemption from the "insider trading" restrictions of sections 16(b) and 16(c), but only for purchases and sales of a security made by a dealer in the ordinary course of business and incident to the establishment or maintenance by him of a primary or secondary market for such securities other than on an exchange. The exemption, however, is not available for any security that is or has at any time been held by the dealer in an investment account. The Commission may, by such rules or regulations as it deems necessary or appropriate in the public interest, define and prescribe the terms and conditions, including those under which securities are deemed to be held in an investment account and transactions are deemed to be in the ordinary course of business and incident to the establishment or maintenance of a primary or secondary market.

The exemption provided by new section 16(d) is also available for the market-making transactions of a broker-dealer in the securities of closed-end investment companies registered under the Investment Company Act of 1940. Section 30(f) of that Act incorporates by reference the provisions of section 16 of the Exchange Act with respect to these securities.

3. The Commission has been granted under section 15(c)(5) of the Exchange Act the authority summarily to suspend over-the-counter trading in any security (except in an exempted security) for periods of 10 days. Broker-dealers are prohibited from trading in any such security during the period or periods of suspension.

4. Prior to the 1964 Amendments, section 4(1) of the Securities Act exempted dealers from the requirements for delivery of prospectuses in connection with transactions in securities registered under that Act after 40 days from the effective date of the registration statement or the date the security was bona-fide offered to the public, whichever was later. The period during which delivery of prospectuses is required has now been extended from 40 to 90 days by the 1964 Amendments with respect to securities of an issuer which has not previously sold securities pursuant to an earlier effective Securities Act registration statement. However, the new requirement will not be applicable with respect to securities offered under a registration statement effective on or prior to August 20, 1964. The Commission is empowered to shorten the 40 or 90 day period by rule, regulation or order and presently has under consideration a proposed rule 174 which, under certain circumstances, would shorten from 90 to 40 days the period during which prospectuses must be delivered if the issuer has a class of securities registered under section 12(b) of the Exchange Act, and eliminates the prospectus delivery requirements for certain types of offerings.

The dealers' transaction exemption continues, as in the past, to be unavailable for 40 days after the security is bona-fide offered to the public, with respect to transactions in a securities for which a required Securities Act registration statement has not been filed. Also, the exemption continues to be unavailable for such time as a dealer is acting as an underwriter or is affecting transactions involving the dealer's allotment or subscription as a participant in the distribution of securities required to be registered under the Securities Act.

VI. Provisions Affecting Registered Securities Associations and Their Members—Rule-Making Powers. The 1964 Amendments provide a registered securities association with authority to adopt rules, subject to Commission approval, which will permit exclusion from membership, or association with members, of persons who have been suspended or expelled from an exchange for violation of any of the exchange's rules. However, if the exchange action was based on conduct inconsistent with just and equitable principles of trade, the present mandatory bar under section 15A(b)(4)(A) would still apply.

A registered securities association will be required to adopt appropriate standards with respect to the training, experience and other qualifications of members and persons associated with members and for that purpose appropriately to classify prospective members and other persons, specify the standards that shall be applicable to any class, require persons in appropriate classes to pass examinations, and to identify those classes of persons (other than prospective members, partners, officers and supervisory employees) for whom the experience requirement may be found to be inappropriate. The 1964 Amendments also specifically authorize a registered securities association to establish standards of financial responsibility for members.

Finally, under the 1964 Amendments, a registered securities association is required to have rules designed to produce fair and informative quotations and to prevent fictitious and misleading quotations as well as to promote orderly procedures for collecting and publishing such quotations.

Disciplinary actions. Under section 15A of the Exchange Act, the Commission has authority to review disciplinary actions taken by a registered securities association against members of such associations and against persons associated, or seeking to become associated, with a member. The 1964 Amendments shortens the period within which an appeal from such disciplinary action can be taken from 60 to 30 days. The Commission retains its discretionary authority to extend the period for appeal.

The 1964 Amendments also provide that the Commission may order, after notice and opportunity for hearing, that an appeal from disciplinary action by an association will not stay the judgment of the association pending final decision on review by the Commission. Such a hearing may be limited by the Commission solely to affidavits and oral argument. Under prior law, an appeal always operated as a stay.

Finally, the Commission has the authority to suspend (for a period not to exceed 12 months) or bar an individual from being associated with a member of a registered securities association on the same grounds that a member may be suspended or expelled from such association by the Commission. This particular power is a correlative of section 15(b)(5) giving the Commission power to bar or suspend a person from being associated with a broker-dealer. These sanctions can be imposed if the Commission, after appropriate notice and opportunity for hearing, finds that the person committed any of the violations specified in section 15A(*l*)(2), and that the sanction is necessary or appropriate in the public interest or for the protection of investors, or to carry out the purpose of section 15A of the Exchange Act.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 14, 1964.

[F.R. Doc. 64-9874; Filed, Sept. 29, 1964; 8:45 a.m.]

[Release 34-7427]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Temporary Exemption for Foreign Issuers

The Securities and Exchange Commission today announced the adoption of Rule 12g3-1 (§ 240.12g3-1) under the Securities Exchange Act of 1934 (Exchange Act). This rule provides that securities of a foreign issuer and certificates of deposit therefor will be exempt from the provisions of section 12(g)(1) of the Exchange Act until November 30, 1965.

Section 12(g)(1) was added to the Exchange Act by the Securities Acts Amendments of 1964 (Amendments Act), which was signed by President Johnson on August 20, 1964. Section 12(g)(1) in

general requires issuers of "equity securities" traded over-the-counter to register the class of securities if certain tests are met. As a result of such registration under section 12(g)(1), the issuer and its insiders become subject to sections 13, 14 and 16 of the Exchange Act. The registration statement must be filed within 120 days after the issuer's first fiscal yearend on which the tests are met occurring after the effective date of the statutory provision. Thus, under Rule 12g3–1, the earliest date on which a foreign issuer could be required to register will be 120 days after its first fiscal yearend following November 30, 1965. A further description of the provisions of section 12(g)(1) and the registration process will be found in concurrent releases being issued by the Commission.

The registration provisions of section 12(g)(1) apply to domestic and foreign issuers alike. However, section 12(g)(3) of the Exchange Act (also added by the Amendments Act) gives the Commission authority to exempt foreign securities (including certificates of deposit therefor) and classes of foreign securities from section 12(g)(1) when it finds that such action is in the public interest and is consistent with the protection of investors.

The adoption of Rule 12g3–1 (§ 240.12g3–1) is intended to give the Commission time to study the problems involved in the coverage of foreign securities. It will consider (under its authority in section 12(g)(3)) the granting of exemptions with respect to certain classes of foreign securities and the appropriate degree of coverage under sections 13, 14 and 16 for those foreign securities for which exemptions are not granted (and which will thus be required to be registered under section 12(g)(1)). During the next few months the Commission will study the many related problems. Comments, proposals, and briefs from all interested persons and groups are hereby invited.

Following the period of initial study, the Commission will develop proposed rules which will determine the extent to which various foreign issuers and their insiders will be subject to the provisions of sections 12(g)(1), 13, 14 and 16 of the Exchange Act. Prior to their adoption, the proposed rules will be published pursuant to the provisions of the Administrative Procedure Act and the Commission's customary practice. Public comment will be invited on the proposed rules and all responses will be carefully considered prior to the final adoption of any rules. By following this procedure, all interested persons—including foreign issuers, groups of foreign issuers, and American broker-dealers interested in foreign securities—will have an opportunity to present their comments and briefs before any foreign security becomes covered under sections 12(g)(1), 13, 14 or 16. However, even the final rules will not grant irrevocable exemptions. Any rule of the Commission may be modified or revoked by it upon following the statutory procedures. In addition, any foreign issuer or other interested person may, at any time, petition for a Commission order affecting the exempt status of the particular issuer. Such orders may be issued, but only after interested persons have had notice and the opportunity for a hearing.

The Commission believes that, to the extent practicable, American investors in foreign securities should be afforded the same investor protections, to which American investors in domestic securities are entitled. However, the Commission recognizes, and has traditionally recognized, the practical problems of enforcement and compliance and of differing foreign laws. The Commission believes that it can administer the provisions of the Amendments Act with respect to foreign securities in a manner that will provide the greatest practicable benefits for American investors, while at the same time not disrupting existing trading markets or penalizing foreign issuers.

When certain foreign issuers become subject to the registration requirements under section 12(g)(1), a few may fail to register as required. The Amendments Act and the legislative history behind it make it clear that, in such a situation, the non-compliance by the foreign issuer will not, of itself, mean that trading in the United States in the securities of that issuer will be illegal, or that civil liabilities against American broker-dealers trading in the securities will arise.

The Commission believes that the enactment of the Amendments Act will result in substantial benefits to American investors in foreign securities. In addition, the new protections accorded to investors in American securities will benefit foreign investors as well as Americans.

Commission action. The Securities and Exchange Commission hereby adopts § 240.12g3–1 (Rule 12g3–1) to read as follows:

§ 240.12g3–1 Temporary exemption of foreign securities from section 12(g) of the act.

Securities issued by (a) any foreign government or political subdivision thereof, (b) any national of any foreign country, (c) any corporation organized under the laws of any foreign country, and (d) certificates of deposit, receipts or other evidences of interest relating to any of the foregoing securities, shall be exempt from section 12(g) of the Act until November 30, 1965.

(Secs. 12(g)(3), 12(h) and 23(a), 48 Stat. 892 and 901, as amended, 15 U.S.C. 781 and 78w)

Since Rule 12g3–1 (§ 240.12g3–1) is in the nature of a temporary exemption, the Commission finds that notice and procedure pursuant to the Administrative Procedure Act is impractical and unnecessary and that the rule may be made effective upon publication thereof on September 15, 1964. The Commission also finds that the rule is necessary and appropriate and is not inconsistent with the public interest or the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 14, 1964.

[F.R. Doc 64–9876; Filed, Sept. 29, 1964; 8:45 a.m.]

[Release 34–7429]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Extensions of Time for Registration; Temporary Exemption from Proxy Rules

The Securities and Exchange Commission announces the adoption of a new Rule 12g–1 (§ 240.12g–1) which extends the time within which certain issuers must comply with the new registration requirements of section 12(g) of the Securities Exchange Act of 1934. The rule also grants a temporary exemption from section 14 of the Act for issuers with securities so registered.

Section 12(g) of the Act, which was added by the Securities Acts Amendments of 1964 (Amendments Act), requires certain issuers whose securities are traded in the over-the-counter market to file a registration statement with the Commission within 120 days after the last day of their first fiscal year ended after July 1, 1964. Subsection (a) of Rule 12g–1 (§ 240.12g–1) extends the period for filing to April 30, 1965 for issuers which would otherwise be subject to an earlier filing requirement, except for issuers which are required to file reports with the Commission under sections 13 or 15(d) of the Act.

Section 14 of the Act, as amended by the Amendments Act, provides the Commission with rule making authority concerning the solicitation of proxies, consents or authorizations in respect of any security registered on a national securities exchange or OTC registered under the new section 12(g). Subsection (b) of Rule 12g–1 (§ 240.12g–1) provides that an issuer having a class of securities registered pursuant to section 12(g) of the Act shall not be required to comply with the provisions of section 14, or the rules and regulations thereunder, with respect to a solicitation of proxies for an action of security holders to be taken prior to the expiration of two months after the date on which its registration statement is due, or December 31, 1965, whichever is earlier. However, the temporary exemption provided by subsection (b) of the new rule does not apply to solicitations of security holders of a holding company registered under the Public Utility Holding Company Act of 1935 or its subsidiaries.

The postponement of the requirements of sections 12(g) and 14 of the Act provides a reasonable period for preparation of the required filings by the issuers involved and permits gradual assumption

by the Commission of its administrative burdens.

Commission action. The Securities and Exchange Commission hereby adopts § 240.12g–1 (Rule 12g–1) to read as follows:

§ 240.12g–1 Extensions of time for filing registration statements pursuant to section 12(g) and temporary exemptions from section 14.

Except as the Commission may otherwise provide upon application of an interested person, after notice and opportunity for hearing:

(a) For issuers which otherwise would be required to file a registration statement pursuant to section 12(g) at an earlier date, the time within which such registration statement must be filed is extended to April 30, 1965: *Provided,* That such extension of time shall be inapplicable to issuers which are, at the time such registration statement otherwise would be due, required to file reports with the Commission under sections 13 or 15(d) of the Act and the rules and regulations adopted thereunder.

(b) No person who solicits proxies with respect to a class of security registered pursuant to section 12(g) of the Act shall be required to comply with the provisions of section 14 of the Act, or the rules and regulations adopted thereunder, prior to the expiration of two months after the last date on which the registration statement is due, or December 31, 1965, whichever is earlier; provided, that the provisions of this paragraph (b) shall not apply to the solicitation of proxies from security holders of a holding company registered under the Public Utility Holding Company Act of 1935 or a subsidiary company thereof.

(Secs. 12(h) and 23(a), 48 Stat. 892 and 901, as amended, 15 U.S.C. 781 and 78w)

Since the rule is in the nature of a temporary exemption, the Commission finds that notice and procedure pursuant to the Administrative Procedure Act is impractical and unnecessary and that the rule may be made effective upon publication thereof on September 15, 1964. The Commission also finds that the rule is necessary and appropriate and is not inconsistent with the public interest or the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 14, 1964.

[F.R. Doc. 64–9878; Filed, Sept. 29, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Applications

Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 130.4 *Applications* is amended by changing the last sentence of item 9 in the new-drug application form to read as follows: "It is understood that all representations in this application apply to the drug produced until an approved supplement to the application provides for a change or the applicant is notified in writing by the Food and Drug Administration that a supplemental application is not required for the change."

This amendment is made for the purpose of effecting consistency of the affected portion of the new-drug application form with § 130.9, and therefore the procedural requirements of section 4(a) and (b) of the Administrative Procedure Act are deemed unnecessary in this instance. This action is taken pursuant to authority vested in the Secretary of Health, Education, and Welfare by section 701(a) of the Federal Food, Drug, and Cosmetic Act and delegated to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471).

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: September 22, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64–9905; Filed, Sept. 29, 1964; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 1—PROCEDURE FOR PREDETERMINATION OF WAGE RATES

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

Davis-Bacon Act Fringe Benefits Requirements

On August 28, 1964, notice of a proposal to amend the Department's regulations relating to labor standards on Federally financed and assisted construction in the light of the fringe benefits amendments to the Davis-Bacon Act (Pub. Law 88–349) was published in the FEDERAL REGISTER (29 F.R. 12373; corrected at 29 F.R. 12479). After consideration of all such relevant matter as was presented by interested persons regarding the amendments proposed, the regulations as so published are hereby adopted, subject to the changes set forth below.

These amendments shall become effective on September 30, 1964, the effective day of the fringe benefits amendments to the Davis-Bacon Act, except as discussed in the new sections 5.3a and 5.21 of Title 29, Code of Federal Regulations. Further delay is not required by the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) because these rules involve matters relating only to public loans, grants, benefits, and contracts.

1. The combined blanket citation of authority of 29 CFR Part 5 is revised;

2. In subdivision (iv) of 29 CFR 5.5 (a)(1) the reference to section 1(b) on the seventh line is changed to refer to section 1(b)(2);

3. Paragraph (b) of 29 CFR 5.5 is revised;

4. The word "order" in 29 CFR 5.10 is changed to "request";

5. The reference to section 1(b)(1) in 29 CFR 5.26 is changed to refer to section 1(b)(2);

6. Several minor changes are made in 29 CFR 5.32 for the purpose of clarifying the term "rate" as used in that section;

7. In addition to the proposed amendments to 29 CFR Part 1 which are adopted by this document, 29 CFR 1.1 is revised;

8. In addition to the proposed amendments to 29 CFR Part 5 which are adopted by this document, 29 CFR 5.1 is revised;

9. A new 29 CFR 5.14(c)(4) is also established.

Signed at Washington, D.C., this 24th day of September 1964.

W. WILLARD WIRTZ, *Secretary of Labor.*

1a. Section 1.1 is revised to read as follows:

§ 1.1 Purpose and scope.

The regulations contained in this part set forth the procedure for the determination of wage rates pursuant to each of the following acts: Davis-Bacon Act, National Housing Act, Hospital Survey and Construction Act, Federal Airport Act, Housing Act of 1949, School Survey and Construction Act of 1950, Defense Housing and Community Facilities and Services Act of 1951, Federal-Aid Highway Act of 1956, Federal Civil Defense Act of 1950, College Housing Act of 1950, Federal Water Pollution Control Act, Area Redevelopment Act, Delaware River Basin Compact Housing Act of 1959, and Health Professions Educational Assistance Act of 1963, Mental Retardation Facilities Construction Act, Community Mental Health Centers Act, Higher Educational Facilities Act of 1963, Vocational Educational Act of 1963, Library Services and Construction Act, Urban Mass Transportation Act of 1964, Economic Opportunity Act of 1964, Hospital Medical Facilities Amendments of 1964, Housing Act of 1964, The Commercial Fisheries Research and Development Act of 1964, The Nurse Training Act of 1964, and such other statutes as may, from time to time, confer upon the Secretary of Labor similar wage determining authority. (5 U.S.C. 22)

1b. Section 1.2 is amended by adding thereto a new paragraph (e) which reads as follows:

§ 1.2 Definitions.

* * * * *

(e) The term "wages" (and its singular form) has the meaning prescribed in section 1(b) of the Davis-Bacon Act. It includes "other bona fide fringe benefits" than those expressly enumerated in the Act. This permits, among other things, the inclusion of "bona fide fringe benefits" in prevailing wage

determinations under the Act for a particular area when the payment of such fringe benefits constitutes a prevailing practice. In finding whether or not it is the prevailing area practice to pay such fringe benefits, the Solicitor shall be guided by the tests of prevalence similar to those prescribed in paragraph (a) of this section.

2a. The authority citation for Part 5 is revised to read as follows:

AUTHORITY: The provisions of this Part 5 issued under R.S. 161, Reorg. Plan No. 14 of 1950, 64 Stat. 1267; sec. 2, 48 Stat. 948; sec. 10, 61 Stat. 89; 5 U.S.C. 22, 133z–15 note, 29 U.S.C. 258; 40 U.S.C. 276c.

2b. Section 5.1 is revised to read as follows:

§ 5.1 Purpose and scope.

(a) The regulations contained in this part are promulgated in order to coordinate the administration and enforcement of the labor standards provisions of each of the following acts by the Federal agencies responsible for their administration and such additional statutes as may from time to time confer upon the Secretary of Labor additional duties and responsibilities similar to those conferred upon him under Reorganization Plan No. 14 of 1950:

The Davis-Bacon Act (40 U.S.C. 276a—276a–7), and as extended to the Federal-Aid Highway Act of 1956 (23 U.S.C. 113).
Copeland Act (40 U.S.C. 276c).
The Contract Work Hours Standards Act (40 U.S.C. 327–330).
National Housing Act (12 U.S.C. 1713, 1715a, 1715c, 1715k, 1715(d) (3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748b, 1748h–2, 1750g).
Hospital Survey and Construction Act (42 U.S.C. 291h).
Federal Airport Act (49 U.S.C. 1114).
Housing Act of 1949 (42 U.S.C. 1459).
School Survey & Construction Act of 1950 (20 U.S.C. 636).
Defense Housing & Community Facilities & Services Act of 1951 (42 U.S.C. 1592i).
United States Housing Act of 1937 (42 U.S.C. 1416).
Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281).
Area Redevelopment Act (42 U.S.C. 2518).
Delaware River Basin Compact (sec. 15.1, 75 Stat. 714).
Health Professions Educational Assistance Act of 1963 (42 U.S.C. 292d(c)(4), 293a(c)(5)).
Mental Retardation Facilities Construction Act (42 U.S.C. 295a(a)(2)(d), 2662(5), 2675(a)(5)).
Community Mental Health Centers Act (42 U.S.C. 2685(a)(5)).
Higher Educational Facilities Act of 1963 (20 U.S.C. 753).
Vocational Educational Act of 1963 (20 U.S.C. 35f).
Library Services and Construction Act (20 U.S.C. 355c(a)(4)).
Urban Mass Transportation Act of 1964 (sec. 10a, 78 Stat. 307).
Economic Opportunity Act of 1964 (sec. 607, 78 Stat. 532).
Public Health Service Act (sec. 605(a)(5), 78 Stat. 454).
Housing Act of 1964 (78 Stat. 797).
The Commercial Fisheries Research and Development Act of 1964 (sec. 7, 78 Stat. 199).
The Nurse Training Act of 1964 (sec. 2, 78 Stat. 910).

2c. Section 5.2 is amended by adding thereto a new paragraph, designated paragraph (k), which reads as follows:

§ 5.2 Definitions.

* * * * *

(k) The term "wages" (and its singular form) has the meaning prescribed in section 1(b) of the Davis-Bacon Act.

3. Subparagraph (1) of paragraph (a) and paragraph (b) of § 5.3 is amended to clarify the use of the Department of Labor's forms for wage determination requests and the situations under which general wage determinations may be issued. The amendments to § 5.3 read as follows:

§ 5.3 Procedure for requesting wage determinations.

(a)(1) The Federal Agency shall initially request a wage determination under the Davis-Bacon Act or any of its related prevailing wage statutes by submitting to the Solicitor of Labor, United States Department of Labor, Washington 25, D.C., a completed Department of Labor Form DB–11. State Highway Departments under the Federal-Aid Highway Act of 1956 shall similarly request a wage determination by using Department of Labor Form DB–11(a). These forms are available from the Office of the Solicitor, United States Department of Labor. The agency shall check only those classifications on the applicable form which will be needed in the performance of the work (inserting a note such as "entire schedule" or "all applicable classifications" is not sufficient). Additional classifications needed which are not on the form may be typed in the blank spaces or on a separate list and attached to the form. The agency shall not list classifications which can be fitted into classifications on the form, or classifications which are not generally recognized in the area or in the construction industry.

* * * * *

(b) Whenever the wage patterns in a particular area for a particular type of construction are well settled and whenever it may be reasonably anticipated that there will be a large volume of procurement in that area for such a type of construction, the Secretary of Labor, upon the request of a Federal agency or in his discretion, may issue such a general wage determination when, after consideration of the facts and circumstances involved, he finds that the applicable statutory standards and those of Part 1 of this subtitle will be met.

* * * * *

4. A new section is added to Part 5, which is designated as § 5.3a, and reads as follows:

§ 5.3a Wage determinations containing fringe benefits.

The 1964 amendments to the Davis-Bacon Act (Pub. Law 88–349) provided that, for a period of 270 days following their effective date, fringe benefits will be included in wage determinations made in accordance with the Davis-Bacon Act only in those cases and reasonable classes of cases as the Secretary, acting as rapidly as practicable, provides for their inclusion. This section carries out the legislative directive. When found to be locally prevailing, fringe benefits will be included in general wage determinations made under § 5.3(b) as of September 30, 1964, the effective date of the 1964 amendments. Locally prevailing fringe benefits will be included in specific determinations as soon thereafter as the facts and circumstances permit. Much depends upon the compilation of reliable and substantial evidence relating to the payment of fringe benefits. In this regard, see § 1.3 of this subtitle.

5. Paragraph (b) of § 5.4 is amended in order to clarify the use of modifications of wage determinations and would read as follows:

§ 5.4 Use and effectiveness of wage determinations.

* * * * *

(b) All actions modifying an original wage determination prior to the award of the contract or contracts for which the determination was sought shall be applicable thereto, but modifications received by the Federal agency (in the case of the Federal-Aid Highway Act of 1956, the State Highway Department of each State) later than 10 days before the opening of bids shall not be effective except when the Federal agency (in the case of the Federal-Aid Highway Act of 1956, the State Highway Department of each State) finds that there is a reasonable time in which to notify bidders of the modification. Similarly, in the case of contracts entered into pursuant to the National Housing Act, changes or modifications in the original determination shall be effective if made prior to the beginning of construction, but shall not apply after the mortgage is initially endorsed by the Federal agency. A modification in no case will continue in effect beyond the effective period of the wage determination to which it relates.

6. The following amendments are made in paragraph (a) of § 5.5: subparagraph (1) is changed by amending subdivision (i) and the addition of new subdivisions, designated subdivisions (iii) and (iv); subdivisions (i) and (ii) of subparagraph (3) is amended; and subparagraph (4) is amended to clarify existing requirements. The amendments to paragraph (a) of § 5.5 read as follows:

§ 5.5 Contract provisions and related matters.

(a) * * *

(1) *Minimum wages.* (i) All mechanics and laborers employed or working upon the site of the work, or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs rea-

sonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv). Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

* * * * *

(iii) The contracting officer shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for determination.

(iv) The contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision of the Secretary of Labor which is included in this contract, only when the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the contractor should request the Secretary of Labor to make such findings before the making of the contract. In the case of unfunded plans and programs, the Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

* * * * *

(3) *Payrolls and basic records.* (i) Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work, or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project. Such records will contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

(ii) The contractor will submit weekly a copy of all payrolls to the (write in name of appropriate Federal agency) if the agency is a party to the contract, but if the agency is not such a party the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to the (write in name of agency). The copy shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance" which is required under this contract and the Copeland regulations of the Secretary of Labor (29 CFR, Part 3) and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under 29 CFR 5.5(a)(1)(iv) shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the (write the name of agency) and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

(4) *Apprentices.* Apprentices will be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, United States Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the contracting officer written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, for the area of construction prior to using any apprentices on the contract work.

* * * * *

7. Paragraph (b) of § 5.5 is amended to reflect certain provisions of the Higher Education Facilities Act of 1963, and reads as follows:

§ 5.5 Contract provisions and related matters.

* * * * *

(b)(1) In the construction of a dwelling or dwellings insured under 12 U.S.C. 1715v, or 1715w, compliance with the requirements of paragraph (a) of this section may be waived by the Agency Head in cases or classes of cases where laborers or mechanics, not otherwise employed at any time on the project, voluntarily donate their services without full compensation for the purpose of lowering the cost of construction and the Agency Head determines that any amounts saved thereby are fully credited to the nonprofit corporation, association, or other organization undertaking the construction.

(2) In construction assisted by any loan or grant under 20 U.S.C. Ch. 21, the Agency Head may waive the application of 20 U.S.C. 753(a) in cases or classes of cases where laborers or mechanics not otherwise employed at any time in the construction of the project, voluntarily donate their services for the purpose of lowering the costs of construction and the Agency Head determines that any amounts saved thereby are fully credited to the educational institution undertaking the construction.

(3) In construction assisted under Section 503 of the Housing Act of 1964, the Agency Head may waive the application of the prevailing wage standards prescribed therein in cases or classes or cases where laborers or mechanics, not otherwise employed at any time on the project, voluntarily donate their services without compensation for the purpose of lowering the costs of construction and the Agency Head determines that any amounts thereby saved are fully credited to the person, corporation, association, organization, or other entity undertaking the project.

* * * * *

8. Paragraph (e) of § 5.5 is amended in order to provide expressly that the records required thereunder would be available for inspection.

§ 5.5 Contract provisions and related matters.

* * * * *

(e) In any contract subject only to the Contract Work Hours Standards Act and not to any of the other statutes cited in § 5.1, the Agency Head shall cause or require to be inserted a clause requiring the maintenance of records containing the information specified in § 516.2(a) of this Title. Records containing such information shall be preserved for a period of three years from the completion of the contract. Further, the Agency Head shall cause or require to be inserted in any such contract a clause providing that the records to be maintained under this paragraph shall be available for inspection in the manner that inspection of records is available under the terms of paragraph (a)(3)(ii) of this section.

9a. Paragraph (a) of § 5.10 is amended as follows:

§ 5.10 Restitution, criminal action.

(a) The Agency Head may, in appropriate cases where violations of the labor standards clauses required by the regulations contained in this part and the applicable statutes listed in § 5.1 resulting in underpayment of wages to employees are found to be nonwillful, request that restitution be made to such employees or on their behalf to plans, funds, or programs for any type of fringe benefit prescribed in the applicable wage determination.

* * * * *

9b. A new 29 CFR 5.14(c)(4) is established to read as follows:

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours Standards Act.

* * * * *

(c) *Tolerances.* * * *

(4)(i) Time spent in an organized program of related, supplemental instruction by laborers or mechanics employed under bona fide apprenticeship programs may be excluded from working time if the criteria prescribed in subdivisions (ii) and (iii) of this subparagraph are met.

(ii) The apprentice comes within the definition contained in § 5.2(c).

(iii) The time in question does not involve productive work or performance of the apprentice's regular duties.

10. A new subpart, designated Subpart B, is added to Part 5, and reads as follows:

Subpart B—Interpretation of the Fringe Benefits Provisions of the Davis-Bacon Act

Sec.
5.20 Scope and significance of this subpart.
5.21 Effective date.
5.22 Effect of the Davis-Bacon fringe benefits provisions.
5.23 The statutory provisions.
5.24 The basic hourly rate of pay.
5.25 Rate of contribution or cost for fringe benefits.
5.26 "* * * contribution irrevocably made * * * to a trustee or to a third person".
5.27 "* * * fund, plan, or program".
5.28 Unfunded plans.
5.29 Specific fringe benefits.
5.30 Types of wage determinations.
5.31 Meeting wage determination obligations.
5.32 Overtime payments.

Subpart B—Interpretation of the Fringe Benefits Provisions of the Davis-Bacon Act

§ 5.20 Scope and significance of this subpart.

The 1964 amendments (Pub. Law 88-349) to the Davis-Bacon Act require, among other things, that the prevailing wage determined for Federal and federally-assisted construction include: (a) The basic hourly rate of pay; and (b) the amount contributed by the contractor or subcontractor for certain fringe benefits (or the cost to them of such benefits). The purpose of this subpart is to explain the provisions of these amendments. This subpart makes available in one place official interpretations of the fringe benefits provisions of the Davis-Bacon Act. These interpretations will guide the Department of Labor in carrying out its responsibilities under these provisions. These interpretations are intended also for the guidance of contractors, their associations, laborers and mechanics and their organizations, and local, State and Federal agencies, who may be concerned with these provisions of the law. The interpretations contained in this subpart are authoritative and may be relied upon as provided for in section 10 of the Portal-to-Portal Act of 1947 (29 U.S.C. 259). The omission to discuss a particular problem in this subpart or in interpretations supplementing it should not be taken to indicate the adoption of any position by the Secretary of Labor with respect to such problem or to constitute an administrative interpretation, practice, or enforcement policy. Questions on matters not fully covered by this subpart may be referred to the Secretary for interpretation as provided in § 5.12.

§ 5.21 Effective date.

(a) The fringe benefits provisions of the Davis-Bacon Act become effective on September 30, 1964, the ninetieth day after the date of enactment. However, the new provisions do not affect any contract entered into on or before the effective date or pursuant to invitations for bids outstanding on the effective date. The new provisions state that the fringe benefits shall become effective during a period of 270 days after the effective date, only in those cases and reasonable classes of cases as the Secretary of Labor, acting as rapidly as practicable can make such rates of payments fully effective. In this regard, see § 5.3(a). Following this period, fringe benefits will be included in Davis-Bacon wage determinations, whenever they are found to be prevailing in the area of construction.

(b) The 270-day period described in paragraph (a) of this section affords a practical application of the fringe benefits provisions during almost one year after enactment. The Secretary intends to include the fringe benefits in wage determinations as rapidly as evidence becomes available that such benefits are prevailing in particular areas. On or after September 30, 1964, any contractor or subcontractor performing work on a contract including a Davis-Bacon wage determination must pay the required fringe benefits, or their cash equivalent, when such benefits are contained in the wage determination included in the particular contract.

(c) In order that payments for fringe benefits may be included in wage determinations, it is urged that contractors and their associations, laborers and mechanics and their organizations, and Federal, State and local agencies submit to the Office of the Solicitor, Department of Labor, Washington, D.C., information concerning the rates of contributions, or costs, for fringe benefits in the various areas of the country. The information required should include: (1) A description of the types of fringe benefits provided for particular classes of laborers or mechanics, (2) the rate of contribution, or cost, for each type of such benefits, (3) copies of signed collective bargaining agreements or other employment agreements upon which the fringe benefits are based, together with appropriate references to pages or sections in the agreements where provisions for such benefits are contained, and (4) statements describing the projects in the area on which these fringe benefits were paid. These statements should show the names and addresses of contractors, including subcontractors, the locations, approximate costs, dates of construction and types of projects, the number of workers employed in each classification on each project, and the respective rates of contribution, or costs, for each type of fringe benefits. (In connection with this, see § 1.3 of this subtitle.)

§ 5.22 Effect of the Davis-Bacon fringe benefits provisions.

The Davis-Bacon Act and the prevailing wage provisions of the related statutes listed in § 1.1 of this subtitle confer upon the Secretary of Labor the authority to predetermine, as minimum wages, those wage rates found to be prevailing for corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the area in which the work is to be performed. See paragraphs (a) and (b) of § 1.2 of this subtitle. The fringe benefits amendments enlarge the scope of this authority by including certain bona fide fringe benefits within the meaning of the terms "wages", "scale of wages", "wage rates", "minimum wages" and "prevailing wages", as used in the Davis-Bacon Act.

§ 5.23 The statutory provisions.

The fringe benefits provisions of the 1964 amendments to the Davis-Bacon Act are, in part, as follows:

(b) As used in this Act the term "wages", "scale of wages", "wage rates", "minimum wages", and "prevailing wages" shall include—

(1) The basic hourly rate of pay; and

(2) The amount of—

(A) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program; and

(B) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the laborers and mechanics affected,

for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other Federal, State, or local law to provide any of such benefits * * *.

§ 5.24 The basic hourly rate of pay.

"The basic hourly rate of pay" is that part of a laborer's or mechanic's wages which the Secretary of Labor would have found and included in wage determinations prior to the 1964 amendments. The Secretary of Labor is required to continue to make a separate finding of this portion of the wage. In general, this portion of the wage is the cash payment made directly to the laborer or mechanic. It does not include fringe benefits.

§ 5.25 Rate of contribution or cost for fringe benefits.

(a) Under the amendments, the Secretary is obligated to make a separate finding of the rate of contribution or cost of fringe benefits. Only the amount of contributions or costs for fringe benefits which meet the requirements of the act will be considered by the Secretary. These requirements are discussed in this subpart.

(b) The rate of contribution or cost is ordinarily an hourly rate, and will be reflected in the wage determination as such. In some cases, however, the contribution or cost for certain fringe benefits may be expressed in a formula or method of payment other than an hourly rate. In such cases, the Secretary may in his discretion express in the wage determination the rate of contribution or cost used in the formula or method or may convert it to an hourly rate of pay whenever he finds that such action would

facilitate the administration of the Act. See § 5.5(a)1 (i) and (iii).

§ 5.26 "* * * contribution irrevocably made * * * to a trustee or to a third person".

Under the fringe benefits provisions (Section 1(b)(2) of the act) the amount of contributions for fringe benefits must be made to a trustee or to a third person irrevocably. The "third person" must be one who is not affiliated with the contractor or subcontractor. The trustee must assume the usual fiduciary responsibilities imposed upon trustees by applicable law. The trust or fund must be set up in such a way that in no event will the contractor or subcontractor be able to recapture any of the contributions paid in or any way divert the funds to his own use or benefit. Although contributions made to a trustee or third person pursuant to a benefit plan must be irrevocably made, this does not prevent return to the contractor or subcontractor of sums which he had paid in excess of the contributions actually called for by the plan, as where such excess payments result from error or from the necessity of making payments to cover the estimated cost of contributions at a time when the exact amount of the necessary contributions under the plan is not yet ascertained. For example, a benefit plan may provide for definite insurance benefits for employees in the event of the happening of a specified contingency such as death, sickness, accident, etc., and may provide that the cost of such definite benefits, either in full or any balance in excess of specified employee contributions, will be borne by the contractor or subcontractor. In such a case the return by the insurance company to the contractor or subcontractor of sums paid by him in excess of the amount required to provide the benefits which, under the plan, are to be provided through contributions by the contractor or subcontractor, will not be deemed a recapture or diversion by the employer of contributions made pursuant to the plan. (See Report of the Senate Committee on Labor and Public Welfare, S. Rep. No. 963, 88th Cong., 2d Sess., p. 5.)

§ 5.27 "* * * fund, plan, or program".

The contributions for fringe benefits must be made pursuant to a fund, plan or program (sec. 1(b)(2)(A) of the act). The phrase "fund, plan, or program" is merely intended to recognize the various types of arrangements commonly used to provide fringe benefits through employer contributions. The phrase is identical with language contained in section 3(1) of the Welfare and Pension Plans Disclosure Act. In interpreting this phrase, the Secretary will be guided by the experience of the Department in administering the latter statute. (See Report of Senate Committee on Labor and Public Welfare, S. Rep. No. 963, 88th Cong., 2d Sess., p. 5.)

§ 5.28 Unfunded plans.

(a) The costs to a contractor or subcontractor which may be reasonably anticipated in providing benefits of the types described in the act pursuant to an enforceable commitment to carry out a financially responsible plan or program, are considered fringe benefits within the meaning of the act (see 1(b)(2)(B) of the act). The legislative history suggests that these provisions were intended to permit the consideration of fringe benefits meeting, among others, these requirements and which are provided from the general assets of a contractor or subcontractor. (Report of the House Committee on Education and Labor, H. Rep. No. 308, 88th Cong., 1st Sess., p. 4.)

(b) No type of fringe benefit is eligible for consideration as a so-called unfunded plan unless:

(1) It could be reasonably anticipated to provide benefits described in the act;

(2) It represents a commitment that can be legally enforced;

(3) It is carried out under a financially responsible plan or program; and

(4) The plan or program providing the benefits has been communicated in writing to the laborers and mechanics affected. (See S. Rep. No. 963, p. 6.)

(c) It is in this manner that the act provides for the consideration of unfunded plans or programs in finding prevailing wages and in ascertaining compliance with the act. At the same time, however, there is protection against the use of this provision as a means of avoiding the act's requirements. The words "reasonably anticipated" are intended to require that any unfunded plan or program be able to withstand a test which can perhaps be best described as one of actuarial soundness. Moreover, as in the case of other fringe benefits payable under the act, an unfunded plan or program must be "bona fide" and not a mere simulation or sham for avoiding compliance with the act. (See S. Rep. No. 963, p. 6.) The legislative history suggests that in order to insure against the possibility that these provisions might be used to avoid compliance with the act, the committee contemplates that the Secretary of Labor in carrying out his responsibilities under Reorganization Plan No. 14 of 1950, may direct a contractor or subcontractor to set aside in an account assets which, under sound actuarial principles, will be sufficient to meet the future obligation under the plan. The preservation of this account for the purpose intended would, of course, also be essential. (S. Rep. No. 963, p. 6.) This is implemented by the contractual provisions required by § 5.5(a)(1)(iv).

§ 5.29 Specific fringe benefits.

(a) The act lists all types of fringe benefits which the Congress considered to be common in the construction industry as a whole. These include the following: medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, vacation and holiday pay, defrayment of costs of apprenticeship or other similar programs, or other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other Federal, State, or local law to provide any of such benefits.

(b) The legislative history indicates that it was not the intent of the Congress to impose specific standards relating to administration of fringe benefits. It was assumed that the majority of fringe benefits arrangements of this nature will be those which are administered in accordance with requirements of section 302(c)(5) of the National Labor Relations Act, as amended (S. Rep. No. 963, p. 5).

(c) The term "other bona fide fringe benefits" is the so-called "open end" provision. This was included so that new fringe benefits may be recognized by the Secretary as they become prevailing. It was pointed out that a particular fringe benefit need not be recognized beyond a particular area in order for the Secretary to find that it is prevailing in that area (S. Rep. No. 963, p. 6).

(d) The legislative reports indicate that, to insure against considering and giving credit to any and all fringe benefits, some of which might be illusory or not genuine, the qualification was included that such fringe benefits must be "bona fide" (H. Rep. No. 308, p. 4; S. Rep. No. 963, p. 6). No difficulty is anticipated in determining whether a particular fringe benefit is "bona fide" in the ordinary case where the benefits are those common in the construction industry and which are established under a usual fund, plan, or program. This would be typically the case of those fringe benefits listed in paragraph (a) of this section which are funded under a trust or insurance program. Contractors may take credit for contributions made under such conventional plans without requesting the approval of the Secretary of Labor under § 5.5(a)(1)(iv).

(e) Where the plan is not of the conventional type described in the preceding paragraph, it will be necessary for the Secretary to examine the facts and circumstances to determine whether they are "bona fide" in accordance with requirements of the act. This is particularly true with respect to unfunded plans. Contractors or subcontractors seeking credit under the act for costs incurred for such plans must request specific permission from the Secretary under § 5.5(a)(1)(iv).

(f) The act excludes fringe benefits which a contractor or subcontractor is obligated to provide under other Federal, State, or local law. No credit may be taken under the act for the payments made for such benefits. For example, payment for workmen's compensation insurance under either a compulsory or elective State statute are not considered payments for fringe benefits under the Act. While each situation must be separately considered on its own merits, payments made for travel, subsistence or to industry promotion funds are not normally payments for fringe benefits under the Act. The omission in the Act of any express reference to these payments, which are common in the construction industry, suggests that these payments should not normally be regarded as bona fide fringe benefits under the Act.

§ 5.30 Types of wage determinations.

(a) When fringe benefits are prevailing for various classes of laborers and mechanics in the area of proposed construction, such benefits are includable in any Davis-Bacon wage determination. Illustrations, contained in paragraph (c) of this section, demonstrate some of the different types of wage determinations which may be made in such cases.

(b) Wage determinations of the Secretary of Labor under the act do not include fringe benefits for various classes of laborers and mechanics whenever such benefits do not prevail in the area of proposed construction. When this occurs the wage determination will contain only the basic hourly rates of pay, that is only the cash wages which are prevailing for the various classes of laborers and mechanics. An illustration of this situation is contained in paragraph (c) of this section.

(c) Illustrations:

Classes	Basic hourly rates	Fringe benefits payments				
		Health and welfare	Pensions	Vacations	Apprenticeship program	Others
Laborers	$3.25					
Carpenters	4.00	$0.15				
Painters	3.90	.15	$0.10	$0.20		
Electricians	4.85	.10	.15			
Plumbers	4.95	.15	.20		$0.05	
Ironworkers	4.60			.10		

(It should be noted this format is not necessarily in the exact form in which determinations will issue; it is for illustration only.)

§ 5.31 Meeting wage determination obligations.

(a) A contractor or subcontractor performing work subject to a Davis-Bacon wage determination may discharge his minimum wage obligations for the payment of straight time wages and fringe benefits by paying in cash, making payments or incurring costs for "bona fide" fringe benefits of the types discussed, or by a combination thereof.

(b) A contractor or subcontractor may discharge his obligations for the payment of the basic hourly rates and the fringe benefits where both are contained in a wage determination applicable to his laborers or mechanics in the following ways:

(1) By paying not less than the basic hourly rate to the laborers or mechanics and by making the contributions for the fringe benefits in the wage determinations, as specified therein. For example, in the illustration contained in paragraph (c) of § 5.30, the obligations for "painters" will be met by the payment of a straight time hourly rate of not less than $3.90 and by contributing not less than at the rate of 15 cents an hour for health and welfare benefits, 10 cents an hour for pensions, and 20 cents an hour for vacations; or

(2) By paying not less than the basic hourly rate to the laborers or mechanics and by making contributions for "bona fide" fringe benefits in a total amount not less than the total of the fringe benefits required by the wage determination. For example, the obligations for "painters" in the illustration in paragraph (c) of § 5.30 will be met by the payment of a straight time hourly rate of not less than $3.90 and by contributions of not less than a total of 45 cents an hour for "bona fide" fringe benefits; or

(3) By paying in cash directly to laborers or mechanics for the basic hourly rate and by making an additional cash payment in lieu of the required benefits. For example, where an employer does not make payments or incur costs for fringe benefits, he would meet his obligations for "painters" in the illustration in paragraph (c) of § 5.30, by paying directly to the painters a straight time hourly rate of not less than $4.35 ($3.90 basic hourly rate plus 45 cents for fringe benefits); or

(4) As stated in paragraph (a) of this section, the contractor or subcontractor may discharge his minimum wage obligations for the payment of straight time wages and fringe benefits by a combination of the methods illustrated in subparagraphs (1) to (3) of this paragraph. Thus, his obligations for "painters" (and any of the other classes of laborers or mechanics in the illustration, including those for whom no fringe benefits were found to be prevailing) may be met by an hourly rate, partly in cash and partly in payments or costs for fringe benefits which total not less than $4.35 ($3.90 basic hourly rate plus 45 cents for fringe benefits). The payments in such case may be $4.10 in cash and 25 cents in payments or costs in fringe benefits. Or, they may be $3.75 in cash and 60 cents in payments or costs for fringe benefits.

§ 5.32 Overtime payments.

(a) The act excludes amounts paid by a contractor or subcontractor for fringe benefits in the computation of overtime under the Fair Labor Standards Act, the Contract Work Hours Standards Act, and the Walsh-Healey Public Contracts Act whenever the overtime provisions of any of these statutes apply concurrently with the Davis-Bacon Act or its related prevailing wage statutes. It is clear from the legislative history that in no event can the regular or basic rate upon which premium pay for overtime is calculated under the aforementioned Federal statutes be less than the amount determined by the Secretary of Labor as the basic hourly rate (i.e. cash rate) under section 1(b)(1) of the Davis-Bacon Act. (See S. Rep. No. 963, p. 7.) Contributions by employees are not excluded from the regular or basic rate upon which overtime is computed under these statutes; that is, an employee's regular or basic straight-time rate is computed on his earnings before any deductions are made for the employee's contributions to fringe benefits. The contractor's contributions or costs for fringe benefits may be excluded in computing such rate so long as the exclusions do not reduce the regular or basic rate below the basic hourly rate contained in the wage determination.

(b) The legislative report notes that the phrase "contributions irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program" was added to the bill in Committee. This language in essence conforms to the overtime provisions of section 7(d)(4) of the Fair Labor Standards Act, as amended. The intent of the committee was to prevent any avoidance of overtime requirements under existing law. See H. Rep. No. 308, p. 5.

(c)(1) The act permits a contractor or subcontractor to pay a cash equivalent of any fringe benefits found prevailing by the Secretary of Labor. Such a cash equivalent would also be excludable in computing the regular or basic rate under the Federal overtime laws mentioned in paragraph (a). For example, the W construction contractor pays his laborers or mechanics $3.50 in cash under a wage determination of the Secretary of Labor which requires a basic hourly rate of $3.00 and a fringe benefit contribution of 50 cents. The contractor pays the 50 cents in cash because he made no payments and incurred no costs for fringe benefits. Overtime compensation in this case would be computed on a regular or basic rate of $3.00 an hour. However, in some cases a question of fact may be presented in ascertaining whether or not a cash payment made to laborers or mechanics is actually in lieu of a fringe benefit or is simply part of their straight time cash wage. In the latter situation, the cash payment is not excludable in computing overtime compensation. Consider the examples set forth in subparagraphs (2) and (3) of this paragraph.

(2) The X construction contractor has for some time been paying $3.25 an hour to a mechanic as his basic cash wage plus 50 cents an hour as a contribution to a welfare and pension plan. The Secretary of Labor determines that a basic hourly rate of $3 an hour and a fringe benefit contribution of 50 cents are prevailing. The basic hourly rate or regular rate for overtime purposes would be $3.25, the rate actually paid as a basic cash wage for the employee of X, rather than the $3 rate determined as prevailing by the Secretary of Labor.

(3) Under the same prevailing wage determination, discussed in subparagraph 2 of this paragraph, the Y construction contractor who has been paying $3 an hour as his basic cash wage on which he has been computing overtime compensation reduces the cash wage to $2.75 an hour but computes his costs of benefits under section 1(b)(2)(B) as $1 an hour. In this example the regular or basic hourly rate would continue to be $3 an hour. See S. Rep. No. 963, p. 7.

[F.R. Doc. 64-9884; Filed, Sept. 29, 1964; 8:46 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 616—BUTTON, JEWELRY, AND LAPIDARY WORK INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), and by means of Administrative Order No. 582 (29 F.R. 10617), the Secretary of Labor appointed and convened Industry Committee No. 65–A. Administrative Order No. 582 referred to Industry Committee No. 65–A the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the button, jewelry, and lapidary work industry in Puerto Rico, as defined in that Order, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 65–A are hereinafter published in these amendments to 29 CFR 616.2.

Effective October 16, 1964, 29 CFR 616.2(a)(1)(i), 616.2(a)(2)(i), 616.2(a)(3)(i), 616.2(a)(4)(i), 616.2(a)(6)(i), 616.2(a)(7)(i), 616.2(a)(8), and 616.2(b)(1) are amended to read as follows:

§ 616.2 Wage rates.

* * * * *

(a) * * *

(1) *Rosary and native jewelry classification.* (i) The minimum wage for this classification is 60 cents an hour.

* * * * *

(2) *Hair ornament classification.* (i) The minimum wage for this classification is $1.02 an hour.

* * * * *

(3) *Hair accessories classification.* (i) The minimum wage for this classification is $1.00 an hour.

* * * * *

(4) *Button and buckle classification.* (i) The minimum wage for this classification is 80 cents an hour.

* * * * *

(6) *Metal expansion watch band classification.* (i) The minimum wage for this classification is $1.15 an hour.

* * * * *

(7) *Plastic costume jewelry classification.* (i) The minimum wage for this classification is 84 cents an hour.

* * * * *

(8) *General classification.* (i) The minimum wage for this classification is 90 cents an hour.

(ii) This classification is defined as the manufacture or assembly of all products not specifically included in any other classification of this industry.

(b) *New coverage classification.* (1) The minimum wage for this classification is $1.15 an hour between October 16, 1964, and September 2, 1965, and $1.25 an hour thereafter.

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 25th day of September 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64–9921; Filed, Sept. 29, 1964; 8:50 a.m.]

PART 619—ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), and by means of Administrative Order No. 582 (29 F.R. 10617), the Secretary of Labor appointed and convened Industry Committee No. 65–D. Administrative Order No. 582 referred to Industry Committee No. 65–D the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the alcoholic beverage and industrial alcohol industry in Puerto Rico, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 65–D are hereinafter published in this revision of 29 CFR 619.2.

Effective October 16, 1964, 29 CFR 619.2 is amended to read as follows:

§ 619.2 Wage rates.

The alcoholic beverage and industrial alcohol industry in Puerto Rico is divided into two classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a)(1) General classification: The minimum wage for this classification is $1.25 an hour.

(2) This classification is defined as all activities in the industry except those covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

(b)(1) New coverage classification: The minimum wage for this classification is $1.15 an hour between October 16, 1964 and September 2, 1965, and $1.25 an hour thereafter.

(2) This classification is defined as all activities in the industry covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 25th day of October 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64–9922; Filed, Sept. 29, 1964; 8:50 a.m.]

PART 661—BANKING, INSURANCE, AND FINANCE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), and by means of Administrative Order No. 582 (29 F.R. 10617), the Secretary of Labor appointed and convened Industry Committee No. 65–E. Administrative Order No. 582 referred to Industry Committee No. 65–E the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the banking, insurance, and finance industry in Puerto Rico, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 65–E are hereinafter published in this revision of 29 CFR 661.2.

Effective October 16, 1964, 29 CFR 661.2 is amended to read as follows:

§ 661.2 Wage rates.

The banking, insurance, and finance industry in Puerto Rico is divided into two classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) (1) General classification: The minimum wage for this classification is $1.25 an hour.

(2) This classification is defined as all activities in the industry except those covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

(b) (1) New coverage classification: The minimum wage for this classification is $1.15 an hour between October 16, 1964 and September 2, 1965, and $1.25 an hour thereafter.

(2) This classification is defined as all activities in the industry covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 25th day of September 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64-9923; Filed, Sept. 29, 1964; 8:50 a.m.]

PART 671—COMMUNICATIONS, UTILITIES, AND TRANSPORTATION INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), and by means of Administrative Order No. 582 (29 F.R. 10617), the Secretary of Labor appointed and convened Industry Committee No. 65–C. Administrative Order No. 582 referred to Industry Committee No. 65–C the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the communications, utilities, and transportation industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 65–C are hereinafter published in this revision of 29 CFR 671.2.

Effective October 16, 1964, 29 CFR 671.2 is hereby revised to read as follows:

§ 671.2 Wage rates.

The communications, utilities, and transportation industry in Puerto Rico is divided into five classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the communications, utilities, and transportation industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) apply to all activities of employees in the communications, utilities, and transportation industry in Puerto Rico to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *Other workers in motor carrier transport and express classification.* (i) The minimum wage for this classification is $1.17 an hour.

(ii) This classification is defined as the work or operations performed by all workers other than drivers, mechanics, and clerical workers (defined as consisting of the work or operations performed by drivers or operators of all motor vehicles, including fork-lift trucks; mechanics, body repairmen, solderers, and tinsmiths; and dispatchers and clerical workers) engaged in the transportation of property for compensation including pickup and delivery, and activities directly related to the transportation of property by motor vehicle for compensation and consolidating, forwarding, packing, crating, and boxing goods for shipment.

(2) *General classification.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as all activities included in the communications, utilities, and transportation industry in Puerto Rico, except activities included in the other classifications of this industry.

(b) *New coverage classifications.* The classifications in this paragraph (b) apply to all activities of employees in the communications, utilities, and transportation industry in Puerto Rico to whom section 6 of the Act applies only by reason of the Fair Labor Standards Amendments of 1961.

(1) *Tugboat and towboat seamen classification.* (i) The minimum wage for this classification is $1.15 an hour between October 16, 1964 and September 2, 1965, and $1.25 an hour thereafter.

(ii) This classification covers those seamen employed in the operations of tugboats or towboats engaged in assisting other vessels and/or ocean towing and operations incidental thereto.

(2) *Other seamen classification.* (i) The minimum wage for this classification is $1.05 an hour between October 16, 1964, and September 2, 1965, and $1.15 an hour thereafter.

(ii) This classification is defined as all activities and operations of seamen on vessels other than those included in the tugboat and towboat classification.

(3) *Telephone switchboard operator classification.* (i) The minimum wage for this classification is $1.15 an hour between October 16, 1964 and September 2, 1965, and $1.25 an hour thereafter.

(ii) This classification is defined as all activities and operations of telephone switchboard operators covered by section 6 of the Act only by reason of the Fair Labor Standards Amendments of 1961 in this industry.

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 18th day of September 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64-9924; Filed, Sept. 29, 1964; 8:50 a.m.]

PART 688—ARTIFICIAL FLOWER, DECORATION, AND PARTY FAVOR INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), and by means of Administrative Order No. 582 (29 F.R. 10617), the Secretary of Labor appointed and convened Industry Committee No. 65–B. Administrative Order No. 582 referred to Industry Committee No. 65–B the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the artificial flower, decoration, and party favor industry in Puerto Rico, as defined in that Order, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 65–B are hereinafter published in these amendments to 29 CFR 688.2.

Effective October 16, 1964, 29 CFR 688.2(a) (1) and 688.2(b) (1) are amended to read as follows:

§ 688.2 Wage rates.

* * * * *

(a) *General classification.* (1) The minimum wage for this classification is 98 cents an hour.

* * * * *

(b) *New coverage classification.* (1) The minimum wage for this classification is $1.15 an hour between October 16, 1964 and September 2, 1965, and $1.25 an hour thereafter.

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 25th day of September 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64-9925; Filed, Sept. 29, 1964; 8:51 a.m.]

Title 30—MINERAL RESOURCES

Chapter III—Office of Minerals Exploration, Department of the Interior

PART 301—REGULATIONS FOR OBTAINING FEDERAL ASSISTANCE IN FINANCING EXPLORATION FOR MINERAL RESERVES, EXCLUDING ORGANIC FUELS, IN THE UNITED STATES, ITS TERRITORIES, AND POSSESSIONS

Government Participation

Section 301.9 of Part 301 (24 F.R. 6757) is amended to read as follows:

§ 301.9 Government participation.

The Government will contribute not more than fifty (50) percent of the total allowable costs of the exploration specified by the terms of all contracts, except those for silver for which the Government's contribution will not be more than seventy-five (75) percent.

Inasmuch as this amendment imposes no additional obligations on the public, and since it increases the Government's participation in financing the cost of exploration for silver from 50 to 75 percent because of the critical shortage of this metal, it is of mutual benefit to the public and the Government that this amendment become effective upon the date of publication in the FEDERAL REGISTER.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

SEPTEMBER 23, 1964.

[F.R. Doc. 64-9885; Filed, Sept. 29, 1964; 8:46 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Examination of Applications

The following amended rule is adopted to take effect on publication. The text of this rule was published in the FEDERAL REGISTER for June 2, 1964 (29 F.R. 7150), and all persons who desired to were invited to submit written data, views, arguments or suggestions in connection with the proposed rule. The rule is being adopted as proposed after full and careful consideration of all the material submitted.

Section 1.101 of Title 37 CFR (Patent Rule 101) is amended by deleting paragraph (b) thereof and replacing it with new paragraph (b) reading as follows:

§ 1.101 Order of examination.

* * * * *

(b) Applications which have been acted upon by the examiner, and which have been placed by the applicant in condition for further action by the examiner (amended applications) shall be taken up for action in such order as shall be determined by the Commissioner.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6)

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: September 21, 1964.

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

[F.R. Doc. 64-9887; Filed, Sept. 29, 1964; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

PRESERVATION OF DISABILITY RATINGS, AND SERVICE CONNECTION

Sections 3.951 and 3.957 are revised to read as follows:

§ 3.951 Preservation of disability ratings.

A disability which has been continuously rated at or above any percentage of disability for 20 or more years for compensation purposes under laws administered by the Veterans Administration will not be reduced to less than such percentage except upon a showing that such rating was based on fraud. Likewise, a rating of permanent total disability for pension purposes which has been in force for 20 or more years will not be reduced except upon a showing that the rating was based on fraud. The 20-year period will be computed from the effective date of the evaluation to the effective date of reduction of evaluation. (38 U.S.C. 110; Pub. Law 88-445)

§ 3.957 Service connection.

Service connection for any disability or death granted or continued under Title 38, United States Code, which has been in effect for 10 or more years will not be severed except upon a showing that the original grant was based on fraud or it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge. The 10-year period will be computed from the effective date of the Veterans Administration finding of service connection to the effective date of the rating decision severing service connection, after compliance with § 3.105(d). (38 U.S.C. 359)

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective August 19, 1964.

Approved: September 24, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-9903; Filed, Sept. 29, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and rabbits on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 43,450 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels and rabbits subject to the following conditions:

(1) The open season for hunting squirrels and rabbits on the refuge extends from October 1 through October 17, 1964, excluding Sundays.

(2) The use of dogs is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 17, 1964.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 64-9888; Filed, Sept. 29, 1964; 8:46 a.m.]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vermont

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Missisquoi National Wildlife Refuge, Vermont, is permitted from October 10, 1964 through November 28, 1964, inclu-

sive, and public hunting of geese (except snow geese) and brant is permitted from October 10, 1964 through December 18, 1964, but only on the area designated by signs as open to hunting. This open area, comprising 469 acres, is delineated on maps available at refuge headquarters, Swanton, Vermont, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston, Mass., 02111. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, brant, and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 18, 1964.

JOHN S. GOTTSCHALK,
Regional Director,
Boston, Massachusetts.

SEPTEMBER 22, 1964.

[F.R. Doc. 64-9889; Filed, Sept. 29, 1964; 8:46 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments; Correction

Amendment 2 to the Processor Wheat Marketing Certificate Regulations (29 F.R. 11642, August 14, 1964) is corrected by adding to the last sentence of the paragraph at the end thereof concerning the effective date of the Amendment the following: ", and the changes in §§ 777.3, 777.4, 777.9, and 777.12 shall apply to wheat processed beginning July 1, 1964."

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

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-9891; Filed, Sept. 29, 1964; 8:46 a.m.]

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

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 874.17]

PART 874—SUGARCANE; LOUISIANA

Fair and Reasonable Prices for 1964 Crop

Correction

In F.R. Doc. 64-9706, appearing at page 13316 of the issue for Friday, Sept. 25, 1964, the last sentence of the ninth paragraph under the heading "Statement of Bases and Considerations" should read as follows: "Accordingly, this determination provides that for new processors the methods of settlement for sugarcane shall be as agreed upon between the processor and the producer subject to the approval of the State Office, and that allowances to producers shall be not less than the rates paid by established processors in the immediate vicinity of the new mills, subject to a determination by the State Committee that such rates are fair and reasonable.".

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

[Valencia Orange Reg. 102, Amdt. 1]

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

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.402 (Valencia Orange Regulation 102, 29 F.R. 13100) are hereby amended to read as follows:

§ 908.402 Valencia Orange Regulation 102.

* * * * *

(ii) District 2: 550,000 cartons.

* * * * *

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

Dated: September 25, 1964.

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

[F.R. Doc. 64-9892; Filed, Sept. 29, 1964; 8:46 a.m.]

PART 919—PEACHES GROWN IN MESA COUNTY, COLORADO

Expenses and Rate of Assessment for 1964-65 Fiscal Period

Notice was published in the September 9, 1964, issue of the FEDERAL REGISTER (29 F.R. 12734) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending February 28, 1965, under the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 919.203 Expenses and rate of assessment for the 1964-65 fiscal period.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1964, and ending February 28, 1965, will amount to $10,800.

(b) Rate of assessment: The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforementioned expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at twenty-seven mills ($0.027) per bushel basket or equivalent quantity of peaches so handled by such handler during such fiscal period.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable peaches from the beginning

of such period; and (2) the current fiscal period began on March 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

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

Dated: September 24, 1964.

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

[F.R. Doc. 64–9893; Filed, Sept. 29, 1964; 8:46 a.m.]

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

[Milk Order No. 62]

PART 1062—MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

Order Amending Order

§ 1062.0 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 the 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 determination set forth herein.

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

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

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

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

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

The provisions of the said order are known to handlers. The decision of the Assistant Secretary was issued September 24, 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 on October 1, 1964, and that it would be contrary to the public interest to delay the effective date of this amendment 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 sec. 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 hereby 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 St. Louis, Missouri, 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:

In paragraph (a) of § 1062.51 the introductory text preceding subparagraph (1) is revised to read as follows:

§ 1062.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be equal to the price for Class I milk established for the same month under Federal Order No. 30 regulating the handling of milk in the Chicago, Illinois, marketing area, plus 50 cents; and plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph: *Provided,* That the price so determined shall be increased 15 cents per hundredweight from the effective date of this amended order through March 1965.

* * * * *

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

Effective date: October 1, 1964.

Signed at Washington, D.C., on September 28, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–9959; Filed, Sept. 29, 1964; 8:51 a.m.]

[Milk Order No. 97]

PART 1097—MILK IN MEMPHIS, TENNESSEE, MARKETING AREA

Order Amending Order

§ 1097.0 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 the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

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

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

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued September 24, 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 on October 1, 1964, and that it would be contrary to the public interest to delay the effective date of this amendment 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 sec. 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 hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths 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 Memphis, Tenenssee, 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:

Section 1097.51(a) is revised to read as follows:

§ 1097.51 Class prices.

* * * * *

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.50 in each of the months of March through July and $1.91 in all other months, plus 15 cents for the period from the effective date of this amended order through March 1965; and plus or minus a supply-demand adjustment computed as follows:

* * * * *

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

Effective date: October 1, 1964.

Signed at Washington, D.C., on September 28, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–9960; Filed, Sept. 29, 1964; 8:51 a.m.]

[Milk Order No. 99]

PART 1099—MILK IN PADUCAH, KENTUCKY, MARKETING AREA

Order Amending Order

§ 1099.0 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 the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

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

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

The provisions of the said order are known to handlers. The decision of the Assistant Secretary was issued September 24, 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 on October 1, 1964, and that it would be contrary to the public interest to delay the effective date of this amendment 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 sec. 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 hereby 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 Paducah, Kentucky, 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:

Paragraph (a) of § 1099.51 is revised to read as follows:

§ 1099.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk for the month shall be the basic formula price for the preceding month plus 90 cents in April, May and June, $1.20 in July and March and $1.50 in the other months: *Provided,* That the price so determined shall be increased 15 cents per hundredweight from the effective date of this amended order through March 31, 1965.

* * * * *

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

Effective date: October 1, 1964.

Signed at Washington, D.C., on September 28, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–9961; Filed, Sept. 29, 1964; 8:51 a.m.]

[Milk Order No. 102]

PART 1102—MILK IN FORT SMITH, ARKANSAS, MARKETING AREA

Order Amending Order

§ 1102.0 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 the said previous findings and determinations are hereby

ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

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

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

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued September 24, 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 on October 1, 1964, and that it would be contrary to the public interest to delay the effective date of this amendment 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 sec. 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 hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths 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 Fort Smith, Arkansas, 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:

Section 1102.51(a) is revised to read as follows:

§ 1102.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.45 in each of the months of April through June and $1.85 in all other months; plus 25 cents for the period from the effective date of this amended order through November 1964; plus 15 cents for each of the months of December 1964 through March 1965; and plus or minus a supply-demand adjustment computed as follows:

* * * * *

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

Effective date: October 1, 1964.

Signed at Washington, D.C., on September 28, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-9962; Filed, Sept. 29, 1964; 8:51 a.m.]

[Milk Order No. 108]

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

Order Amending Order

§ 1108.0 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 the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

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

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

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued September 24, 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 on October 1, 1964, and that it would be contrary to the public interest to delay the effective date of this amendment 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 sec. 8c(9) of the Act) or 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 hereby 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 Central Arkansas 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:

Section 1108.51(a) is revised to read as follows:

§ 1108.51 Class prices.

* * * * *

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.50 in each of the months of March through July and $1.91 in all other months; plus 25 cents for the period from the effective date of this amended order through November 1964; plus 15 cents for each of the months of December 1964 through March 1965; and plus or minus a supply-demand adjustment computed as follows:

* * * * *

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

Effective date: October 1, 1964.

Signed at Washington, D.C., on September 28, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–9963; Filed, Sept. 29, 1964; 8:51 a.m.]

[Milk Order No. 126]

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Amending Order

§ 1126.0 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 the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective October 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued September 24, 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 October 1, 1964, and that it would be contrary to the public interest to delay the effective date of this amendment 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 sec. 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 hereby 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 North Texas 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:

In paragraph (a) of § 1126.51 the introductory text preceding subparagraph (1) is revised to read as follows:

§ 1126.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $1.85 for the months of March through June, and plus $2.25 for all other months; plus 10 cents for the period from the effective date of this amended order through March 31, 1965; and subject to a supply-demand adjustment of not more than 50 cents computed as follows:

* * * * *

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

Effective date: October 1, 1964.

Signed at Washington, D.C., on September 28, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–9964; Filed, Sept. 29, 1964; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

These regulations, issued by the Commodity Credit Corporation, pertain to a continuing Livestock Feed Program and supersede the regulations published in the FEDERAL REGISTER on August 22, 1964 (29 F.R. 12006).

Sec.

AUTHORITY: The provisions of this subpart issued under secs. 1–4 of 73 Stat. 574, as amended, secs. 407 and 421 of 63 Stat. 1055 as amended; secs. 4 and 5 of 62 Stat. 1070, as amended; 7 U.S.C. 1427; 15 U.S.C. 714 b and c.

§ 1475.201 General statement.

The regulations in this subpart contain the terms and conditions of a livestock feed program formulated under Public Law 86–299, and sections 407 and 421 of the Agricultural Act of 1949 as amended. The objective of the program is to give assistance to eligible livestock owners in designated emergency areas through sales of feed grain at not less than 75 percent of the county total support level (as defined in § 1475.208) to provide feed for foundation herds and at 100 percent of the county total support level to provide feed for other eligible livestock. The program shall be in effect in those designated emergency areas where the Secretary determines there is a shortage of feed because of

flood, drought, fire, hurricane, storm, tornado, earthquake, disease, insect infestation, or other catastrophe.

§ 1475.202 Administration.

The program will be administered by ASCS and CCC under the general direction and supervision of the Executive Vice President, CCC. In the field it will be carried out by State and county committees and offices and commodity offices. State and county committees and offices, commodity offices, and representatives and employees of any of the above do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 1475.203 Definitions.

The terms used in this subpart and in all forms and documents used in connection herewith (except where the context or subject matter otherwise requires, or where otherwise defined in the Livestock Feed Program) shall have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority is delegated to act in his stead.

(b) "CCC" or "ASCS" means the Commodity Credit Corporation or the Agricultural Stabilization and Conservation Service, respectively.

(c) "DASCO" means the Deputy Administrator for State and County Operations, ASCS.

(d) "Commodity Office" means the regional office of ASCS established to manage CCC commodity operations in the field.

(e) "State committee", "State Office", "county committee", or "county office" means the respective ASCS committee or office.

(f) "Approving officials" means the officials authorized under § 1475.205(e) to approve or disapprove an application for feed grain.

(g) "Emergency area" means an area designated by the Secretary under Public Law 86–299, as amended, and section 407 of the Agricultural Act of 1949, as amended, as an area of emergency in which assistance will be given under the Livestock Feed Program.

(h) "Emergency county" means a county which in whole or in part thereof is within the emergency area.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity. In the case of a partnership, a person shall be deemed to include the partnership and all of the partners, and in the case of a family corporation (i.e., a corporation in which 75 percent or more of the stock is owned by an individual or by an individual and those related to him by blood or marriage), the person shall be deemed to include the corporation and all such individuals.

(j) "Owner" means the person who owns or the persons who jointly own the eligible livestock to be fed with the feed grain to be purchased under the program and who meet(s) the requirements of eligibility contained in § 1475.204. A person or persons who mortgage(s) livestock as security for a loan shall be considered as the owner for the purpose of these regulations if he or they meet such requirements of eligibility.

(k) "Warehouse" means a warehouse which is currently operating under a Uniform Grain Storage Agreement with CCC.

(l) "Handler" means any person approved by the county committee to perform designated services under a grain handler agreement with CCC.

(m) "Dealer" means any person engaged in selling processed feed who is approved by the county committee to advance processed feed from his inventory to approved applicants when requested to do so by the county committee under a dealer's agreement with CCC.

(n) "Bin site" means a plot of ground upon which CCC-operated storage facilities are located.

(o) "Feed grain" and "grain" means barley, corn, grain sorghums, and oats and, when designated for use under this program by the Executive Vice President of CCC or his designee, includes wheat and rye.

(p) "Loan grain" means the owner's feed grain which is security for a price support loan(s) and is stored in the emergency county where the majority of the owner's livestock is usually located, or counties adjoining thereto.

(q) "Processed feed" means feed which contains feed grain(s) in whole form, or in ground, rolled, steamed, pelletized or other processed form provided that all of the ingredients of the whole grain are included.

(r) "Prescribed period" means the period of time during which feed grain may be physically delivered to an owner. It begins when the area is designated an emergency area by the Secretary and ends when terminated by the Secretary, DASCO or the State committee.

(s) "Authorized period" means the period of time within the prescribed period used in computing the feed grain gross allowance under a single application. The authorized period shall commence and end on dates approved by the county committee and shall not exceed any limitation established by DASCO or the State committee. Except for corrected applications, the authorized period shall not duplicate any part of an authorized period on any prior application approved for the owner.

(t) "Livestock" means all classes of beef and dairy cattle, sheep, goats, swine, and work horses and mules.

(u) "Eligible livestock" means (1) livestock which were owned by the applicant at least six months prior to the date of his application to purchase feed for such livestock and which were either located in the emergency area on the date the area was so designated or, as determined by the State committee, were moved into the area in accordance with the owner's normal livestock operation, such as rotation grazing; (2) cattle, sheep, goats, and swine purchased by the applicant as replacement breeding stock according to his customary normal breeding operations; (3) livestock inherited by an applicant, or purchased by an applicant as part of a complete farm operation other than through foreclosure; and (4) offspring of livestock described in subparagraphs (1), (2) and (3) of this paragraph. Work horses and mules shall be eligible only if they are used for pulling equipment, or for riding purposes necessary to the applicant's agricultural operations, or if they are being raised for these purposes.

(v) "Primary livestock" means the owner's foundation herd of eligible cattle, sheep and goats kept or obtained in a normal operation for breeding purposes, and their offspring kept for replacement purposes.

(w) "Secondary livestock" means eligible livestock other than primary livestock.

(x) "Animal unit" means any of the following: one cow, feeder heifer, bull or steer; two other heifers; three calves; five sheep; five goats; seven lambs or kids; three sows or hogs on full grain ration; five other swine; and one horse or mule.

§ 1475.204 Eligibility provisions.

Subject to terms and conditions prescribed in this subpart, the owner may be approved to purchase feed grain for eligible livestock, if in the judgment of the approving officials the following eligibility requirements are met:

(a) The emergency has caused a serious loss of feed, including hay, pasture, or range normally available for the owner's livestock which requires the owner to purchase a quantity of feed substantially more than he usually purchases.

(b) At the time the owner applies for feed grain he does not have, and is unable to obtain through normal channels of trade without undue financial hardship, sufficient feed for the livestock owned by him. Undue financial hardship shall be deemed to exist upon determination by the approving officials that under prevailing local standards the applicant's financial resources preclude his obtaining required feed from normal suppliers without imperiling continuance of his farming operations, defaulting on existing financial obligations, unsound borrowing or excessive disposal of livestock. In making this determination approving officials shall give especially close scrutiny to applicants who locally are customarily regarded as being wealthy, having large financial reserves, or as having substantial non-farm sources of income. If the approving officials are uncertain as to whether the applicant meets the eligibility requirements, they may request such factual information as will permit them to make a determination. If the applicant is a partnership, the resources of the partnership and all of the partners must be taken into consideration in determining the eligibility of the partnership to receive assistance. If the applicant is a family corporation, the resources of such corporation and of the individuals who together with the corporation are considered as a person under § 1475.203(i) must be taken into consideration in determining the eligibility of the family corporation to receive assistance.

(c) A properly executed application is filed by such owner.

§ 1475.205 Application and approval.

(a) *Who may apply.* Any owner of eligible livestock who fulfills the requirements of § 1475.204 may file an application under this program. When an application is filed, the applicant, if an individual, a partner if the applicant is a partnership, or a duly authorized representative of the owner in the case of other persons shall execute a certification that the owner is eligible for feed under provisions of § 1475.204. If an application is filed in the name of a corporation, except a family corporation as described above, the application must be accompanied by a certified copy of a resolution by the Board of Directors of such corporation authorizing its representative to file the application and authorizing the purchase of grain under the Livestock Feed Program in behalf of said corporation.

(b) *Where to apply.* An application must be filed at the county office for the emergency county in which the majority of the livestock shown on the application is usually located.

(c) *Filing of applications.* (1) The owner shall furnish all information required of him on the application and shall certify that he meets the requirements specified in § 1475.204.

(2) Applications for additional feed grain may be filed at any time during the last 30 days of an authorized period, provided the period for which feed grain is requested falls within the prescribed period and, except for corrected applications, does not include any part of an authorized period on any prior application approved for the owner.

(d) *Quantities of feed grain.* (1) Prior to the purchase of feed grain hereunder, the owner shall repay the principal and interest on all his price support loans which were obtained after the county was designated an emergency area on loan grain of his current crops determined by the county committee to be stored within reasonable hauling distance of his livestock operation: *Provided,* That this shall not apply with respect to warehouse stored loan grain which is covered by transit billing. In the case of such a price support loan made jointly to the owner and another producer, the owner shall repay the principal and interest on the portion of the loan represented by his share of the collateral. The owner shall notify CCC in writing that no other feed grain of his current crop which is eligible for price support will be delivered to CCC.

(2) The feed grain gross allowance for the authorized period shall not exceed ten pounds per day per animal unit, or whatever lesser quantity is established by the State committee or county committee.

(3) The net approved quantity for the authorized period shall be the smaller of: (i) The gross allowance less the total quantity of feed grain equivalent of the feed determined by the approving officials to be available to the owner for feeding his eligible livestock during the authorized period, or (ii) the quantity the approving officials determine to be adequate for the authorized period after taking into account the feed grain equivalent of hay, roughage, and other feed available for feeding the eligible livestock during such period.

(4) The total quantity of feed available to the owner shall be the quantity owned by him located in the county in which the application is filed and in adjoining counties determined by the county committee to be within reasonable hauling distance of the owner's livestock operation of the categories specified in the application plus feed sold by him in the period beginning 30 days before the county was designated as an emergency area, less feed on hand required to feed the owner's ineligible livestock and poultry during the authorized period and seed for the owner's own use. In determining the total quantity of feed available if the owner is a partnership or a family corporation, the quantity of feed available to the individuals and other legal entities which are collectively considered as a person under § 1475.203(i) shall be combined and considered feed of the owner.

(e) *Action on applications.* (1) The county committee shall review each application filed as provided in paragraph (c) of this section. The county committee is authorized to approve or disapprove applications except that it shall only make recommendations with respect to applications (i) involving 500 animal units or more and (ii) filed by county or state committeemen or office personnel.

(2) Applications with respect to which a recommendation is made by the county committee shall receive final approval or disapproval (i) by the State committee or its designee if filed by a county committeeman or county office personnel for less than 500 animal units; (ii) by the State committee if involving 500 animal units or more or if filed by State office personnel except State committeemen, or (iii) by DASCO if filed by State committeemen.

(3) No application shall be approved unless the owner meets all eligibility requirements. Information furnished by the applicant and other information, including knowledge of the county and State committeemen concerning the owner's normal operations shall be taken into consideration in making recommendations and determinations. If information furnished by the owner is incomplete or not clear and sufficient information is not otherwise available as to the owner's operations and financial condition to make a determination or recommendation as to the owner's eligibility, additional information deemed necessary shall be requested from the applicant.

(4) Action taken or recommendations made by the county committee or the State committee on each application shall be based upon the combined judgment and decision of two or more of its members who have reviewed the application. When action is taken by the State committee or DASCO, consideration shall be given to recommendations of the county committee.

(5) The owner shall be notified in writing of the action taken on his application by the approving officials including, if the application is approved, the specific quantities of feed grain approved for primary and secondary livestock, and of feed available to him for feeding his livestock as provided in § 1475.211. The owner shall also be notified of his right to appeal determinations made hereunder.

§ 1475.206 When sales shall be made.

Sales of feed grain for which an owner has been approved shall be made at times and in quantities which would normally permit feeding the grain to the owner's eligible livestock during the prescribed period.

§ 1475.207 Sales made through county offices.

When an owner desires to purchase grain pursuant to an approved application he shall, prior to any delivery, make payment to the county committee by means of an acceptable remittance for the quantity of grain purchased.

§ 1475.208 Pricing of grains.

(a) *Price for primary livestock.* The sale price of feed grain approved for primary livestock shall be 75 percent of the applicable county total support level. Such price for grain other than farm stored grain shall be F.O.B. purchaser's conveyance at point of delivery.

(b) *Price for secondary livestock.* The sale price of feed grain approved for secondary livestock shall be the applicable county total support level. Such price for grain other than farm stored grain shall be F.O.B. purchaser's conveyance at point of delivery.

(c) *Total support level.* The county total support level shall be the total of the basic support rate for loans on and purchases of the feed grain by CCC for the county in which the grain is delivered as set forth in the applicable CCC Price Support Bulletin plus the value of any applicable price support payment in kind. If no such county rate is set forth in the Bulletin it shall be a comparable rate as determined by DASCO. Notwithstanding the foregoing, in cases where it results in savings of delivery costs to CCC and it is determined to be necessary to effectuate the purposes of the program, DASCO may authorize delivery of grain in a county other than the county in which the application is filed at the total support level for the county in which the application is filed.

(d) *Inadvertent overdeliveries.* Inadvertent overdeliveries by CCC of feed grain in excess of the total approved quantity on the application shall be priced at the county total support level.

§ 1475.209 Sales of loan grain.

(a) *General.* No feed grain (including feed grain contained in processed feed made available through approved dealers) other than the owner's loan grain shall be sold to an owner under this program until all the owner's loan grain determined by the county committee to be within reasonable hauling distance of his livestock operation has been redeemed or purchased by him in accordance with this section except as provided in paragraph (c) of this section. The foregoing

requirements of this paragraph shall not apply to collateral securing a price support loan made jointly to the owner and another producer who is not participating in the program, except as otherwise provided in § 1475.205(d)(1). The quantity of feed grain which may be purchased by the applicant under this program shall be reduced by the quantity of loan grain redeemed.

(b) *Loan grain in farm storage.* (1) If the quantity of feed grain approved for purchase on an application equals or exceeds the quantity of feed grain which an applicant has under a farm storage loan (other than a loan specified in § 1475.205(d)(1)), CCC will (i) accelerate the maturity date of the loan, (ii) permit, in settlement of the loan, delivery of the owner's mortgaged grain to CCC on the farm where stored (settlement to be made on the basis of the class, grade, quality and quantity specified in the loan documents), and (iii) require the owner to purchase under such application the quantity of such grain as set forth on the loan documents at the applicable price under this program, and redeliver it to him on the farm where stored.

(2) If the quantity of any feed grain approved for purchase on an application is less than the quantity under a farm storage loan other than a loan specified in § 1475.205(d)(1), CCC shall, notwithstanding any provision of the loan documents to the contrary, (i) require advance delivery to CCC on the farm where stored of a quantity of the loan grain equal to the quantity to be purchased, (ii) accept delivery of such quantity of loan grain, (iii) credit the owner's loan with the settlement value of the quantity delivered on the basis of the applicable class, grade, quality, and quantity as set forth in the loan documents, (iv) require the owner to purchase the approved quantity of grain at the applicable price under this program, and (v) redeliver such grain to the owner on the farm where stored. Except for purchases of all of the grain that is in single bin or crib the quantity so purchased by the owner shall be removed from the storage structure and segregated from the grain which remains as collateral for the outstanding balance of the loan. If it is determined a conversion of loan grain has occurred, the maturity date of the entire loan shall be accelerated and the entire loan shall be settled in accordance with the applicable grain price support regulations.

(3) In computing storage payments due under reseal loans, the pro rata payments to which the owner is entitled shall be based on the storage period ending on the date the commodity is delivered to CCC in satisfaction of the loan.

(c) *Loan grain in warehouse storage.* (1) If the quantity of feed grain approved for purchase on an application equals or exceeds the quantity which an owner has under warehouse storage loan(s), other than a loan specified in § 1475.205(d)(1), CCC shall (i) accelerate the maturity date of the loan, (ii) acquire title to such grain in satisfaction of the loan, and (iii) require the owner to purchase under such application such grain at the applicable price under this program on delivery to him of the warehouse receipts representing such grain.

(2) If the quantity of feed grain approved for purchase on an application is less than the quantity which an owner has under warehouse storage loan, other than a loan specified in § 1475.205(d)(1), but equals or exceeds the quantity represented by one or more warehouse receipts, CCC shall (i) credit the owner's loan with the settlement value of the quantity and quality represented by such warehouse receipts in accordance with the settlement provisions in the applicable loan documents and price support regulations, and (ii) require the owner to purchase under such application the grain represented by such warehouse receipts at the applicable price under this program.

(3) The provisions of this section apply only to warehouse storage loans on grain with no transit privileges.

(4) In the case of grain delivered to an owner which has been under a warehouse storage loan, the owner shall be responsible to the warehouseman for payment of all warehouse charges on the grain. CCC shall refund to the owner any storage charges which had been deducted by CCC from the loan proceeds on the quantity of grain purchased by the owner. CCC shall also pay to the owner the receiving and load out charge applicable to the grain at not to exceed the rate specified in the Uniform Grain Storage Agreement.

§ 1475.210 Sales of Other CCC-owned grain.

CCC shall designate the delivery point and kind of CCC-owned grain to be sold under this program.

(a) *Delivery orders.* Delivery shall be authorized after payment is received by issuance of non-transferable delivery orders stating the kind and quantity of grain to be delivered. Quantities authorized by delivery orders shall not exceed the quantity of grain that can normally be fed between the expected date of delivery and the end of the prescribed period.

(b) *Bin site stored grain.* Title and risk of loss for grain specified in the delivery order and stored at a bin site shall pass to the owner when grain is placed in his conveyance at the bin site except that when the owner removes the grain from the bins the risk of loss shall pass to the owner at the time he takes possession of the grain. CCC shall be responsible for bin emptying charges and weighing. Delivery weight shall be obtained at a weighing point determined by the county office. The sale price shall not be subject to adjustment for the grade and quality actually delivered.

(c) *Warehouse and handler stored grain.* The owner shall take physical delivery of the grain as soon as possible after issuance of the delivery order but not later than a date which would normally permit feeding of the grain within the prescribed period. Title and risk of loss to the grain specified in the delivery order and stored at a warehouse or handler facility shall pass to the owner upon issuance of the delivery order. The owner shall promptly present the delivery order to the warehouseman or handler. CCC shall not be responsible for storage charges after the date of issuance of the delivery order but shall be responsible for handling charges at not to exceed the rate provided in CCC's agreements with the warehouseman or handler. Settlement for differences in quality or quantity between the grain delivered to the owner and the grain described in the delivery order, shall be made between the owner and the warehouseman or handler, except that in cases where there is a substantial underdelivery in quantity the owner shall not make settlement with the warehouseman or handler but shall promptly notify the county office and a revised delivery order will be issued to the owner.

(d) *Grain in carrier's conveyance.* In areas where (1) there is no bin site stored grain, or (2) no warehouseman or handler who will provide storage facilities, CCC shall ship and consign the required grain to the county committee. Delivery services will be performed under a contract or by persons hired by the county committee. Title and risk of loss shall pass to the owner on delivery of the grain into his conveyance or whenever he takes possession of the grain if prior to placing it in his conveyance. The sale price shall not be subject to adjustment for the grade and quality actually delivered. The grain shall be weighed at destination if scales approved by CCC are available. If such scales are not available, settlement weights shall be as determined by CCC. CCC shall bear charges for transportation to the delivery point, for unloading the grain from the carrier's vehicle for loading it into the owner's conveyance, and for weighing.

(e) *Unfit grain.* Notwithstanding the foregoing, if any feed grain delivered to an owner by CCC is not of a quality fit for feeding his livestock, he shall advise the county office and arrangements will be made for delivery of substitute feed grain.

(f) *Custom processing.* An owner who wishes to have grain purchased from CCC pelletized, ground, rolled, custom mixed, or otherwise processed may do so, if the feed is processed from the identical grain purchased from CCC or the feed accepted from the processor is processed from the same kind of grain of grade Number 3 or better quality and except for minor milling losses which result from causes without the fault or negligence of the processor from at least the same quantity as the grain purchased from CCC delivered for processing. CCC shall not be responsible for any processing or sacking charges. CCC grain shall not be exchanged for other ingredients, services, cash, credits or any other thing of value; and any amounts received by owner in settlement for any difference in quantity shall be paid to CCC.

§ 1475.211 Sales of grain advanced by dealers.

Any owner who prefers to purchase feed grain hereunder as a component of a processed feed from the stocks of

an approved dealer may do so upon proper request at the county office.

(a) *Dealers.* Interested persons may be approved as dealers (§ 1475.203(m)) by the county committee upon the execution of a Dealer's Agreement and the furnishing of acceptable performance security. Approval of a dealer may be suspended immediately in accordance with the regulations of CCC governing Suspension and Debarment (29 F.R. 10495 and any amendments thereto) upon probable cause for belief that the dealer has falsely certified, or violated, or failed to comply with the terms of the Dealer's Agreement or the provisions of these regulations.

(b) *Warrants.* After payment for the requested quantity of feed grain at applicable prices (§ 1475.208) the county office shall issue a nontransferable warrant to the owner for the kind and quantity of feed grain for which payment has been received and valid for use at such approved dealer as the applicant may select during such period as may be stated in the warrant. The owner may obtain as many separate warrants as shall be necessary to permit delivery of the net approved quantity (§ 1475.205 (d)(3)) during an authorized period. No delivery shall be made against a warrant after the expiration date of such warrant. If the full quantity of feed grain authorized to be advanced on a warrant is not physically delivered to the owner, the warrant shall be returned to the county office for reissuance or refund to the owner.

(c) *Feed grain advanced by dealer.* Upon presentation of the warrant by the owner and its acceptance by the dealer, the dealer shall physically deliver feed grain specified in the warrant from his stocks to the owner. The feed grain advanced to the owner under each individual warrant (1) shall be contained in a processed feed; (2) shall be physically delivered to the owner not earlier than the date of issuance nor later than the expiration date of the warrant; and (3) shall remain the property of the dealer until physically delivered to the owner f.o.b. the owner's conveyance at which time title shall pass to the owner.

(d) *Obligations of dealers and owners.* The warrant shall be used only for the purpose of obtaining the quantity of feed grain specified thereon and shall not be valid for other ingredients, services, cash, credits, or any other thing of value. The dealer shall not charge the owner for the value of the feed grain covered by the warrant and contained in the processed feed, or any weighing, load out or handling charge on such feed grain: *Provided, however,* That the dealer may charge the owner for the value of the other ingredients in the processed feed, additives, processing, bags, bagging, and similar costs as well as handling charges on that portion of the processed feed not covered by the warrant. Such costs shall not be the responsibility of CCC and will be settled between the dealer and the owner. The dealer shall retain a copy of the invoice, bill or other evidence of sale of the processed feed to the owner (§ 1475.213) showing the gross quantity of processed feed and the net quantity of feed grain therein physically delivered to the owner against the warrant.

(e) *Replacement of feed grain by CCC.* (1) Upon receipt of evidence satisfactory to CCC that the approved dealer has advanced and physically delivered feed grain in accordance with these regulations against the warrants issued to the owner, the county office shall issue a Dealer's Certificate to the dealer.

(2) Dealer's Certificates shall have a value specified thereon which is equal to the total market price of the feed grain physically delivered under applicable warrants. Such market price shall be established by CCC taking into consideration both local market prices and terminal market prices adjusted for transportation and handling costs.

(3) A Dealer's Certificate will be accepted at face value if presented to a commodity office and applied to the purchase of a feed grain in accordance with these regulations on a contract which specifies a "date of sale" not more than 30 days after the effective date of the certificate. If the specified date of sale is after such 30th day the face value shall be reduced by one twenty-fifth of one percent for each day beginning on the 31st day after the effective date of the certificate to, but not including the date it is received by CCC. The certificates may be transferred by endorsement to any other person. The commodity office shall determine the time and place of delivery and the class, grade and quality of feed grain delivered in redemption of Dealer's Certificates. Feed grain delivered under a Dealer's Certificate shall be sold at the applicable current market price determined by CCC. Overdeliveries of the quantity of grain requested for replacement shall be adjusted at the applicable market price.

(4) If the full amount of the Dealer's Certificate is not redeemed in feed grain a balance certificate shall be issued for the unused amount. If the amount is $3.00 or less, no balance certificate will be issued unless requested. The effective date of the balance certificate shall be the effective date of the original certificate against which it is issued. Balance certificates may be redeemed in feed grains in the same manner as the original certificates.

§ 1475.212 Disposition of grain and adjustment of sales price.

(a) *Feed for primary livestock.* The owner must feed to his primary livestock in the emergency area by the end of the prescribed period a total quantity of feed equal in feed equivalents to the quantity (1) acquired by him under the program (if such acquisition is in the form of processed feed from an approval dealer, the entire quantity of such processed feed shall be deemed acquired under this program for the purposes of this section) for primary livestock and (2) otherwise available to him for feeding his primary livestock at the time of his first application after the county was designated an emergency area.

(b) *Total feed for all eligible livestock.* The owner must feed to his eligible livestock (primary and secondary combined) in the emergency area by the end of the prescribed period a total quantity of feed equal in feed equivalents to the quantity (1) acquired by him under the program (if such acquisition is in the form of processed feed from an approved dealer, the entire quantity of such processed feed shall be deemed acquired under this program for the purposes of this section) and (2) otherwise available to him for feeding his eligible livestock at the time of his first application after the county was designated an emergency area.

(c) *Allocating available feed to classes of livestock.* The feed referred to in paragraphs (a)(2) and (b)(2) of this section shall be determined by allocating the feed available to the owner among primary, secondary and ineligible livestock and poultry in proportion to their normal feeding requirements as determined by the county committee.

(d) *Grace period.* Notwithstanding the provisions of paragraphs (a) and (b) of this section if the owner does not feed the required quantities of feed by the end of the prescribed period because of circumstances beyond his control, as determined by the county committee, a grace period for feeding after the prescribed period shall be granted as follows:

(1) If there was a delay by CCC, the warehouseman or the handler in delivering his grain, the grace period shall be equal to the period of delay in delivery.

(2) If the owner did not feed the required quantity due to unusually early or rapid growth of pasture, exceptionally mild weather, or other uncontrollable factors affecting rate of feeding, the grace period shall be of a length appropriate to the circumstances as determined by the county committee but not in excess of 30 days after the date established in subparagraph (1) of this paragraph, if any, or 30 days after the end of the prescribed period, whichever is the later.

(e) *Adjustments.* Except as provided in § 1475.214, an owner may elect to apply the feed grain acquired at the reduced prices specified in § 1475.208 to a sale for unrestricted use or to a sale for secondary livestock as the case may be, in the following manner. If the owner does not feed the quantity of feed specified in paragraph (a) of this section to his primary livestock or the quantity of feed specified in paragraph (b) of this section to his eligible livestock by the end of the prescribed period, or any extension thereof, he shall be deemed to have acquired the kind and quantity of feed grain specified in paragraph (f) of this scetion for unrestricted use and shall pay to CCC on demand the difference between the price paid for such feed grain and the price, as determined by CCC, of such feed grain for unrestricted use on the date of the delivery order, warrant, or other delivery authorization, as the case may be, for the last acquisition of such feed grain under the program: *Provided,* That if CCC determines that the quantity of feed which was not fed to the owner's primary livestock was actually fed by the owner to his secondary livestock within the prescribed period, or any extension thereof,

the owner shall be deemed to have acquired the kind and quantity of feed grain specified in paragraph (f) of this section for feeding to such livestock and shall pay to CCC, on demand, the balance due under § 1475.208(b) for such feed grain. If requested to do so by the county committee, the owner shall within 30 days of such request submit such information as may be requested by the county committee with respect to his livestock feeding operations.

(f) *Kind of feed grain involved in price adjustments.* The kind and quantity of feed grain on which the price adjustments specified in this section shall be based, if the feed grain involved was acquired from CCC, shall be the kind and quantity acquired from CCC which was not fed to the applicable livestock. If the feed involved was feed otherwise available to the owner for feeding his eligible livestock, the price adjustment shall be based on the kind of feed grain last acquired under the program and on a quantity of such feed grain equal in feed grain equivalents to the feed involved, as determined by CCC. If the feed involved was processed feed acquired from an approved dealer the price adjustment shall be based on the kind of feed grain for which payment was made to CCC and on a quantity equal to the quantity of such feed grain in the processed feed involved.

(g) *Reporting livestock changes.* If the owner disposes of or transfers any of his eligible livestock outside the emergency area, he shall report the fact promptly to the county office from which feed grain was purchased under the program. If the owner fails to feed the quantities of feed to primary livestock, or to all eligible livestock as specified in this section he shall report the fact promptly to the applicable county office.

§ 1475.213 Maintenance of books and records.

Warehousemen, handlers and dealers shall maintain and preserve for at least three full years following deliveries made against delivery orders and warrants and for such additional period as CCC may request in writing, books and records which will permit verification of all transactions with regard to delivery orders and warrants. An examination of such books and records by a duly authorized representative of the United States shall be permitted at any time during business hours.

§ 1475.214 Violations.

(a) *Disposal of grain to others.* The owner shall not dispose of feed grain acquired under the program (including any processed feed containing any feed grain acquired under the program) to any other person except (1) as permitted in § 1475.210 (f) or (2) following payment to CCC of the difference between the price at which the feed grain was acquired under the program and the price, as determined by CCC, at which such grain would have been made available by CCC to him for unrestricted use on the date of the delivery order, warrant or other delivery authorization, as the case may be, for the last acquisition of feed grain under the program from CCC. If the feed grain acquired from CCC is disposed of to any other person, except as permitted in the regulations of this subpart, without previous payment to CCC of the adjusted price as specified in this section the owner shall be subject to such civil penalties and to such criminal liabilities as are provided by applicable Federal statutes.

(b) *Fraudulent representations.* Any owner, warehouseman, handler, dealer or any other person may be suspended from participation in the program in accordance with the regulations of CCC governing Suspension and Debarment (29 F.R. 10495 and any amendments thereto) upon probable cause for belief that any such person has falsely certified, represented or reported under these regulations, or failed to comply with any provision of these regulations or of any contracts entered into under these regulations. The making of any such fraudulent representations shall render such person liable under applicable Federal criminal and civil statutes.

§ 1475.215 Termination of program.

The program provided for in this part for any county may be suspended or terminated at any time by the State committee, or DASCO, or the Secretary. Such suspension or termination in a county shall not apply to any delivery order or warrant issued prior to the effective date thereof.

§ 1475.216 Appeals.

Any owner who is dissatisfied with determination as to (a) his eligibility or eligibility of his livestock, or (b) quantity of feed grain approved for primary or secondary livestock may make a request for reconsideration or appeal such determinations in accordance with the procedures set forth in the Appeal Regulations of ASCS (29 F.R. 8200, June 30, 1964, and any Amendments thereto) except that determinations made by a State Committee or DASCO are not appealable by the applicant.

§ 1475.217 Authority not delegated.

No delegation herein to a State or county committee or a commodity office shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee or commodity office.

The recordkeeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of publication.

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

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

[F.R. Doc. 64-9897; Filed, Sept. 29, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Land Clearing Expenditures of Farmers; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, 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 a 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] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

The following regulations relating to land clearing expenditures of farmers, effective for taxable years beginning after December 31, 1962, are hereby prescribed under section 182 of the Internal Revenue Code of 1954, as added by section 21(a) of the Revenue Act of 1962 (76 Stat. 1063). In addition, the regulations under section 263 of such Code are amended in order to conform such regulations to section 21(b) of the Revenue Act of 1962 (76 Stat. 1064):

PARAGRAPH 1. There are inserted immediately after § 1.180–2 the following new sections:

§ 1.182 Statutory provisions; expenditures by farmers for clearing land.

SEC. 182. *Expenditures by farmers for clearing land*—(a) *In general.* A taxpayer engaged in the business of farming may elect to treat expenditures which are paid or incurred by him during the taxable year in the clearing of land for the purpose of making such land suitable for use in farming as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

(b) *Limitation.* The amount deductible under subsection (a) for any taxable year shall not exceed whichever of the following amounts is the lesser:

(1) $5,000, or

(2) 25 percent of the taxable income derived from farming during the taxable year.

For purposes of paragraph (2), the term "taxable income derived from farming" means the gross income derived from farming reduced by the deductions allowed by this chapter (other than by this section) which are attributable to the business of farming.

(c) *Definitions.* For purposes of subsection (a)—

(1) The term "clearing of land" includes (but is not limited to) the eradication of trees, stumps, and brush, the treatment or moving of earth, and the diversion of streams and watercourses.

(2) The term "land suitable for use in farming" means land which as a result of the activities described in paragraph (1) is suitable for use by the taxpayer or his tenant for the production of crops, fruits, or other agricultural products or for the sustenance of livestock.

(d) *Exceptions, etc.*—(1) *Exceptions.* The expenditures to which subsection (a) applies shall not include—

(A) The purchase, construction, installation, or improvement of structures, appliances, or facilities which are of a character which is subject to the allowance for depreciation provided in section 167, or

(B) Any amount paid or incurred which is allowable as a deduction without regard to this section.

(2) *Certain property used in the clearing of land*—(A) *Allowance for depreciation.* The expenditures to which subsection (a) applies shall include a reasonable allowance for depreciation with respect to property of the taxpayer which is used in the clearing of land for the purpose of making such land suitable for use in farming and which, if used in a trade or business, would be property subject to the allowance for depreciation provided by section 167.

(B) *Treatment as depreciation deduction.* For purposes of this chapter, any expenditure described in subparagraph (A) shall, to the extent allowed as a deduction under subsection (a), be treated as an amount allowed under section 167 for exhaustion, wear and tear, or obsolescence of the property which is used in the clearing of land.

(e) *Election.* The election under subsection (a) for any taxable year shall be made within the time prescribed by law (including extensions thereof) for filing the return for such taxable year. Such election shall be made in such manner as the Secretary or his delegate may by regulations prescribe. Such election may not be revoked except with the consent of the Secretary or his delegate.

[Sec. 182 as added by sec. 21, Rev. Act 1962 (76 Stat. 1063)]

§ 1.182–1 Expenditures by farmers for clearing land; in general.

Under section 182, a taxpayer engaged in the business of farming may elect, in the manner provided in § 1.182–6, to deduct certain expenditures paid or incurred by him in any taxable year beginning after December 31, 1962, in the clearing of land. The expenditures to which the election applies are all expenditures paid or incurred during the taxable year in clearing land for the purpose of making the "land suitable for use in farming" (as defined in § 1.182–4) which are not otherwise deductible (exclusive of expenditures for or in connection with depreciable items referred to in paragraph (b)(1) of § 1.182–3), but only if such expenditures are made in furtherance of the taxpayer's business of farming. The term "expenditures" to which the election applies also includes a reasonable allowance for depreciation (not otherwise allowable) on equipment used in the clearing of land provided such equipment, if used in the carrying on of a trade or business, would be subject to the allowance for depreciation under section 167. (See paragraph (c) of § 1.182–3.) (See section 175 and the regulations thereunder for deductibility of certain expenditures for treatment or moving of earth by a farmer where the land already qualifies as land used in farming as defined in § 1.175–4.) The amount deductible for any taxable year is limited to the lesser of $5,000 or 25 percent of the taxable income derived from farming (as defined in paragraph (a)(2) of § 1.182–5) during the taxable year. Expenditures paid or incurred in a taxable year in excess of the amount deductible under section 182 for such taxable year shall be treated as capital expenditures and shall constitute an adjustment to the basis of the land under section 1016(a).

§ 1.182–2 Definition of "the business of farming."

Under section 182, the election to deduct expenditures incurred in the clearing of land is applicable only to a taxpayer who is engaged in "the business of farming" during the taxable year. A taxpayer is engaged in the business of farming if he cultivates, operates, or manages a farm for gain or profit, either as owner or tenant. For purposes of section 182, a taxpayer who receives a rental (either in cash or in kind) which is based upon farm production is engaged in the business of farming. However, a taxpayer who receives a fixed rental (without reference to production) is engaged in the business of farming only if he participates to a material extent in the operation or management of the farm. A taxpayer engaged in forestry or the growing of timber is not thereby engaged in the business of farming. A person cultivating or operating a farm for recreation or pleasure rather than for profit is not engaged in the business of farming. For purposes of section 182 and this section, the term "farm" is used in its ordinary, accepted sense and includes stock, dairy, poultry, fish, fruit, and truck farms, and also plantations, ranches, ranges, and orchards. A fish farm is an area where fish are grown or raised, as opposed to merely caught or harvested; that is, an area where they are artificially fed, protected, cared for,

etc. A taxpayer is engaged in "the business of farming" if he is a member of a partnership engaged in the business of farming. See § 1.702–1.

§ 1.182–3 Definition, exceptions, etc., relating to deductible expenditures.

(a) *"Clearing of land."* (1) For purposes of section 182, the term "clearing of land" includes (but is not limited to)—

(i) The removal of rocks, stones, trees, stumps, brush or other natural impediments to the use of the land in farming through blasting, cutting, burning, bulldozing, plowing, or in any other way;

(ii) The treatment or moving of earth, including the construction, repair or removal of nondepreciable earthen structures, such as dikes or levies, if the purpose of such treatment or moving of earth is to protect, level, contour, terrace, or condition the land so as to permit its use as farming land; and

(iii) The diversion of streams and watercourses, including the construction of nondepreciable drainage facilities, provided that the purpose is to remove or divert water from the land so as to make it available for use in farming.

(2) The following are examples of land clearing activities:

(i) The cutting of trees, the blasting of the resulting stumps, and the burning of the residual undergrowth;

(ii) The leveling of land so as to permit irrigation or planting;

(iii) The removal of salt or other minerals which might inhibit cultivation of the soil;

(iv) The draining and filling in of a swamp or marsh; and

(v) The diversion of a stream from one watercourse to another.

(b) *Expenditures not allowed as a deduction under section 182.* (1) Section 182 applies only to expenditures for nondepreciable items. Accordingly, a taxpayer may not deduct expenditures for the purchase, construction, installation, or improvement of structures, appliances, or facilities which are of a character which is subject to the allowance for depreciation under section 167 and the regulations thereunder. Expenditures in respect of such depreciable property include those for materials, supplies, wages, fuel, freight, and the moving of earth, paid or incurred with respect to tanks, reservoirs, pipes, conduits, canals, dams, wells, or pumps constructed of masonry, concrete, tile, metal, wood, or other nonearthen material.

(2) Expenditures which are deductible without regard to section 182 are not deductible under section 182. Thus, such expenditures are deductible without being subject to the limitations imposed by section 182(b) and § 1.182–5. For example, section 182 does not apply to the ordinary and necessary expenses incurred in the business of farming which are deductible under section 162 even though they might otherwise be considered to be clearing of land expenditures, Section 182 also does not apply to interest (deductible under section 163) nor to taxes (deductible under section 164). Similarly, section 182 does not apply to any expenditures (whether or not currently deductible) paid or incurred for the purpose of soil or water conservation in respect of land used in farming, or for the prevention of erosion of land used in farming, within the meaning of section 175 and the regulations thereunder, nor to expenditures deductible under section 180 and the regulations thereunder, relating to expenditures for fertilizer, etc.

(c) *Depreciation.* In addition to expenditures for the activities described in paragraph (a) of this section, there also shall be treated as an expenditure to which section 182 applies a reasonable allowance for depreciation not otherwise deductible on property of the taxpayer which is used in the clearing of land for the purpose of making such land suitable for use in farming, provided the property is property which, if used in a trade or business, would be subject to the allowance for depreciation under section 167. Depreciation allowable as a deduction under section 182 is limited to the portion of depreciation which is attributable to the use of the property in the clearing of land. The depreciation shall be computed in accordance with section 167 and the regulations thereunder. To the extent an amount representing a reasonable allowance for depreciation with respect to property used in clearing land is treated as an expenditure to which section 182 applies, such depreciation shall, for purposes of chapter 1 of the Code, be treated as an amount allowed under section 167 for depreciation. Thus, if a deduction is allowed for depreciation under section 182 in respect of property used in clearing land, proper adjustment to the basis of the property so used shall be made under section 1016(a).

§ 1.182–4 Definition of "land suitable for use in farming", etc.

For purposes of section 182, the term "land suitable for use in farming" means land which, as a result of the land clearing activities described in paragraph (a) of § 1.182–3, could be used by the taxpayer or his tenant for the production of crops, fruits, or other agricultural products, including fish, or for the sustenance of livestock. The term "livestock" includes cattle, hogs, horses, mules, donkeys, sheep, goats, captive fur-bearing animals, chickens, turkeys, pigeons, and other poultry. Land used for the sustenance of livestock includes land used for grazing such livestock. Expenditures are considered to be for the purpose of making land suitable for use in farming by the taxpayer or his tenant only if made to prepare the land which is cleared for use by the taxpayer or his tenant in farming. Thus, if the taxpayer pays or incurs expenditures to clear land for the purpose of sale (whether or not for use in farming by the purchaser) or to be held by the taxpayer or his tenant other than for use in farming, section 182 does not apply to such expenditures. Whether the land is cleared for the purpose of making it suitable for use in farming by the taxpayer or his tenant, is a question of fact which must be resolved on the basis of all the relevant facts and circumstances. For purposes of section 182, it is not necessary that the land cleared actually be used in farming following the clearing activities. However, the fact that following the clearing operation, the land is used by the taxpayer or his tenant in the business of farming will, in most cases, constitute evidence that the purpose of the clearing was to make land suitable for use in farming by the taxpayer or his tenant. On the other hand, if the land cleared is sold or converted to nonfarming use soon after the taxpayer has completed his clearing activities, there will be a presumption that the expenditures were not made for the purpose of making the land suitable for use in farming by the taxpayer or his tenant. Other factors which will be considered in determining the taxpayer's purpose for clearing the land are, for example, the acreage, location, and character of the land cleared, the nature of the taxpayer's farming operation, and the use to which adjoining or nearby land is put.

(a) *Limitation*—(1) *General rule.* The amount of land clearing expenditures which the taxpayer may deduct under section 182 in any one taxable year is limited to the lesser of $5,000 or 25 percent of his "taxable income derived from farming". Expenditures in excess of the applicable limitation are to be charged to the capital account and constitute additions to the taxpayer's basis in the land.

(2) *Definition of "taxable income derived from farming".* For purposes of section 182, the term "taxable income derived from farming" means the gross income derived from the business of farming reduced by the deductions attributable to such gross income. Gross income derived from the business of farming is the gross income of the taxpayer derived from the production of crops, fruits, or other agricultural products, including fish, or from livestock (including livestock held for draft, breeding or dairy purposes). It does not include gains from sales of assets such as farm machinery or gains from the disposition of land. The deductions attributable to the business of farming are all the deductions allowed by chapter 1 of the Code (other than the deduction allowed by section 182) for expenditures or charges (including depreciation and amortization) paid or incurred in connection with the production or raising of crops, fruits, or other agricultural products, including fish, or livestock. However, the deduction under section 1202 (relating to the capital gains deduction) attributable to gain on the sale or other disposition of assets (other than draft, breeding, or dairy stock), and the net operating loss deduction (computed under section 172) shall not be taken into account in computing "taxable income derived from farming." Similarly, deductible losses on the sale, disposition, destruction, condemnation, or abandonment of assets (other than draft, breeding, or dairy stock) shall not be considered as deductions attributable to the business of farming. A taxpayer shall compute his gross income from farming in accordance with his accounting method used in determining gross income. (See the regulations under section 61 relating to accounting methods used by farmers in determining gross income.)

(b) *Examples.* The provisions of paragraph (a) of this section may be illustrated by the following examples:

Example 1. For the taxable year 1963, A, who uses the cash receipts and disbursements method of accounting, incurs expenditures to which section 182 applies in the amount of $2,000 and makes the election under section 182. A has the following items of income and deductions (without regard to section 182 expenditures).

Income:		
Proceeds from sale of his 1963 yield of corn	$10,000	
Proceeds from sales of milk	8,000	
Gain from disposition of old breeding cows	500	
Gain from sale of tractor	100	
Gain from sale of farmland	5,000	
Interest on loan to brother	100	
	23,700	
Deductions:		
Cost of labor	4,000	
Cost of feed	3,000	
Depreciation on farm equipment and buildings	2,500	
Cost of maintenance, fuel, etc.	2,000	
Interest paid, mortgage on farm buildings	1,000	
Interest paid, personal loan	500	
Loss on destruction of barn	2,000	
Loss on sale of truck	300	
Section 1202 deduction—gain on sale of cows (500 × ½)	250	
Section 1202 deduction—net gain on disposition of section 1231 property, other than cows [$2,800 ($5,100—$2,300) × ½]	1,400	$16,950
Net income before section 182 deduction		$6,750

For purposes of computing taxable income derived from farming under section 182, the following items of income and deductions are not taken into account:

Income:		
Gain from the sale of tractor	$100	
Gain from the sale of farmland	5,000	
Interest on loan to brother	100	
		$5,200
Deductions:		
Interest paid, personal loan	500	
Loss on destruction of barn	2,000	
Loss on sale of truck	300	
Section 1202 deduction—Net gain from disposition of 1231 assets other than cows	1,400	
		4,200

A's "taxable income derived from farming" for purposes of section 182 is $5,750; income of $18,500 ($23,700—$5,200), less deductions of $12,750 ($16,950—$4,200). A may deduct $1,437.50 (25% of $5,750) under section 182. The excess expenditures in the amount of $562.50 are to be charged to capital account and serve to increase the taxpayer's basis of the land.

Example 2. Assume the same facts as in example (1) and in addition, assume that A is allowed a deduction for a net operating loss carryback from the taxable year 1966 in the amount of $3,000. The net operating loss deduction will not be taken into account in computing A's "taxable income derived from farming" for 1963. Accordingly, A will not be required to recompute such taxable income for purposes of applying the limitation on the deduction provided in section 182 and the deduction of $1,437.50 will not be reduced.

§ 1.182–6 Election to deduct land clearing expenditures.

(a) *Manner of making election.* The election to deduct expenditures for land clearing provided by section 182(a) shall be made by means of a statement attached to the taxpayer's income tax return for the taxable year for which such election is to apply. The statement shall include the name and address of the taxpayer, shall be signed by the taxpayer (or his duly authorized representative), and shall be filed not later than the time prescribed by law for filing the income tax return (including extensions thereof) for the taxable year for which the election is to apply. The statement shall also set forth the amount and description of the expenditures for land clearing claimed as a deduction under section 182, and shall include a computation of "taxable income derived from farming", if the amount of such income is not the same as the net income from farming shown on Schedule F of Form 1040, increased by the amount of the deduction claimed under section 182.

(b) *Scope of election.* An election under section 182(a) shall apply only to the taxable year for which made. However, once made, an election applies to all expenditures described in § 1.182–3 paid or incurred during the taxable year, and is binding for such taxable year unless the district director consents to a revocation of such election. Requests for consent to revoke an election under section 182 shall be made by means of a letter to the district director for the district in which the taxpayer is required to file his return, setting forth the taxpayer's name, address and identification number, the year for which it is desired to revoke the election, and the reasons therefor. However, consent will not be granted where the only reason therefor is a change in tax consequences.

PAR. 2. Section 1.263(a) is amended by revising paragraph (1) of section 263(a) and by revising the historical note. These amended provisions read as follows:

§ 1.263(a) Statutory provisions; capital expenditures; general rule.

SEC. 263. *Capital expenditures*—(a) *General rule.* No deduction shall be allowed for—

(1) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate. This paragraph shall not apply to—

(A) Expenditures for the development of mines or deposits deductible under section 616,

(B) Research and experimental expenditures deductible under section 174,

(C) Soil and water conservation expenditures deductible under section 175,

(D) Expenditures by farmers for fertilizer, etc., deductible under section 180, or

(E) Expenditures by farmers for clearing land deductible under section 182.

* * * * *

[Sec. 263 as amended by sec. 6, Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1001); sec. 21(b), Rev. Act 1962 (76 Stat. 1064)]

PAR. 3. Paragraph (c) of § 1.263(a)–1 is amended to read as follows:

§ 1.263(a)–1 Capital expenditures; in general.

* * * * *

(c) The provisions of paragraph (a)(1) of this section shall not apply to expenditures deductible under—

(1) Section 616 and §§ 1.616–1 through 1.616–3, relating to the development of mines or deposits,

(2) Section 174 and §§ 1.174–1 through 1.174–4, relating to research and experimentation,

(3) Section 175 and §§ 1.175–1 through 1.175–6, relating to soil and water conservation,

(4) Section 180 and §§ 1.180–1 and 1.180–2, relating to expenditures by farmers for fertilizer, lime, etc., and

(5) Section 182 and §§ 1.182–1 through 1.182–6, relating to expenditures by farmers for clearing land.

PAR. 4. Paragraph (b) of § 1.263(a)–3 is amended to read as follows:

§ 1.263(a)–3 Election to deduct or capitalize certain expenditures.

* * * * *

(b) The sections referred to in paragraph (a) of this section include:

(1) Section 173 (circulation expenditures).

(2) Section 174 (research and experimental expenditures).

(3) Section 175 (soil and water conservation expenditures).

(4) Section 177 (trademark and trade name expenditures).

(5) Section 180 (expenditures by farmers for fertilizer, lime, etc.).

(6) Section 182 (expenditures by farmers for clearing land).

(7) Section 248 (organizational expenditures of a corporation).

(8) Section 266 (carrying charges).

(9) Section 615 (exploration expenditures).

(10) Section 616 (development expenditures).

[F.R. Doc. 64–9907; Filed, Sept. 29, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1036]

[Docket No. AO–179–A24]

MILK IN NORTHEASTERN OHIO MARKETING AREA

Notice of Hearing on Proposed Amendments 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 at the Statler Hilton Hotel, Euclid Avenue and East 12th Street, Cleveland, Ohio, beginning at 10 a.m., on October 20, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Northeastern Ohio 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 amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Akron Milk Producers, Inc.:

Proposal No. 1. Amend § 1036.7 "Producer" paragraph (b) and paragraph (c) to specifically require that the diversion rights be limited to five days' milk production during the months of August through March of each year, 15 days' milk production during the months of April through July of each year, and to provide that milk so diverted be deemed to have been received at the location of the plant to which diverted, rather than at the location of the pool plant from which it was diverted.

Proposal No. 2. Amend § 1036.8 "Pool plants", as follows: Amend paragraph (b) to specifically increase the percentage requirement contained therein from 30 percent to 50 percent. Amend paragraph (c) to increase the percentage requirement contained therein from 10 percent to 30 percent, and from 30 percent to 50 percent. Delete paragraph (e) in its entirety.

Proposal No. 3. Delete § 1036.18 "Reload point".

Proposal No. 4. Discontinue using the North Central Ohio statistical data in computing the Northeastern Ohio order Class I supply-demand adjustment.

Proposal No. 5. Amend § 1036.52 to read as follows:

§ 1036.52 Class II milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the Class III price plus 30 cents per hundredweight.

Proposal No. 6. Amend § 1036.53 by eliminating the phrase "but in no event shall the Class III price exceed the price computed pursuant to § 1036.52(b) plus 10 cents" at the end of this section.

Proposal No. 7. Amend § 1036.55(c) by the establishment of the computation of the amount of the location differential at the rate of 1.5 cents per hundredweight for each 10 miles, or fraction thereof, in excess of the initial 40.1–60 mile zone, and make a corresponding amendment to § 1036.81.

Proposal No. 8. Make such conforming changes in all other sections of the order as may be necessary to effectuate the substantive changes which are herein proposed.

Proposed by Milk Producers Federation:

Proposal No. 9. Amend § 1036.7(b) to read as follows:

§ 1036.7 Producer.

* * * * *

(b) Diverted from the farm directly to a nonpool plant for the account of a cooperative association or of a handler operating a pool plant: *Provided,* That such milk is received at a pool plant three times or more during the month. Milk so diverted shall be deemed to have been received at the pool plant from which diverted if for the account of the operator of such plant, or at an identical location if for the account of a cooperative association through diversion from the pool plant of a handler; and

* * * * *

Proposal No. 10. Delete § 1036.55(c) and substitute therefor the following:

§ 1036.55 Handler location adjustment.

* * * * *

(c) The rates of location adjustment credit shall be as follows, based on the shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator:

Distance:	*Cents per hundredweight*
40.1–60 miles	13

plus one cent per hundredweight for each 10 miles or fraction thereof in excess of 60 miles.

Proposal No. 11. Amend §§ 1036.51(a)(1) and 1036.51(a)(2) to delete the use of producer receipts and gross Class I utilization of the North Central Ohio marketing area Order No. 37 in computing the supply-demand adjustment and to make appropriate changes in the standard utilization percentages.

Proposal No. 12. Delete § 1036.52 and substitute the following:

§ 1036.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the Class III price as computed pursuant to § 1036.53 plus 30 cents.

Proposed by Wayne Cooperative Milk Producers, Inc.:

Proposal No. 13. Amend § 1036.7 to include the following after the next to the last word in paragraph (b): *"Provided,* That a producer whose farm is located in or beyond the 30-cent zone as determined in § 1036.81 and whose milk is diverted to a nonpool plant shall receive for the days diverted during the month the applicable zone price of a pool plant at the same location as the nonpool plant;"

Proposal No. 14. Delete § 1036.7(c) and substitute therefor the following:

(c) A handler or a cooperative association operating a pool plant may divert the milk production of a producer to another pool plant (or plants) which has a greater producer location adjustment rate for not more than one-half of the days of production during the month.

Proposed by Borden Company, Mid-West Division:

Proposal No. 15. Amend § 1036.41(c)(3) as follows:

(a) Disposed of for livestock feed.

(b) Any products dumped, subject to verification and approval by the market administrator.

Proposal No. 16. Amend § 1036.51(a) as follows:

Add $1.65 to the basic formula price for the preceding month.

Proposal No. 17. Provide for a take-out and pay-back plan on the basis of 20 cents take-out for April, 25 cents for May and June, and 20 cents for July, applied to total pounds of producer milk. The total monies accrued from the take-out shall be paid back on the basis of 20 percent for September, 30 percent for October and November, and 20 percent or the balance for December.

Proposed by Northeastern Ohio Milk Market Survey Committee:

Proposal No. 18. Amend § 1036.41 (a), (b) and (c) to effect the following:

A. Eliminate the Class II classification and move those products now in Class II to Class III.

B. Remove cream from Class I and include it in the lowest classification.

C. Classify in the lowest class of utilization the butterfat and skim milk in any product that is dumped, subject to prior notification and inspection (at his discretion) by the market administrator.

Proposal No. 19. Amend § 1036.6 by adding the following:

§ 1036.6 Handler.

* * * * *

(e) A cooperative association with respect to Grade A milk it receives from dairy farmers in a bulk tank truck, the operation of which is under the control of such cooperative association, and which is delivered in such bulk tank truck to a pool plant: *Provided,* That such milk shall be deemed to have been received directly from producers at a pool plant at the location of the pool plant to which it is first delivered by the tank truck, and make corresponding changes in such other provisions as will be necessary to permit a pool plant to buy milk at weights and tests received at the pool plant without being responsible for the individual farm weights and tests.

Proposal No. 20. Amend § 1036.12 so that the "Fluid Milk Product" definition does not include sterilized products packaged in hermetically sealed containers.

Proposed by Reiter and Harter:

Proposal No. 21. Amend § 1036.12 to read as follows:

§ 1036.12 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, reconstituted milk or skim milk and yogurt (except sterilized products packaged in hermetically sealed containers, cream (sweet or sour), eggnog, ice cream mix, frozen dessert mixes, aerated cream, milk and cream mixtures and sour cream mixtures).

Proposal No. 22. Amend § 1036.51 (Class I price formula) to provide for an average of $1.65 over basic formula price, 12 months of the year and revise the supply-demand adjustment and standard utilization percentages to eliminate reference to North Central Ohio.

Proposed by Sealtest Foods, Division, National Dairy Products Corporation:

Proposal No. 23. Delete the language in the "Pool plant provision", § 1036.8 and replace the same with the following:

§ 1036.8 Pool plant.

"Pool plant" means any milk plant specified in paragraph (a) or (b) of this section, approved by the appropriate health authority in the marketing area,

other than the plant of a producer handler or a plant for which the handler is exempt pursuant to other provisions of this part.

(a) A plant at which milk is packaged and from which (1) fluid milk products classified as Class I milk are distributed on a route in the marketing area; and (2) total disposition of such fluid milk products on routes is 60 percent or more of the total receipts during the month of milk approved for fluid use by duly authorized health authority from dairy farmers, through reload points and from other plants, except that during each of the months of April through July, the percentage requirement of this paragraph shall be 50 percent if such plant qualified during each of the preceding months of August through March.

(b) A plant from which there has been delivered to pool plants described in paragraph (a) of this section during the month 60 percent or more of its total dairy farm supply of milk, except that during each of the months of April through July, the percentage requirement for this paragraph shall be 50 percent if such plant qualified during each of the preceding months of August through March.

Proposal No. 24. Delete the language in § 1036.41(c)(3) and replace same with the following:

§ 1036.41 Classes of utilization.

* * * * *

(c) * * *

(3) Disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping.

* * * * *

Proposal No. 25. Amend Order No. 36, regulating the handling of milk in the Northeastern Ohio marketing area, to include in the "Handler" definition, § 1036.6, a provision that a cooperative association shall be a handler with respect to the milk of its member producers which is moved directly from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, or under control of, such cooperative association. Make such other revision in other portions of the order, such as "Producer", § 1036.7; "Reports", §§ 1036.30, 1036.31 and 1036.32; "Transfers", § 1036.43; "Computation of skim milk and butterfat in each class", § 1036.45; "Allocation", § 1036.46; "Payment", § 1036.80; "Producer-settlement fund", §§ 1036.84 and 1036.85; and "Expense of administration", § 1046.86; appropriate to integrate such handler status for cooperative associations with respect to such milk into the regulatory plan of the Order.

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

Proposal No. 26. 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, Post Office Box 7266, Cleveland, Ohio 44129, or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

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

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64–9894; Filed, Sept. 29, 1964; 8:47 a.m.]

[7 CFR Part 1131]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of 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 Central Arizona marketing area is being considered for the months of October and November 1964.

The provisions proposed to be suspended are:

1. In the introductory text of § 1131.51 (a) the words "and shall be increased or decreased by a 'supply-demand adjustment' (except that such supply-demand adjustment shall not be applicable to the Class I prices computed for July, August and September 1964) of not more than 50 cents computed as follows"; and

2. All of subparagraphs (1), (2) and (3) of § 1131.51(a).

Cooperative associations representing producers supplying milk to handlers regulated under the terms of the Central Arizona milk order have requested a suspension of the supply-demand adjustment to the Class I price to prevent a reduction in the Class I price of 16 cents in October and an estimated 13 cents in November.

The minus adjustment reflects unusually large supplies of milk in the summer months of 1964 in relation to Class I sales. Petitioners expect that Class I sales will increase during the fall months to the extent that the importation of milk will again be required this year to fulfill the fluid requirements of the market. Therefore, the suspension of the supply-demand adjustor is necessary to maintain production during the fall months when consumption is expected to increase sharply relative to supplies.

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–A, 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 September 24, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64–9895; Filed, Sept. 29, 1964; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 6212]

AIRWORTHINESS DIRECTIVE

General Dynamics Models 22 and 22M Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for General Dynamics Models 22 and 22M aircraft. Several instances of tubing failure have occurred under the tube supporting clamp at Wing Station 579 in the No. 1 and No. 4 engine fuel supply systems resulting in engine malfunction and flameout. These failures are caused by tubing reactive loads against the clamp during wing bending both in flight and on the ground where inadequate end clearance between adjoining tubes and misalinement of the support clamp exist. To correct this condition, this AD requires inspection and modification of the No. 1 and No. 4 engine fuel supply system tubing.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before October 29, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it it proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507) by adding the following airworthiness directive:

GENERAL DYNAMICS. Applies to Models 22 and 22M aircraft.

Compliance required as indicated.

Several failures of the No. 1 and No. 4 engine fuel supply tubes under the support clamp at Wing Station 579 have occurred, resulting in engine malfunction and flameout. To correct the condition causing these fuel line failures and to provide additional

tolerance for tubing flexure, accomplish the following:

(a) Within 500 hours' time in service and thereafter within 500-hour intervals, perform a leak check of the engine fuel supply tubes P/Ns 22-21427-73 and 22-21427-193 in the No. 1 and No. 4 fuel tanks respectively, in accordance with the procedures outlined in paragraph 2 of the Description and Recommendations section in General Dynamics/Convair Service Engineering Report No. 6820-880-8/880M-10 or an Aircraft Engineering Division, FAA Western Region, approved equivalent. Before further flight, repair and rework cracked tubes in accordance with the procedures outlined in Supplement A to General Dynamics/Convair Service Engineering Report No. 6820-880-8/880M-10 or an Aircraft Engineering Division, FAA Western Region, approved equivalent.

(b) Within 4,000 hours' time in service, rework the engine supply fuel tubes P/Ns 22-21427-73 and 22-21427-193 in No. 1 and No. 4 tanks respectively, in accordance with the procedures outlined in Supplement A to General Dynamics/Convair Service Engineering Report No. 6820-880-8/880M-10 or an Aircraft Engineering Division, FAA Western Region, approved equivalent unless already accomplished pursuant to paragraph (a).

(c) The fuel tube inspection required in paragraph (a) may be discontinued when the provisions of paragraph (b) have been complied with.

Issued in Washington, D.C., on September 24, 1964.

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

[F.R. Doc. 64-9908; Filed, Sept. 29, 1964; 8:48 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 335]

SECURITIES OF INSURED STATE NONMEMBER BANKS

Notice of Proposed Rule Making

The FEDERAL REGISTER of August 26, 1964, page 12116 et seq., contains a notice of proposed rule making and sets forth a proposed new Part 335 of the Federal Deposit Insurance Corporation's rules and regulations [12 CFR Part 301 et seq.] which the Board of Directors of the Federal Deposit Insurance Corporation is considering adopting pursuant to the provisions of Public Law 88-467 of the 88th Congress, 2d session, approved August 20, 1964.

The proposed rule prescribes contemplated rules and regulations governing the issuance of securities by insured banks which are not members of the Federal Reserve System. The notice of proposed rule making invited any relevant data, views or arguments relating to the proposed rule, from interested persons for consideration by the Board of Directors of the Federal Deposit Insurance Corporation, such data, views or arguments to be submitted by September 21, 1964. It is considered to be in the public interest to extend the time in which such material may be submitted by interested persons. Accordingly, the time within which interested persons may submit any relevant data, views or arguments wtih respect to the proposed new Part 335 of the Federal Deposit Insurance Corporation's rules and regulations has been extended to October 21, 1964.

Dated this 25th day of September 1964.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
LOUIS R. DENO,
Acting Secretary.

[F.R. Doc. 64-9904; Filed, Sept. 29, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release 33-4726]

DELIVERY OF PROSPECTUSES BY DEALERS

Notice of Proposed Rule Making

The effect of the dealers' transaction exemption in section 4(3)[1] of the Securities Act of 1933 is to require all dealers, whether or not they participate in the initial distribution of a registered security, to deliver a prospectus, when the jurisdictional means of section 5 are employed, for a designated period in connection with all transactions in a registered security being, or which has been, distributed, excepting only unsolicited brokers' transactions.[2] It should be noted that prospectuses must be delivered by an underwriter continuing to act as such and by a dealer effecting transactions in securities constituting the whole or a part of an unsold allotment to or subscription by such dealer as a participant in the distribution. This obligation of underwriters and dealers continues so long as they are participating in a distribution, no matter how much time has elapsed since the commencement of the offering.

Prior to the Securities Acts Amendments of 1964 (Amendments Act), the period during which prospectus delivery was required, in the case of a security as to which a registration statement had been filed, expired 40 days after the effective date of such registration statement or the date upon which the security was bona fide offered to the public by or through an underwriter after such effective date, whichever was later.[3]

The Amendments Act made two substantive changes in the dealers' transaction exemption, in addition to renumbering the various provisions of section 4 of the Act.[4]

First, the 40 day period, prior to the expiration of which dealers must deliver a prospectus, has been extended to 90 days with respect to transactions in a security as to which a registration statement has been filed if no securities of the issuer (of any class) have previously been sold pursuant to an earlier effective registration statement—so-called "first registered offerings."

Second, the Amendments Act gives the Commission power to shorten the 40 day or 90 day period by rule, regulation or order.

Importance of making prospectuses available. Issuers and underwriters should recognize an obligation to make copies of the prospectus readily available to dealers during the statutory period. If the requirements of an orderly and informed market are to be satisfied, a dealer should have copies of the prospectus available for inspection by his customers before making their investment decisions. At the very latest, the prospectus must accompany the confirmation or other first written offer, or the delivery of the security, as required by section 5(b) of the Act. Offices of underwriters, selling group members, the issuer, market makers in the security, the transfer agent and the registrar might all provide convenient depositories for prospectuses.

Legend notifying dealers of prospectus delivery requirement. In order that dealers will be apprised more readily of their obligations to deliver a prospectus, the Commission proposes to adopt a new Rule 425A (§ 230.425A of this chapter). It requires a statement on the cover of a prospectus stating the date on which the relevant 40 or 90 day period will expire. The proposed rule is as set forth below.

§ 230.425A Statement required on prospectus regarding delivery of prospectuses by dealers.

There shall be set forth on the outside cover page of every prospectus the following statement, inserting the expiration date of the period prescribed by section 4(3) of the Act and § 230.174 thereunder. This statement shall be printed in bold-face or italic type at least as large as eight point modern type and at least two points leaded.

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[1] Prior to the Securities Acts Amendments of 1964, this exemption was contained in the third unnumbered clause of section 4(1).

[2] The definition of "dealer" in the Securities Act of 1933 includes brokers. The brokers' transaction exemption in section 4(4) of the Act (designated as section 4(2) prior to the 1964 Amendments), applies to brokers' transactions executed upon customers' orders on any exchange or in the over-the-counter market but not the solicitation of such orders.

[3] In the case of a security offered in violation of the registration provisions of the Act, the period expires 40 days after the first date upon which the security was offered to the public by the issuer or by or through an underwriter. Although not expressly limited to offerings as to which a registration statement should have been filed, the legislative history of the applicable provision, now section 4(3)(A), makes clear that it was intended to apply only in such cases. S. Rep. No. 1036 at 14, and H.R. Rep. No. 1542 at 22, 83d Cong., 2d Sess. (1954).

[4] The first two clauses of the prior section 4(1), previously unnumbered, have been designated respectively as section 4(1), dealing with transactions by any person other than an issuer, underwriter, or dealer, and section 4(2), dealing with transactions by an issuer not involving any public offering. The provision relating to dealers' transactions, previously the third unnumbered clause of section 4(1), is now section 4(3). The brokers' transaction exemption, previously section 4(2), is now section 4(4).

Until _____ (insert date) all dealers effecting transactions in the registered securities, whether or not participating in this distribution, may be required to deliver a prospectus. This is in addition to the obligation of dealers to deliver a prospectus when acting as underwriters and with respect to their unsold allotments or subscriptions.

Shorting of statutory period. The Commission also proposes to adopt a new Rule 174 (§ 230.174) which would shorten or eliminate the statutory period in three instances. The rule makes clear, however, that its provisions do not apply to an underwriter continuing to act as such, or to a dealer participating in a distribution in a transaction in securities constituting an unsold allotment to or subscription by such dealer. Subject to the foregoing: (1) No dealer will be required to deliver a prospectus during the period of a distribution registered on Forms S–8 (§ 239.16b) (relating to certain offerings to employees), S–9 (§ 239.22) (relating to certain non-convertible fixed interest debt securities), S–12 (§ 239.19) (relating to American depositary receipts), and F–1 (§ 239.9) (relating to voting trust certificates); except that, in the case of registration on Form S–12 (§ 239.19) or F–1 (§ 239.9), the exemption will not apply if the deposited securities are also required to be registered. (2) The maximum period during which dealers must deliver a prospectus will expire in 40 days if the issuer has a class of securities listed and registered on a national securities exchange under section 12(b) of the Securities Exchange Act of 1934. (3) The maximum period during which dealers must deliver a prospectus will expire in 40 days with respect to all registration statements which became effective on or prior to August 20, 1964, the effective date of the Amendments Act.

The proposed rule makes clear that its special provisions are inapplicable if the registration statement was the subject of a stop order. It also reserves to the Commission the power to modify the applicable period by order upon application or on its own motion in particular cases. The proposed Rule 174 (§ 230.174) is set forth below.

§ 230.174 Delivery of prospectus by dealers; exemptions under section 4(3) of the act.

The obligations of a dealer (including an underwriter no longer acting as an underwriter in respect of the security involved in such transactions) to deliver a prospectus in transactions in a security as to which a registration statement has been filed taking place prior to the expiration of the 40 or 90 day period specified in section 4(3) of the Act after the effective date of such registration statement or prior to the expiration of such period after the first date upon which the security was bona fide offered to the public by the issuer or by or through an underwriter after such effective date, whichever is later, shall be subject to the following provisions:

(a) No prospectus need be delivered if the registration statement is on Form S–8 (§ 239.16b), S–9 (§ 239.22), S–12 (§ 239.19) or F–1 (§ 239.9): *Provided*, In the case of a registration statement on Form S–12 (§ 239.19) or F–1 (§ 239.9), this provision shall not apply if registration of the deposited securities is also required.

(b) If the issuer has a class of security listed and registered on a national securities exchange pursuant to section 12(b) of the Securities Exchange Act of 1934, the period during which a prospectus must be delivered shall be 40 days.

(c) The period during which a prospectus must be delivered shall be 40 days if the registration statement became effective on or prior to August 20, 1964.

(d) Notwithstanding the foregoing, the period during which a prospectus must be delivered by a dealer shall be:

(1) As specified in section 4(3) of the Act if the registration statement was the subject of a stop order issued under section 8 of the Act; or

(2) As the Commission may provide upon application or on its own motion in a particular case.

(e) Nothing in this rule shall affect the obligation to deliver a prospectus pursuant to the provisions of section 5 of the Act by a dealer who is acting as an underwriter with respect to the securities involved or who is engaged in a transaction as to securities constituting the whole or a part of an unsold allotment to or subscription by such dealer as a participant in the distribution of such securities by the issuer or by or through an underwriter.

The foregoing rules are proposed pursuant to the Securities Act of 1933, particularly sections 4(3) and 19(a) thereof.

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before October 12, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 14, 1964.

[F.R. Doc. 64–9873; Filed, Sept. 29, 1964; 8:45 a.m.]

[17 CFR Part 240]

[Release 34–7426]

"HELD OF RECORD" AND "TOTAL ASSETS"

Proposed Definitions

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 12g5–1 (§ 240.12g5–1) defining "held of record" and Rule 12g5–2 (§ 240.12g5–2) defining "total assets." These rules are proposed for the purpose of assisting in making the computations of number of record holders of equity securities and the amount of total assets required pursuant to the Securities Acts Amendments of 1964 signed by President Johnson August 20, 1964, adding a paragraph (g) to section 12 and amending section 15(d) of the Securities Exchange Act of 1934 (Exchange Act). The proposed rules would be adopted pursuant to sections 3(b), 12(g)(5) and 23(a) of the Exchange Act.

Section 12(g) of the Exchange Act will require the filing of a registration statement by a company which is engaged in interstate commerce or in business affecting interstate commerce or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, within 120 days after the last day of its first fiscal year ended after July 1, 1964 on which it has both total assets in excess of $1 million and a class of equity security (other than an exempted security) held of record by 750 or more persons. Such registration statement will become effective 60 days after filing with the Commission or such shorter period as the Commission may direct. After July 1, 1966 such a registration statement will be required by a company having both total assets in excess of $1 million and a class of equity securities held of record by 500 or more persons.

Section 3(a)(11) of the Exchange Act defines "equity security" to mean any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right. The term "class" is defined in section 12(g)(5) to include all securities of an issuer which are of substantially similar character and the holders of which enjoy substantially similar rights and privileges.

Exemptions are contained in section 12(g) for (1) securities listed and registered on a national securities exchange; (2) securities issued by registered investment companies; (3) securities (other than stock generally representing nonwithdrawable capital) of saving and loan associations and similar institutions; (4) securities of certain non-profit organizations operated exclusively for religious, educational, benevolent, fraternal, charitable or reformatory purposes; (5) securities of certain agricultural marketing cooperatives; (6) securities of certain non-profit mutual or cooperative organizations which supply a commodity or service primarily to members; and (7) securities of insurance companies required to comply with similar requirements under the supervision of the Commissioner of Insurance (or similar official) of the domiciliary State.

The effect of such registration is to provide information concerning such companies whose securities are traded over-the-counter such as was previously required generally only with respect to companies whose securities were listed on a national securities exchange and certain other companies including certain companies subject to section 15(d) because their securities were distributed to the public pursuant to a registration statement under the Securities Act of 1933. Furthermore, the effect of such registration will be that such companies must comply with the proxy rules adopted by the Commission pursuant to section 14 of the Exchange Act and the officers, directors and holders of more than 10 percent of a class of registered equity securities of such company will

be subject to the insider trading and reporting requirements of section 16 of the Act.

Section 12(g)(4) provides for termination of registration thereunder 90 days, or such shorter period as the Commission may determine, after the issuer files a certificate with the Commission that the number of holders of record of the class of equity securities is reduced to less than 300 persons. A similar provision is contained in section 15(d) of the Act which suspends the obligation to file reports thereunder.

Held of record. The proposed Rule 12g5–1 (§ 240.12g5–1) sets forth standards for determining securities which are "held of record" for the purposes of sections 12(g) and 15(d) of the Exchange Act. The rule would include as a separate holder each person, including each separate co-owner, identified on properly maintained records of securities holders as the owner of the security. Securities held of record by a corporation, partnership, trust or other organization, as well as securities held by one or more fiduciaries for a single trust, estate or account would be counted as a single record holder.

Securities held of record by two persons with the same surname would be deemed to be held by one person; for example, a husband and wife holding as co-owners would be regarded as a single holder. Furthermore, each outstanding certificate for an unregistered or bearer security would be deemed to be held of record by a separate person unless an issuer can establish that if they were registered they would be held of record under the provisions of this rule by a lesser number of persons.

Notwithstanding the foregoing, securities held subject to a voting trust, deposit agreement or similar arrangement would be deemed to be held of record by the record holders of the certificates for such securities; and employees who have a direct beneficial interest in securities held by a stock purchase, savings, pension, retirement or similar plan would be deemed to be the record holders of such securities. Also, where equity securities are registered in the name of a broker or dealer for customers' accounts or in the name of a bank for custody or investment advisory accounts, or by a nominee for any of them, they would be counted as held of record by the number of separate accounts for which the securities are held. Provision would be made whereby the issuer could rely in good faith on information received from such sources at the issuer's request. Owners of stock carried in the name of brokers, dealers or banks or their nominees will usually have the opportunity to transfer such stock into their own names for the purpose of being counted as holders of record and thereby assure, in an appropriate case, the filing of reports, proxy material and information concerning insider transactions in equity securities as well as the right to recover insider trading profits under the provisions of section 16. Finally, it is proposed that if the issuer knows or has reason to know that the form of holding securities of record is used primarily to circumvent the provisions of the Exchange Act, the beneficial owners shall be deemed to be the record owners thereof.

The text of proposed Rule 12g5–1 (§ 240.12g5–1) is as follows:

§ 240.12g5–1 Definition of securities "held of record".

(a) For the purpose of determining whether an issuer is subject to the provisions of sections 12(g) and 15(d) of the act, securities shall be deemed to be "held of record" by each person who is identified either as an owner or as a co-owner of such securities on records of security holders maintained by or on behalf of the issuer, subject to the following:

(1) Any person who would be identified as such an owner on such records, if they were properly maintained, shall be included as a holder of record.

(2) Securities identified as held of record by a corporation, a partnership, a trust, whether or not the trustees are named, or other organization shall be included as so held by one person.

(3) Securities identified as held of record by one or more persons as trustees, executors, guardians, custodians or in other fiduciary capacities with respect to a single trust, estate or account shall be included as held of record by one person.

(4) Securities held by two persons with the same surname as co-owners shall be included as held by one person.

(5) Each outstanding certificate for an unregistered or bearer security shall be included as held of record by a separate person, except to the extent that the issuer can establish that, if such securities were registered, they would be held of record, under the provisions of this rule, by a lesser number of persons.

(b) Notwithstanding paragraph (a) of this section:

(1) Securities held subject to a voting trust, deposit agreement or similar arrangement shall be included as held or record by the record holders of the voting trust certificates, certificates of deposit, receipt or similar evidence of interest in such securities.

(2) Securities of an issuer held by a stock purchase, savings, pension, retirement or similar plan for the benefit of the employees of such issuer or its affiliates, shall be included as held or record by the persons who have a direct beneficial interest in such securities.

(3) To the extent indicated below, securities registered in the name of a broker, dealer or bank or nominee for any of them, which at the time are being held by the broker or dealer in customers' accounts or by the bank in custody or investment advisory accounts, shall be included as held of record by the number of separate accounts for which the securities are held. Each registered owner known by the issuer, or a person maintaining its record of security holders, to be a broker, dealer or bank or nominee for any of them shall be requested to furnish the issuer the number of such separate accounts. A recipient of such a request will be expected to comply only to the extent the information can be readily supplied, and the issuer may rely in good faith on such information as is received in response to the request.

(4) If the issuer knows or has reason to know that the form of holding securities of record is used primarily to circumvent the provisions of section 12(g) or 15(d) of the act, the beneficial owners of such securities shall be deemed to be the record owners thereof.

Total assets. Proposed Rule 12g5–2 (§ 240.12g5–2) defines "total assets" to mean the total assets as shown on the issuer's balance sheet or as shown on the balance sheet of the issuer and its subsidiaries consolidated, whichever is larger. Such balance sheet shall be prepared as required by the registration form and the pertinent provisions of Regulation S–X (17 CFR Part 210), which requires the deduction of valuation and qualifying reserves from the specific assets to which they apply.

The text of proposed Rule 12g5–2 (§ 240.12g5–2) is as follows:

§ 240.12g5–2 Definition of "total assets".

For the purpose of section 12(g)(1) of the act, the term "total assets" shall mean the total assets as shown on the issuer's balance sheet or the balance sheet of the issuer and its subsidiaries consolidated, whichever is the larger, as required to be filed on the form prescribed for registration under this section and prepared in accordance with the pertinent provisions of Regulation S–X (17 CFR Part 210).

All interested persons are invited to submit their views and comments on the proposed rules in writing to the Securities and Exchange Commission, Washington, D.C., 20549, on or before October 12, 1964. Unless the person submitting any such comments or suggestions requests in writing that they be held confidential, they will be public records, available for public inspection.

By the Commission.

SEPTEMBER 14, 1964.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–9875; Filed, Sept. 29, 1964; 8:45 a.m.]

[17 CFR Part 240]

[Release 34–7428]

UNLISTED TRADING PRIVILEGES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed amendment to Rule 12f–4 (§ 240.12f–4), dealing with exemption from sections 13, 14 and 16 of the Securities Exchange Act of 1934 for issuers of securities admitted to unlisted trading privileges on a national securities exchange. The amendments are necessitated by certain changes in the Act resulting from the Securities Acts Amendments of 1964 ("Amendments Act"), namely, the revision of section 15(d) and the addition of section 12(g).

The present Rule 12f–4(a) (§ 240.12f–4(a)) exempts certain companies with securities admitted to unlisted trading privileges from the obligation to file information, documents and reports under section 13 of the Act. However, many of the companies exempt under this provision were, prior to the Amendments Act, required to make such filings pursuant to the provisions of section 15(d). The Amendments Act has revised section 15(d) to provide that the obligations thereunder are automatically suspended if any security of the issuer is "registered pursuant to section 12." Since securities admitted to unlisted trading privileges are deemed to be "registered" pursuant to section 12, by virtue of section 12(f)(6), the amendment to section 15(d) has the effect of eliminating the need to make filings under that section for issuers with a class of security admitted to unlisted trading privileges. A proviso would be added to the end of the Rule 12f–4(a) (§ 240.12f–4(a)). The effect of the proviso is to subject issuers with a security admitted to unlisted trading privileges to the requirements of section 13, as of the effective date of the statutory amendment, if such issuers would have been subject to the equivalent requirements under section 15(d) but for the fact that they are deemed to have a class of security "registered pursuant to section 12" by virtue of section 12(f)(6). It should be noted that issuers covered by the proviso will be required to file copies of their reports with the exchanges on which they are traded as well as with the Commission.

The exemptions in Rule 12f–4 (§ 240.12f–4) are inapplicable to an issuer which has a security registered as a listed security on a national securities exchange. Consistent with the purpose of the Amendments Act, the exemptions will also be made inapplicable to issuers of over-the-counter securities which are or are required to be registered pursuant to the new section 12(g).

Other minor changes are proposed to be made in the wording of the rule to reflect changes in statutory language. Rule 12f–4 (§ 240.12f–4) as proposed to be amended is set forth below.

§ 240.12f–4 Exemption of securities admitted to unlisted trading privileges from sections 13, 14 and 16.

(a) Any security for which unlisted trading privileges on any national securities exchange have been continued or extended pursuant to section 12(f), the issuer of which has no security registered as a listed security on such exchange or registered or required to be registered pursuant to section 12(g), shall be exempt from the operation of section 13 with respect to the filing of information, documents, and reports by the issuer thereof with such exchange, and, unless the issuer also has a security registered as a listed security on any other national securities exchange, with respect to such filing with the Commission: *Provided,* That such exemption shall not apply after August 20, 1964 to a security, the issuer of which would be required to file information, documents and reports pursuant to section 15(d) but for the fact that securities of such issuer are deemed to be registered on a national securities exchange under section 12(f)(6).

(b) Any security for which unlisted trading privileges on any national securities exchange have been continued or extended pursuant to section 12(f) shall be exempt from the operation of section 14 unless such security is also registered or required to be registered pursuant to sections 12(b) or 12(g).

(c)(1) Any security for which unlisted trading privileges on any national securities exchange have been continued or extended, the issuer of which has no equity security registered or required to be registered pursuant to sections 12(b) or 12(g), shall be exempt from the operation of section 16.

(2) Any security not registered or required to be registered pursuant to sections 12(b) or 12(g), for which unlisted trading privileges on any national securities exchange have been continued or extended, the issuer of which has another equity security registered pursuant to sections 12(b) or 12(g), shall be exempt from the operation of section 16 insofar as the provisions of that section would otherwise apply to any person who is directly or indirectly the beneficial owner of more than 10 percent of such unlisted security: *Provided,* That such person is neither a director or officer of the issuer thereof nor directly or indirectly the beneficial owner of more than 10 percent of any class of any equity security of such issuer which is registered or required to be registered pursuant to sections 12(b) or 12(g).

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before October 12, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 14, 1964.

[F.R. Doc. 64–9877; Filed, Sept. 29, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FORT PAYNE LIVESTOCK SALES ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name and location of stockyard; date of posting

Fort Payne Livestock Sales, Fort Payne, Alabama; July 1, 1959.

White Livestock Commission Company, Inc., 2715 Second Avenue North, Birmingham, Alabama; May 22, 1959.

Meadow Brook Stables, Novato, California; October 30, 1962.

Livestock Auction, Inc., Sarasota, Florida; February 24, 1960.

Franklin County Live Stock and Commission Sales, Sesser, Illinois; May 5, 1964.

Brabham's Livestock Commission Market, Leesville, Louisiana; March 2, 1959.

Minden Auction Barn, Minden, Louisiana; June 9, 1961.

Deer Creek Livestock Sales, Hollandale, Mississippi; January 13, 1959.

Richton Stockyard, Richton, Mississippi; February 18, 1959.

Yazoo Livestock Auction, Yazoo City, Mississippi; January 13, 1959.

Horseheads Livestock Mkt., Inc., Horseheads, New York; August 1, 1960.

Valley Auction Market, Eugene, Oregon; August 15, 1961.

Gallatin Livestock Market, Inc., Gallatin, Tennessee; May 6, 1959.

Notice or other public procedure has not preceded promulgation or the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 24th day of September 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-9896; Filed, Sept. 29, 1964; 8:47 a.m.]

Agricultural Stabilization and Conservation Service

SUGARCANE FAIR PRICES IN PUERTO RICO AND FAIR WAGES AND PRICES IN THE VIRGIN ISLANDS AND DESIGNATION OF PRESIDING OFFICES

Notice of Hearing

Pursuant to the authority contained in subsections (c)(1) and (c)(2) of section 301 of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U.S.C. 1131) and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq), notice is hereby given that public hearings will be held as follows:

At Santurce, Puerto Rico, in the Conference Room of the Agricultural Stabilization and Conservation Service Office, Segarra Building, on October 22, 1964, at 9:30 a.m.

At Christiansted, St. Croix, Virgin Islands, in the District Court Room, Government House, on October 27, 1964, at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301 (c)(1) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1965 on farms with respect to which applications for payment under the said act are made, and (2) pursuant to the provisions of section 301 (c)(2) of said act, fair and reasonable prices for the 1964–65 crop of Puerto Rican sugarcane and the 1965 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said act.

To obtain the best possible information, the Department requests that all interested parties appear at the hearings to express their views and to present appropriate data with respect to the subject matter involved.

While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters regarding fair prices for sugarcane in Puerto Rico:

1. The inclusion in the sugar yield formula of a factor to compensate for dilution of crusher juice due to the washing of sugarcane, and recommendations regarding the methods and procedures to be followed by mills in determining such factor. To assist the interested parties, a proposed procedure for determining dilution compensation factors will be available through the ASCS Caribbean Area Office, P.O. Box 8037, San Juan, Puerto Rico, 00910, about October 15, 1964.

2. An increase in the producers' share of raw sugar at the several levels of sugar yields per hundred pounds of sugarcane. In establishing fair and reasonable prices which processor-producers must pay for sugarcane purchased from other producers, the major standard considered by the Department is the relationship between the costs of producing sugarcane and of processing raw sugar. It is desirable that total returns from the sugar crop be shared by producers and processor-producers in about the same ratio as costs are sustained by them. Of late, the producers' share of total costs has risen at a faster rate than their share of total returns. These trends may continue for subsequent crops.

3. Proposals for changes in methods of determining the sugar yield of sugarcane delivered by individual producers. The method followed in the past has involved the sampling of crusher juice of producers' cane. Alternative methods such as core sampling of cane or the use of a sample mill, have been considered. Recommendations are desired regarding the need for providing such alternative methods in the 1964–65 crop fair price determination.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Tom O. Murphy, A. A. Greenwood, Ward S. Stevenson, and Carlos G. Troche are hereby designated as presiding officers to conduct jointly or severally the foregoing hearings.

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

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

[F.R. Doc. 64-9920; Filed, Sept. 29, 1964; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 41]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through September 18, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government

policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

Flag of Registry and Name of Ship	Gross tonnage
Total all flags—(245 ships)	1,793,827
British (86 ships)	689,547
Amalia	7,189
Amazon River	7,234
Ardenode	7,036
Ardgem	6,981
Ardmore	4,664
Ardpatrick	7,054
Ardrowan	7,300
Ardsirod	7,025
**Arlington Court (now Southgate—British flag).	
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Canuk Trader	7,151
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939
Denmark Hill	7,150
East Breeze	8,708
Eastfortune	8,789
Eirini	7,402
Free Enterprise	6,807
Free Merchant	5,237
Garthdale	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag)	7,201
Kinross	5,388
**Kirriemoor (now Jhelum—Pakistani flag)	5,923
La Hortensia	9,486
Linkmoor	8,236
London Endurance (Tanker)	10,081
London Glory (Tanker)	10,081
London Majesty (Tanker)	12,132
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Maple Hill	7,139
Maratha Enterprise	7,166
Muswell Hill	7,131
Nancy Dee	6,597
Newdene	7,181
Newforest	7,185
Newgate	6,743
Newglade	7,368
Newgrove	7,172
Newheath	5,891
Newhill	7,855
Newlane	7,043
Newmeadow	5,654
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Peony	9,037
Redbrook	7,388
Ruthy Ann	7,361
Sandsend	7,236
Santa Granda	7,229
Sea Coral	10,421
Sea Empress	10,074
Shienfoon	7,127
Shun Fung	7,148
British—Continued	
Soclyve	7,291
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag)	9,662
Stanwear	8,108
Streatham Hill	7,130
Sudbury Hill	7,140
Suva Breeze	4,970
Swift River	7,251
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag)	5,269
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Woldingham Hill	7,113
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Lebanese (57 ships)	381,488
Agia Sophia	3,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Al Amin	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
Carnation	4,884
**Christos (trip to Cuba under ex-name, Pamit—Greek flag)	
Claire	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Kapetanissa	7,281
Katerina	9,357
Leftric	7,176
Malou	7,145
Mantric	7,255
Marichristina	7,124
Marymark	4,383
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Nictric	7,296
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
San John	5,172
San Spyridon	7,260
Stevo	7,066
*Taxiarhis	7,349
Tertric	7,045
Theodoros Lemos	7,198
Theologos	6,529
Toula	4,561
Troyan	7,243
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Greek (43 ships)	342,576
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hong Kong shipbreakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	6,712
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
**Gloria (now Helen—Greek flag)	7,128
**Helen (trip to Cuba under ex-name, Gloria—Greek flag).	
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
**Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag).	
Perseus (Tanker)	15,852
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Propontis	7,128
Proteus (Tanker)	16,718
Redestos	5,911
**Seirois (broken up)	7,239
Sirius (Tanker)	16,241
**Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,244
**Timios Stavros (now British flag).	
Tina	7,362
Western Trader	9,268
Polish (13 ships)	87,426
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Italian (12 ships)	102,013
Achille	6,950
Agostino Bertani	8,380
Andrea Costa (Tanker)	10,440
Aspromonte	7,154
Giuseppe Giulietti (Tanker)	17,519

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

*Added to Report No. 40, appearing in the FEDERAL REGISTER, issue of September 15, 1964.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Italian—Continued	
Montiron	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (Tanker)	12,461
Santa Lucia	9,278
Somalia	3,352
Yugoslav (7 ships)	49,926
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Mojkovac	7,125
Promina	6,960
**Trebisnjica (Wrecked)	7,145
Spanish (5 ships)	6,193
Escorpion	999
Sierra Andia	1,596
Sierra Aranzazu	1,600
Sierra Madre	999
Sierra Maria	999
French (5 ships)	12,652
Circe	2,874
Enee	1,232
Mungo	4,820
Nelee	2,874
Neve	852
Moroccan (5 ships)	35,828
Atlas	10,392
Banora	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Norwegian (4 ships)	34,503
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine—(now Jezreel—Panamanian flag)	4,750
Swedish (3 ships)	17,123
Amfred	2,828
**Atlantic Friend—(now Atlantic Venture—Liberian flag)	7,805
Dagmar	6,490
Finnish (3 ships)	26,026
Augusta Paulin	7,096
Susan Paulin	7,239
Valny (Tanker)	11,691
Kuwaiti (1 ship):	
Maha	1,392
Cypriot (1 ship):	
Adelphos Petrakis	7,134
**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).	
Panamanian	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).	
Pakistani	
**Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
British (2 ships)	14,263
Oak Hill	7,139
Sycamore Hill	7,124

b. Previous reports:

Flag of registry:	Number of ships
British	15
Danish	1
French	1
German (West)	1
Greek	16
Italian	5
Japanese	1
Norwegian	2
Spanish	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through September 18, 1964:

Flag of registry	Number of trips										
	1963	1964									
		Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Total
British	133	15	7	21	20	18	19	18	17	2	270
Lebanese	64	6	4	13	8	8	10	8	9	2	132
Greek	99	1	5	3		6	1	1	4	1	121
Italian	16	1		1	3	1	4	2	2		30
Norwegian	14	2	1		1	2	1		1		22
Spanish	8		3		3		2	2	2	1	21
Yugoslav	12	1	1	1	1			3			19
Moroccan	9		2			2	1	3	1		18
French	8				1			2	2		13
Swedish	3						2				5
Finnish	1						1		1		3
Cypriot								1			1
Danish	1										1
German (West)	1										1
Japanese	1										1
Kuwaiti								1			1
Subtotal	370	26	23	39	37	37	41	41	39	6	659
Polish	18	1	3	1	2		2	1			28
Grand total	388	27	26	40	39	37	43	42	39	6	687

NOTE: Trip totals in this section exceed ship totals in Sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: September 22, 1964.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64-9886; Filed, Sept. 29, 1964; 8:46 a.m.]

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.
Liberian:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346(d)(1)), notice is given that a petition (PP 3F0406) has been filed by Geigy Agricultural Chemicals, Division of Geigy Chemical Corporation, P.O. Box 430, Yonkers, New York, proposing the establishment of a tolerance of 0.75 part per million for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on the fat, meat, and meat byproducts of cattle from preslaughter application.

The petition was found to be deficient because of the absence of the completed report of the reproduction study in the rat. However, the petitioner expressed the intention of amending the petition with this study when completed and requested that the petition be filed as submitted, as provided in § 120.7(d).

The analytical methods proposed in the petition for determining residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate are the sulfide and phosphorus methods. In the sulfide method the residue is extracted with petroleum ether and after suitable cleanup is transferred to hydrobromic acid. This solution is then boiled, converting the sulfur to hydrogen sulfide. The hydrogen sulfide is trapped in zinc acetate solution and determined spectrophotometrically at 670 millimicrons as methylene blue. In the phosphorus method the residue is extracted with pentane and after suitable cleanup is oxidized with nitric and perchloric acids.

The phosphorus is determined spectrophotometrically at 830 millicrons as sodium phosphomolybdate.

(Sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346(d)(1))

Dated: September 23, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-9906; Filed, Sept. 29, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14924]

AMERICAN MILWAUKEE DELETION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on October 21, 1964, at 10 a.m., local time, in Room 310, Milwaukee State Office Building, 819 Sixth Street, Milwaukee, Wisconsin, before the undersigned examiner.

Dated at Washington, D.C., September 24, 1964.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 64-9915; Filed, Sept. 29, 1964; 8:49 a.m.]

[Docket No. 15433]

PANAMA AERONAUTICA, S.A.

Notice of Prehearing Conference

In the matter of the cancellation of the foreign air carrier permit of Panama Aeronautica, S.A.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 6, 1964, at 10:00 a.m., e.d.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., September 25, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-9916; Filed, Sept. 29, 1964; 8:49 a.m.]

[Docket No. 14945; Order E-21323]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of September 1964.

Agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates; Docket No. 14945, Agreement C.A.B. 17869, R-10.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum JT12/Rates 3182 names and additional specific commodity rate as follows:

Item 2452, Pullovers and Cardigans.
Rate: 60 cents per kilogram, minimum weight 500 kilograms, from Paris to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 17869, R-10, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-9917; Filed, Sept. 29, 1964; 8:49 a.m.]

[Docket No. 13777; Order E-21324]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of September 1964.

Agreements adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17666, R-53.

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

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum TC1/Rates 2031, names an additional specific commodity rate as follows:

Item 0006, Foodstuffs, Spices and Beverages, N.E.S.
Rate: 32 cents per kilogram, minimum weight 500 kilograms, from New York to Barbados.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 17666, R-53, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-9918; Filed, Sept. 29, 1964; 8:49 a.m.]

[Docket No. 13908; Order E-21325]

UNITED STATES OVERSEAS AIRLINES, INC.

Order of Immediate Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of September 1964.

UNITED STATES OVERSEAS AIRLINES, INC., Interim Certificate for supplemental air transportation pursuant to Public Law 87-528; Docket No. 13908.

Pursuant to Order E-18884, dated October 5, 1962, United States Overseas Airlines, Inc. (USOA) was awarded an interim certificate to engage in supplemental air transportation pursuant to Public Law 87-528, pending disposition of its applications for certificates of public convenience and necessity under section 401(d)(3) of the Federal Aviation Act of 1958, as amended (Act).[1]

Section 401(n) of the Act gives the Board express statutory authority to impose certain requirements upon supplemental carriers that will assure the pub-

[1] This interim certificate was amended by Orders E-19144, E-19207, E-19328, E-19437, E-20055, and E-20522.

lic of financially responsible and safe transportation. The requirement is imposed that the carrier be, and continue to be, fit, willing and able to perform the services authorized, and to conform to the provisions of the Act and the requirements thereunder. The foregoing requirement was expressly attached as a condition to the authority granted USOA in its interim certificate.

The Board has for some time been concerned with the financial fitness of USOA, within the meaning of the statute, and has met with representatives of the carrier in order to obtain information concerning the carrier's current condition and prospects for the future. Staff representatives of the Board also recently inspected USOA's premises [1a] and records for the purpose of assisting the Board in arriving at a determination of USOA's operating and financial fitness. The Board is convinced in the light of all the facts available to it, that immediate action is required to suspend the operating authority of USOA, because the carrier can no longer be considered fit financially.

In the two years ended June 30, 1964, the carrier has suffered operating losses totaling $1,284,000, and in the last six months of this period the operating loss was $409,000.[2] During the same two-year period, net worth declined by $430,000 to a negative amount of $1,298,000,[3] and the ratio of current assets to current liabilities deteriorated significantly with negative working capital in excess of $700,000. As of June 30, 1964, 38 percent of its current liabilities were overdue, a deterioration of 15 percentage points from the situation existing at the end of December 1963.[4] The carrier has been able to continue in operation and meet its large debt requirements only through a constant liquidation of fixed assets. Thus, its fixed assets declined by $1,367,000 during the two years ended June 30, 1964, including a reduction in owned aircraft from 14 to 8.[5]

It is significant that the above summary of the carrier's financial condition, and the Board's action herein, is based on its own reported figures.[5a] However, the company has not been audited by public accountants since December 31, 1962 and this last report was rendered without opinion. USOA has a consistently unsatisfactory report filing record with the Board which has continued despite repeated efforts on the part of the Board to correct this situation. Further, a review of the reports filed by USOA indicates that, in all likelihood, a complete audit would reveal an even worse financial condition than that reflected in the summary set forth above.

The seriousness of the carrier's financial condition is reflected in certain practices in which it has engaged. The evidence available to the Board indicates that the carrier has diverted trust fund money, collected as an agent for taxes due to the United States Government for both the transportation tax paid by passengers and the withholding tax paid by employees, to meet its own obligations. In order to conserve its current resources, it has arranged to pay its insurance premiums on a short term basis, and in three recent instances, payment has been made only after receipt from the insurance company of a 30-day cancellation notice. Although the carrier specifically advised the Board by letter received on March 12, 1964 that it had taken action to establish "a special trust account" to provide for the refund of unperformed services to the travelling public, no such action has been taken, despite repeated assurances to the Board.

On the basis of the information before it, the Board cannot conclude that the deteriorating trend in the carrier's financial condition is likely to be reversed. During the past two years, individually ticketed services have accounted for 74 percent or more of the carrier's total operating revenues, clearly indicating that the carrier failed to take advantage of the congressionally established two-year interim period, during which it had authority to engage in individually ticketed operations, to eliminate its reliance on this source of revenue and replace it with revenue sources from charter operations. In order to project sufficient revenue to support a viable operation the carrier forecasts revenues from Civil Air Movements (CAMS) of $2,260,000 and from civilian charters of $2,291,000 for the ten-month period ending May 1965. These forecasts are 10 and 12 times greater, respectively, than the carrier's actual experience for the ten-month period ended May 1964. There is no justification for such a forecast and it cannot be relied upon by the Board for any expectation of improvement of the carrier's present critical financial condition.[6]

In view of the foregoing it is evident that USOA is no longer financially fit.[7] The Board cannot permit the carrier to continue to operate under such circumstances. When a carrier is so financially unsound the Board in the proper discharge of the obligation imposed on it by Congress is required to protect the welfare and safety of the travelling public, and it therefore will immediately suspend the operating authority of USOA.

Pursuant to the provisions of sections 401(n)(4) and 401(n)(5) of the Act, Part IV, subparagraphs 5–7 of USOA's interim certificate, and Rule 1012 of the Board's Procedural Regulations, the Board finds that USOA is not fit, willing and able properly to perform the transportation authorized by its interim certificate. The Board further finds that the failure of USOA to comply with the provisions of section 401(n) and Part IV, subparagraphs 5 and 6 of its interim certificate requires, in the interest of the rights, welfare and safety of the public, immediate suspension of USOA's interim operating certificate, as amended, for supplemental air transportation for a period of 30 days.[8]

Accordingly, it is ordered:

1. That the interim certificate, as amended, to engage in supplemental air transportation issued to United States Overseas Airlines, Inc. is suspended, effective 12:01 a.m., September 25, 1964, for a period of 30 days; [9]

2. That this order shall constitute a complaint instituting a formal economic proceeding on which a hearing shall be held to determine whether USOA's interim certificate, as amended, should be modified, suspended, or revoked for failure to comply with section 401(n) of the

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[1a] This inspection was on August 25 and 26, 1964.

[2] During the two years since June 30, 1962, capital gains of $854,000 were not sufficient to offset the loss from operations, and as a result, the equity deficit increased by $430,000 to a total of $1,298,000 at June 30, 1964.

[3] The above net worth figure reflects a debt of $1,552,000, which is owed to a partnership owned by parties in control of USOA. We have no basis for disregarding this debt. However, even if we were to do so, that single factor would not warrant a different conclusion with respect to the carrier's financial fitness, in view of all of the facts.

[4] Almost 50 percent of the general traffic receivables reported by the carrier are past due, of which 15 percent are overdue more than 90 days.

[5] Of the 15 presently available aircraft only 7 are on the FAA specifications list.

[5a] The carrier's interim monthly report for July, 1964, filed September 20, 1964, indicates a continuing deterioration in the carrier's condition. Thus, as of July 31, 49% of the total current liabilities were overdue, the carrier's negative working capital had increased to $768,000, and the carrier experienced a net loss of $96,985 for the month.

[6] In this connection, data obtained from the carrier indicate that the forecast for August 1964 is four times the estimated actual results from civilian charters during the first 25 days of the month and twice the estimated actual results from CAMS for that period.

[7] Section 401(n)(4) provides: "The requirement that each applicant for a certificate to engage in supplemental air transportation must be found to be fit, willing, and able properly to perform the transportation covered by his application and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board under this Act, shall be a continuing requirement applicable to each supplemental air carrier with respect to the transportation authorized by, and currently furnished or proposed to be furnished under, such carrier's certificate. The Board shall by order, entered after notice and hearing, modify, suspend, or revoke such certificate, in whole or in part, for failure of such carrier (A) to comply with the continuing requirement that such carrier be so fit, willing, and able, or (B) to file such reports as the Board may deem necessary to determine whether such carrier is so fit, willing and able." (Emphasis added).

[8] Section 401(n)(5) provides in pertinent part: "In any case in which the Board determines that the failure of a supplemental air carrier to comply with the provisions of paragraph (1), (3), or (4) of this subsection, or regulations or orders of the Board thereunder, requires, in the interest of the rights, welfare, or safety of the public, immediate suspension of such carrier's certificate, the Board shall suspend such certificate, in whole or in part, without notice or hearing, for not more than thirty days. The Board shall immediately enter upon a hearing to determine whether such certificate should be modified, suspended, or revoked and, pending the completion of such hearing, the Board may further suspend such certificate for additional periods aggregating not more than sixty days."

[9] The carrier may complete flights which have commenced prior to 12:01 a.m. September 25, 1964.

Act and the terms, conditions, and limitations of its interim certificate;

3. That United States Overseas Airlines, Inc. and the Bureau of Economic Regulation of the Civil Aeronautics Board are hereby made parties to the proceeding;

4. That United States Overseas Airlines, Inc., is directed to answer this order within seven days of service thereof pursuant to Rule 1013 of the Board's Procedural Regulations;

5. That in case of United States Overseas Airlines, Inc., failure to file and serve an answer to the order within the time and in the manner prescribed, the right to all further procedural steps before final decision, including hearing, briefs, and recommended and tentative decisions, shall be deemed waived, and the Board will proceed immediately to disposition of the case; and

6. That a copy of this order be served upon the carrier by certified mail at its last known address, and be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-9919; Filed, Sept. 29, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15299, 15300; FCC 64M-948]

GREAT NORTHERN BROADCASTING SYSTEM AND MIDWESTERN BROADCASTING CO.

Order Continuing Hearing

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

It is ordered, This 24th day of September 1964, that the hearing is rescheduled from September 25 to October 16, 1964, at 9:00 a.m.

Released: September 24, 1964.

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

[F.R. Doc. 64-9909; Filed, Sept. 29, 1964; 8:48 a.m.]

[Docket Nos. 14411, 14412; FCC 64M-928]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Continuing Hearing

In re applications of J. R. Earnest and John A. Flache, d/b as La Fiesta Broadcasting Company, Lubbock, Texas, Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corporation, Lubbock, Texas, Docket No. 14412, File No. BP-15073; for construction permits.

As a result of agreements reached on the record of a hearing conference held in the above-entitled matter on September 18, 1964;

It is ordered, This 21st day of September 1964, that the hearing now scheduled for September 24, 1964 is postponed to 10:00 a.m., October 26, 1964 in the Commission's offices in Washington, D.C.

Released: September 22, 1964.

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

[F.R. Doc. 64-9910; Filed, Sept. 29, 1964; 8:48 a.m.]

[Docket Nos. 15540, 15541; FCC 64M-952]

LAKELAND FM BROADCASTING, INC., AND SENTINEL BROADCASTING CO.

Order Continuing Hearing

In re applications of Lakeland FM Broadcasting, Inc., Lakeland, Florida, Docket No. 15540, File No. BPH-4159; Sentinel Broadcasting Company, Lakeland, Florida, Docket No. 15541, File No. BPH-4287; for construction permits.

The Hearing Examiner having under consideration the informal request for continuance of procedural dates filed in the above-entitled proceeding on September 22, 1964 by Lakeland FM Broadcasting, Inc.;

It appearing, that the applicants herein have reached an agreement looking toward dismissal of the application of Sentinel Broadcasting Company and that preparation of pleadings relative thereto is now in process;

It further appearing, that all parties have consented to immediate consideration and grant of the instant request;

It is ordered, This 23d day of September 1964 that the said request is granted and the date for exchange of exhibits presently scheduled for September 24, 1964 and the date for notification of witnesses to be called for cross-examination presently scheduled for October 8, 1964 are continued indefinitely;

It is further ordered, That the hearing in this matter presently scheduled to commence on October 19, 1964 is continued without date.

Released: September 25, 1964.

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

[F.R. Doc. 64-9911; Filed, Sept. 29, 1964; 8:48 a.m.]

[Docket Nos. 15460, 15461; FCC 64M-947]

SYMPHONY NETWORK ASSOCIATION, INC., AND CHAPMAN RADIO AND TELEVISION CO.

Order Continuing Hearing

In re applications of Symphony Network Association, Inc., Fairfield, Alabama, Docket No. 15460, File No. BPCT-3238; William A. Chapman and George K. Chapman, d/b as Chapman Radio and Television Company, Homewood, Alabama, Docket No. 15461, File No. BPCT-3282; for construction permits for a new television broadcast station.

The Hearing Examiner has for consideration Symphony Network Association, Inc.'s informal request for a two day continuance in the commencement of hearing herein, together with the statement of Symphony's counsel that no other party objects to a grant of the requested relief;

It is ordered, This 23d day of September 1964, that the hearing now scheduled to commence on October 5, 1964, is continued to October 7, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 24, 1964.

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

[F.R. Doc. 64-9912; Filed, Sept. 29, 1964; 8:49 a.m.]

[Docket No. 15212 etc.; FCC 64M-945]

TVUE ASSOCIATES, INC., ET AL.

Order Re Procedural Dates

In re applications of TVUE Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT-3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT-3166; Integrated Communication Systems, Inc. of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT-3169; WGBH Educational Foundation, Boston, Massachusetts, Docket No. 15325, File No. BPCT-3277; for construction permits for new television broadcast stations.

Integrated Communications Systems and United Artists Broadcasting have moved to postpone the procedural dates and to reschedule the hearing date in the Boston case. The supporting recitation of open questions affecting the proceeding and now before the Review Board and the Commission persuades that the taking of evidence again be put off. A re-evaluation is similarly necessary in the Houston proceeding which is procedurally interwoven with the Boston case. New procedures will be scheduled as developments permit, but this 23d day of September 1964: *It is ordered,* That all prehearing schedules and hearing dates in the Houston and Boston cases are cancelled.

Released: September 24, 1964.

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

[F.R. Doc. 64-9913; Filed, Sept. 29, 1964; 8:49 a.m.]

[Docket Nos. 15595-15597; FCC 64M-946]

WPFA RADIO, INC., ET AL.

Order Continuing Hearing

In re applications of WPFA Radio, Inc., Springfield, Illinois, Docket No.

15595, File No. BPH-4265; WTAX, Inc. (WTAX), Springfield, Illinois, Docket No. 15596, File No. BPH-4314; Harold J. Hoskins, John H. Johnson, W. F. Wingerter, and R. W. Deffenbaugh, d/b as Capital Broadcasting Co., Springfield, Illinois, Docket No. 15597 File No. BPH-4337; for construction permits.

A prehearing conference having been held on September 23, 1964, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order;

It is ordered, This 23d day of September 1964, that:

(1) The direct affirmative cases of the applicants shall be presented entirely in the form of sworn, written exhibits;

(2) Copies of the applicants' exhibits directed to the engineering phases of the proceeding shall be exchanged informally on or before October 23, 1964;

(3) Formal exchange of engineering exhibits, as well as formal exchange of exhibits directed to non-engineering phases of the case, shall take place on or before November 6, 1964;

(4) Any party wishing to call for cross-examination any witness sponsoring another parties' exhibit shall give notification thereof on or before November 20, 1964;

(5) The adduction of all evidence, other than rebuttal, with respect to the engineering phases of the proceeding will be concluded prior to the commencement of the non-engineering phase of the proceeding; and,

It is further ordered, That the hearing now scheduled to commence on October 12, 1964, is continued to November 30, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 24, 1964.

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

[F.R. Doc. 64-9914; Filed, Sept. 29, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project Nos. 1869, 2252]

MONTANA POWER CO.

Notice of Postponement of Prehearing Conference

SEPTEMBER 22, 1964.

Upon consideration of the request filed on September 21, 1964, by counsel for The Montana Power Company, notice is hereby given that the prehearing conference scheduled for September 28, 1964 by the Commission's order issued September 11, 1964 in the above-designated matters is hereby postponed to October 5, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9880; Filed, Sept. 29, 1964; 8:46 a.m.]

FEDERAL TRADE COMMISSION

DIVISION OF ECONOMIC REPORTS, BUREAU OF ECONOMICS

Redesignation as Division of Industry Analysis

The Federal Trade Commission hereby issues the following revised Statement of Organization.

In re: Revision of Section 13. The Commission directed that the present Division of Economic Reports of the Bureau of Economics, described in Section 13 of the Commission's Statement of Organization, published in 134 F.R. 7111, July 11, 1963, be hereafter titled the Division of Industry Analysis, and that previously assigned duties continue to be performed under the amended title.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

SEPTEMBER 22, 1964.

[F.R. Doc. 64-9872; Filed, Sept. 29, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4233]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

Notice of Filing Regarding Issue and Sale of Promissory Notes by Subsidiary Companies to Banks and/or to Holding Company

SEPTEMBER 24, 1964.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by New England Electric System ("NEES"), 441 Stuart Street, Boston 16, Massachusetts, a registered holding company, and certain of its public-utility subsidiary companies ("the borrowing companies"), namely, Massachusetts Electric Company ("Mass Electric"), ("Lynn Gas"), Mystic Valley Gas Company ("Mystic Valley"), Norwood Gas Company ("Norwood"), and Wachusett Gas Company ("Wachusett"). NEES and the borrowing companies have designated sections 6(a), 7, 9(a), 10, and 12 of the Act and Rules 42(b)(2), 45(b)(1), and 50(a)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration for a statement of the transactions therein proposed, which are summarized as follows:

By order dated March 13, 1964, the Commission, among other things, authorized the above-named borrowing companies, other than Mass Electric, to issue and sell to banks and/or to NEES, from time to time through December 31, 1964, an aggregate principal amount of promissory notes not to exceed $10,760,000 at any one time outstanding (Holding Company Act Release No. 15032). In order to pay for increased construction expenditures or to reimburse their treasuries therefor, the borrowing companies, other than Mass Electric, request that their borrowing authority be increased by an aggregate amount of $1,000,000, or to $11,760,000 maximum amount of notes at any one time outstanding. In addition, authority is requested for Mass Electric to issue and sell its promissory notes to banks and/or to NEES, from time to time through December 31, 1964, in an aggregate principal amount not to exceed $10,000,000 at any one time outstanding, the proceeds to be used for construction or to reimburse its treasury therefor.

Shown below for each of the borrowing companies is the maximum principal amount of notes to be outstanding at any one time, to the designated banks and/or to NEES, after giving effect, to the authority sought herein:

Borrowing Company	Banks	Banks or NEES
Mass. Electric	(1) $4,300,000	$3,000,000
	(2) 1,000,000	
	(3) 400,000	
	(4) 350,000	
	(5) 450,000	
	(6) 500,000	
Lynn Gas	(1) 2,050,000	
Mystic Valley	(7) 6,900,000	
Norwood		(8) 1,450,000
Wachusett	(7) 1,360,000	
	17,310,000	4,450,000

(1) The First National Bank of Boston, Massachusetts.
(2) Worcester County National Bank, Worcester, Massachusetts.
(3) Guaranty Bank & Trust Company, Worcester, Massachusetts.
(4) The Mechanics National Bank of Worcester, Massachusetts.
(5) South Shore National Bank, Quincy, Massachusetts.
(6) Middlesex County National Bank, Everett, Massachusetts.
(7) First National City Bank, New York, New York.
(8) NEES only.

The notes to be issued by the borrowing companies will bear interest not exceeding the prime rate (presently 4½% per annum) in effect at the time of issuance; will mature on or prior to March 31, 1965; and will be prepayable at anytime, in whole or in part, without premium.

Mass Electric may prepay its notes to banks, in whole or in part, with borrowings from NEES, or vice versa. Any note issued to NEES for such prepayment of a note to a bank will bear interest at the prime rate or the interest rate on the note being prepaid, whichever is lower, but at the prime rate after the maturity date of the note being prepaid. In the case of a note issued to a bank for such prepayment of a note to NEES, if the interest rate on the new note being issued exceeds that of the note being prepaid, NEES will credit Mass Electric with an amount equal to the difference between such interest payments for the period from the date of the issuance of such new note to the maturity date of the note being prepaid.

In the event of any permanent financing by any of the borrowing companies, the proceeds therefrom, in excess of amounts used for refunding other securities at par or the principal amount thereof, will be applied to payment of its short-term note indebtedness then outstanding, and the maximum of short-term note indebtedness to be outstanding at any one time proposed herein will be reduced by the amount of such payment.

Incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company. The cost will not exceed an estimated $400 for each applicant-declarant.

The filing states that no action by any State commission or Federal commission, other than this Commission, is necessary to carry out the proposed transactions.

Notice is further given that any interested person may, not later than October 20, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-9879; Filed, Sept. 29, 1964; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-I (Amdt. 1)]

BOSTON REGIONAL OFFICE

Delegation of Authority to Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as corrected and as amended 29 F.R. 12570; Delegation of Authority No. 30-I, 29 F.R. 12487, is hereby amended by deleting Item I.A. and substituting the following in lieu thereof:

I. * * *

A. Size Determinations (Delegated to the positions as indicated below):

To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

* * * * *

Effective Date: September 1, 1964.

THOMAS J. NOONAN, *Regional Director, Boston.*

[F.R. Doc. 64-9869; Filed, Sept. 29, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 322]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 25, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 5888 (Deviation No. 1), MID-AMERICAN TRUCK LINES, INC., 900 North Indiana Avenue, Kansas City, Mo., 64120, filed September 14, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 70 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 36, west of Pittsfield, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From St. Joseph, Mo., over U.S. Highway 36 to Springfield, Ill., and thence over U.S. Highway 66 to Chicago, Ill.; from Plattsburg, Mo., over Missouri Highway 116 to junction U.S. Highway 169, thence over U.S. Highway 169 to Kansas City, Kans.; from Lathrop, Mo., over Missouri Highway 116 to junction U.S. Highway 169, and thence over U.S. Highway 169 to St. Joseph, Mo.; from Kansas City, Mo., over U.S. Highway 40 to Victory Junction, Kans.; thence over U.S. Highway 73 to Hiawatha, Kans.; and, from St. Joseph over U.S. Highway 59 to Lawrence, Kans., and return over the same routes.

No. MC 28307 (Deviation No. 1, as amended), FREDERICKSON MOTOR EXPRESS CORP., Atando Station, Box 98, Charlotte 6, N.C., filed September 22, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Asheville, N.C., over Interstate Highway 40 to Greensboro, N.C., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Asheville, N.C., over U.S. Highway 70 to Hickory, N.C., thence over U.S. Highway 64 to Mocksville, N.C., thence over U.S. Highway 158 to Winston-Salem, N.C., thence over U.S. Highway 311 to High Point, N.C., thence over U.S. Highway 29 to Greensboro, N.C., and return over the same route.

No. MC 69116 (Deviation No. 26) SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed September 14, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of the Pennsylvania Turnpike (Interchange No. 8) and Interstate Highway 70, over Interstate Highway 70 to Salina, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Interchange No. 8 on the Pennsylvania Turnpike over the Pennsylvania Turnpike to Irwin, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22) via Crafton and Moon Run, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Cambridge, Ohio, thence over U.S. Highway 40 to Kansas City, Mo., thence over U.S. Highway 24 to Manhattan, Kans., thence over Kansas Highway 18 to Junction City, Kans., thence over U.S. Highway 40 to Salina, Kans., and return over the same route.

No. MC 69116 (Deviation No. 27), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed September 14, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: From Washington, D.C., over Interstate High-

way 95 to Boston, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Washington over U.S. Highway 1 to Boston, and return over the same route.

No. MC 104004 (Deviation No. 26), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y., 10017, filed September 17, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Asheville, N.C., and Spartanburg, S.C., over Interstate Highway 26, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Whitmire, S.C., over U.S. Highway 176 via Union, S.C., to Spartanburg; and, from Greenville, S.C. over U.S. Highway 25 via Travelers Rest, S.C. and Hendersonville, N.C., to Asheville, and return over the same routes.

No. MC 111186 (Deviation No. 3), PETERSON & PETERSON, INC., 123 West Fourth Street, Grand Island, Nebr., 68801, filed September 18, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 6 and Interstate Highway 80 at Lincoln, Nebr., over Interstate Highway 80 to Sidney, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 275 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Nebraska Highway 19, thence over Nebraska Highway 19 to junction U.S. Highway 26, and thence over U.S. Highway 26 to Scottsbluff, Nebr.; from Omaha over U.S. Highway 6 to Lincoln, Nebr., thence over U.S. Highway 34 via Seward, Nebr., to junction U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, Nebr. (also from Lincoln, over U.S. Highway 6 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to Seward, thence to Grand Island, as specified above), thence over U.S. Highway 281 to Hastings, Nebr., thence over U.S. Highway 6 to Minden, Nebr., thence over Nebraska Highway 10 to Kearney, Nebr., thence over Nebraska Highway 30 to Gothenburg, Nebr., thence over Nebraska Highway 47 to junction Nebraska Highway 40, thence over Nebraska Highway 40 to junction Nebraska Highway 92–A, thence over Nebraska Highway 92–A to junction Nebraska Highway 92, thence over Nebraska Highway 92 to junction U.S. Highway 183 to North Platte, Nebr., thence over U.S. Highway 30 to Ogallala, Nebr., thence over U.S. Highway 26 to junction U.S. Highway 26N, thence over U.S. Highway 26N to junction U.S. Highway 26, and thence over U.S. Highway 26 to Scottsbluff, and return over the same routes.

Motor Carriers of Passengers

No. MC 1515 (Deviation No. 193) (canceling Deviation Nos. 41 and 54), GREYHOUND LINES, INC. (Eastern Greyhound Lines Division), 1400 West Third Street, Cleveland, Ohio, 44113, Filed September 14, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between junction Ohio Highway 303 and Interstate Highway 71 approximately 2 miles east of Brunswick, Ohio, and Cincinnati, Ohio, over Interstate Highway 71; and over the following access routes: From Cleveland, Ohio, over present certificated Ohio Highway 3 to junction Ohio Highway 303, thence over Ohio Highway 303 to junction Interstate Highway 71; from Akron, Ohio, over present certificate Ohio Highway 261 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Interstate Highway 71; from Medina, Ohio, over Ohio Highway 3 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Interstate Highway 71; from Lodi, Ohio, over Ohio Highway 76 to junction Interstate Highway 71; from Ashland, Ohio, over present certificated U.S. Highway 250 to junction Interstate Highway 71; from Mansfield, Ohio, over present certificated U.S. Highway 30 to junction Interstate Highway 71; from Mansfield over Ohio Highway 13 to junction Interstate Highway 71; from Mt. Gilead, Ohio, over Ohio Highway 95 to junction Interstate Highway 71; from Mt. Gilead over present certificated Ohio Highway 61 to junction Interstate Highway 71; from Delaware, Ohio, and U.S. Highway 36 to junction Interstate Highway 71; from Columbus, Ohio, over city streets and Ohio Highway 161 to junction Interstate Highway 71; from Mt. Sterling, Ohio, over present certificated U.S. Highway 62 and Ohio Highway 3 to junction U.S. Highway 62, Ohio Highway 3 and Interstate Highway 71 approximately 2 miles north of Harrisburg, Ohio; from Washington Court House, Ohio, over U.S. Highway 35 to junction Interstate Highway 71; from Wilmington, Ohio, over U.S. Highway 68 to junction Interstate Highway 71; from Wilmington over Ohio Highway 73 to junction Interstate Highway 71; from Lebanon, Ohio, over Ohio Highway 123 to junction Interstate Highway 71; from Lebanon over Ohio Highway 48 to junction Interstate Highway 71; from Cincinnati over Interstate Highway 75 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction Interstate Highway 71; and, from Cincinnati over U.S. Highway 22 and Ohio Highway 3 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction Interstate Highway 71, and return over the same routes, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over pertinent service routes as follows: From Cincinnati over U.S. Highway 42 via Lebanon, Xenia, and London, Ohio, to Delaware; from Cleveland over Ohio Highway 8 via Bedford and Akron, Ohio, to Dover, Ohio, thence over U.S. Highway 250 via New Philadelphia, Ohio, to Wheeling, W. Va. (also from Bedford over Ohio Highway 14 to Twinsburg, Ohio, thence over Ohio Highway 91 to Stow, Ohio, and thence over Ohio Highway 5 to Akron); from Cleveland over Ohio Highway 176 to junction Rockside Road, thence over Rockside Road to junction U.S. Highway 21, thence over U.S. Highway 21 to junction Ohio Highway 176, thence over Ohio Highway 176 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron (also from Cleveland over Ohio Highway 176 to junction U.S. Highway 21); from Richfield, Ohio, over Ohio Highway 303 to junction Ohio Highway 176; from junction Ohio Highway 176 and Oaks Road over Oaks Road to junction U.S. Highway 21; from Columbus over U.S. Highway 62 to Washington Court House, thence over U.S. Highway 22 to Cincinnati; from Cleveland over Ohio Highway 87 to junction Ohio Highway 8, thence over Ohio Highway 8 to Akron, thence over Ohio Highway 5 to Wooster, Ohio, and thence over Ohio Highway 3 to Columbus; from Cleveland over Ohio Highway 3 to Wooster; from Cleveland over U.S. Highway 42 to Delaware, thence over U.S. Highway 23 to Columbus; from Cleveland over Ohio Highway 3 to junction Ohio Highway 94, thence over Ohio Highway 94 to junction Ohio Highway 5; from Sunbury, Ohio, over Ohio Highway 61 to Mt. Gilead; from Delaware over U.S. Highway 42 to junction U.S. Highway 40; and, from Cleveland over Willow Freeway (U.S. Highway 21) to junction Rockside Road, just north of Independence, Ohio, and return over the same routes.

No. MC 1515 (Deviation No. 194), GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., 40507, filed September 17, 1964. Carrier proposes to operate as a *common carrier*, of *passengers* and *their baggage, and express, mail and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 70 and Interstate Highway 40 west of Nashville, Tenn., over Interstate Highway 40 to junction Tennessee Highway 96, approximately 5 miles north of Fairview, Tenn., thence over Tennessee Highway 96 to junction U.S. Highway 70 at Dickson, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above-specified property over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 70 via Brownsville, Jackson, Dickson, and White Bluff, Tenn., to Nashville, Tenn., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–9898; Filed, Sept. 29, 1964; 8:47 a.m.]

[Notice 684]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 25, 1964.

Section A. The following publications are governed by the new special rule 1.247 of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local d.s.t., if that time is observed), unless otherwise specified.

MOTOR CARRIERS OF PROPERTY

SECTION A

No. MC 116063 (Sub-No. 44) (AMENDMENT), filed April 20, 1964, published FEDERAL REGISTER issues of May 6, 1964, and June 24, 1964, respectively, amended September 9, 1964, and republished as amended, this issue. Applicant: WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, Box 270, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, petroleum and petroleum products, latex, resins, minerals, and coal tar and coal tar products*, in bulk, and *collapsible containers when moving with bulk commodities which carrier is otherwise authorized to transport*, (1) from points in Louisiana and Texas to points in the United States (except Alaska and Hawaii) and (2) from points in the United States (except Alaska and Hawaii) to points in Louisiana and Texas.

NOTE: The purpose of this republication is to broaden the scope of the commodity description so as to include additional coal tar products and collapsible containers when moving with bulk commodities.

HEARING: October 14, 1964, at the Baker Hotel, Dallas, Tex., before Examiner H. Reece Harrison. This assignment is for applicant's complete initial presentation only.

SECTION B

No. MC 52709 (Sub-No. 227), filed October 1, 1963. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, including but not limited to whisky, gin, vodka, brandy, and neutral spirits, in bulk, in tank vehicles, from points in the United States (excluding Alaska and Hawaii), to points in Nevada.

NOTE: Common control may be involved.

HEARING: November 13, 1964, in Room 202, State Office Building, Las Vegas, Nev., before Examiner Jerry F. Laughlin.

No. MC 58135 (Sub-No. 2) (REPUBLICATION), filed March 30, 1964, published FEDERAL REGISTER, issue of April 15, 1964, and republished this issue. Applicant: FOGG'S TRANSPORTATION, INC., 76 Cross Street, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from U.S. Highway 202 at a point approximately four (4) miles north of Greene, Maine, over Maine Highway 106 to Leeds, Maine, and return over the same route, serving no intermediate or offroute points. The application was referred to Joint Board No. 70, composed of John G. Freehan of Maine for a report and recommended order. The report and order, served July 29, 1964, adopted September 17, 1964, found that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over a regular route, of general commodities, between the junction of U.S. Highway 202 and Maine Highway 106, about 4 miles north of Greene, Maine, and Leeds, Maine, over Maine Highway 106, serving no intermediate points. Any person or persons who may have been affected by the broadened scope of such grant, with respect to the notice of the application as previously published, may file an appropriate pleading, within 30 days from this publication in the FEDERAL REGISTER.

No. MC 98499 (Sub-No. 3) (REPUBLICATION), filed March 2, 1964, published FEDERAL REGISTER issue of March 18, 1964, and republished, this issue. Applicant: WHITE TRUCK LINE, INC., 1534 Jonesboro Road SE., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 214 Standard Federal Building, Atlanta, Ga. By application filed March 2, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle of general commodities, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Common Carriers of Household Goods*, 17 M.C.C. 467, livestock, commodities in bulk and those requiring special equipment, over regular routes, (1) between Gainesville, Ga., and Commerce, Ga., from Gainesville, over Georgia Highway 11 to Jefferson, Ga., thence over Georgia Highway 15 to Commerce and return over the same route serving all intermediate points, restricted against the transportation of traffic moving between Commerce, Ga., on the one hand, and, on the other, Atlanta, Ga., and points beyond Atlanta, (2) serving the Tucker-Stone Mountain Industrial District, De Kalb, Ga., and Stone Mountain Industrial Park, De Kalb County, Ga., as off-route points in connection with applicant's authorized regular-route operations, and (3) serving Peachtree, Ga., as an off-route point in connection with applicant's regular-route operations. The evidence was submitted in verified statements of fact and the proceeding was referred to Joint Board No. 101 for a report and recommended order. A report and order, served August 17, 1964, which became effective September 16, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between Atlanta, Ga., on the one hand, and, on the other, Jefferson and Peachtree City, Ga., and the sites of Tucker-Stone Mountain Industrial District and Stone Mountain Industrial Park, De Kalb County, Ga. The joint board further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a proper notice of the complete scope of authority granted.

No. MC 113362 (Sub-No. 30), (REPUBLICATION), filed September 24, 1963, published FEDERAL REGISTER, issue of October 30, 1963, and republished this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., Eagle Grove, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa. By application filed September 24, 1963, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of dairy products as described in section B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, including cheese food, cheese food products, dry milk and dry milk products, from Minneapolis, St. Paul, Clarkfield, Albert Lea, Faribault, and New Richland, Minn., and Plymouth, Kiel, Spencer, Manitowoc, Jim Falls, and Marshfield, Wis., to points in Pennsylvania, New York, New Jersey, Maryland, Delaware, and the District of Columbia, restricted against the transportation of the commodities involved, in bulk, in tank vehicles, and subject to the restriction that the proposed service from Wisconsin points will be limited to the completion of loading of a vehicle following prior loading at one of the above-named Minnesota points. The application was referred to Examiner Frances A. Welch for hearing and the recommendation of an appropriate order thereon. Hearing was held on December 12 and 13, 1963, at Washington, D.C. A report and recommended order was served May 8, 1964. Exceptions to this report were filed. A decision and order by Division 1, adopted September 15, 1964, and served September 21, 1964, finds that the exceptions and reply raise no new or material matters of fact or law not adequately considered and properly

disposed of in the above-referred-to report, and that prior to the issuance of a certificate, a proper notice of the scope of the authority granted herein will be published in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the broadened scope of such grant, as compared to the notice of the application as previoulsy published, may file an appropriate pleading. The service authorized is as follows: Operation by applicant, in interstate of foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities and from the origins specified below:

(1) Dairy products from Minneapolis, Clarkfield, Albert Lea and New Richland, Minn.

(2) Powdered milk and powdered milk products from Faribault, Minn.

(3) Butter from Jim Falls, Wis., and

(4) Cheese and cheese products from Spencer, Marshfield, Manitowoc, Plymouth, and Kiel, Wis.,

all to the District of Columbia and points in Pennsylvania, New York, New Jersey, Delaware, and Maryland, restricted in each instance against the transportation of commodities in bulk, in tank vehicles.

No. MC 114045 (Sub-No. 128) (REPUBLICATION), filed January 20, 1964, published FEDERAL REGISTER issue of February 6, 1964, and republished this issue. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Applicant's attorney: Paul M. Daniell, 214 Standard Federal Building, Atlanta, Ga. By application filed January 20, 1964, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of cooked bakery products and bakery products ingredients, other than frozen and other than those in bulk, in tank vehicles, in vehicles equipped with mechanical refrigeration, (1) from Terre Haute, Ind., to points in Kansas, New Mexico, Oklahoma, Texas, and Missouri, except St. Louis, Mo., and points in the St. Louis, Mo., commercial zone, and, (2) from the plant site of Banner Biscuit Co. at Carrollton, Mo., to points in Kansas, New Mexico, Oklahoma, and Texas. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on May 14, 1964, at St. Louis, Mo. At the hearing it was developed that one of the plants was actually in Seelyville, and some 4½ miles from Terre Haute. A report and order, served August 17, 1964, which became effective September 16, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *cooked bakery products and bakery products ingredients* (other than frozen and other than those in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, (1) from Seelyville, Ind., to points in Kansas, New Mexico, Oklahoma, Texas, and Missouri, except St. Louis, Mo., and points in the St. Louis, Mo., commercial zone, and (2) from the plant site of Banner Biscuit Co. at Carrollton, Mo., to points in Kansas, New Mexico, Oklahoma, and Texas. The examiner further finds that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an approprite certificate should be issued. Issuance of authority herein shall be withheld until the lapse of 30 days from the date of such republication, during which period any proper party in interest may file a petition for further hearing.

No. MC 117380 (Sub-No. 1), filed June 10, 1963. Applicant: WAYNE E. KIRCH, doing business as WAYNE'S AUTO BODY SHOP, 1730 South Main Street, Las Vegas, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers*, between points in Mojave County, Ariz., on the one hand, and, on the other, presently authorized territory in Nevada, Utah and California, as more fully described in No. MC 117380.

HEARING: November 9, 1964, in Room 202, State Office Building, Las Vegas, Nev., before Examiner Jerry F. Laughlin.

No. MC 125371, filed May 20, 1963. Applicant: BUDDY COONEY, doing business as BUDDY'S TOWING SERVICE, c/o Boulder Inn, Kingman, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers*, by use of wrecker equipment, from points in Arizona located on U.S. Highway 93 between Kingman, Ariz., and the Arizona-Nevada State line to Las Vegas, Nev.

HEARING: November 9, 1964, in Room 202, State Office Building, Las Vegas, Nev., before Joint Board No. 168, or, if the Joint Board waives its right to participate before Examiner F. Laughlin.

No. MC 117574 (Sub-No. 83) (REPUBLICATION), filed August 12, 1963, published FEDERAL REGISTER, issue of November 28, 1963, and republished this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Route No. 3, Carlisle, Pa. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington, D.C. By application filed August 12, 1963, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) Self-propelled vehicles and equipment (except automobiles and truck or truck tractors) and (2) attachments and parts therefor in (1) above, from Waukesha, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of golf buggies or commercial adaptations thereof and parts and accessories therefor when accompanying said vehicles. The application was referred to Examiner Van Dyke for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 13, 1964, at Milwaukee, Wis. The examiner, in his report, found that the public convenience and necessity require operation by applicant subject to a favorable determination of the issue of applicant's fitness in No. MC–C–4063. A Decision and Order, dated July 30, 1964, served August 6, 1964, finds that the instant proceeding should be held open for further consideration of applicant's fitness after final determination of No. MC–C–4063, and that the findings of the Examiner, as modified, should be affirmed and adopted, but that prior to the issuance of a certificate, a proper notice of the scope of the authority granted will be published in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the broadened scope of such grant, with respect to the notice of the application as previously published, may file an appropriate pleading. The service authorized is as follows: Operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of self-propelled construction and materials handling machines, (2) of construction and materials handling machines without undercarriages, and (3) of attachments and parts for the machines described in (1) and (2) above, from Waukesha, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, subject to the condition that any authority granted herein which shall duplicate sidered to comprise not more than a single operating right which is not severable by sale or otherwise from that presently held.

No. MC 125435 (Sub-No. 2), filed November 26, 1963. Applicant: RAYMOND S. SMITH, doing business as CAL-NEVA BORDER, Nipton, Calif. Applicant's attorney: William W. Morris, 319 South Third Street, South Suite, Las Vegas, Nev. 89101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, using wrecker equipment, between points in California south and east of U.S. Highway 6 as it extends from the Nevada-California State line to junction U.S. Highway 466, at or near Mojave, Calif., and points south of U.S. Highway 466 as it extends from Mojave, Calif., to Morro Bay, Calif., on the one hand, and, on the other, points in Nevada south of U.S. Highway 6, as it extends from the Utah-Nevada State line to the California-Nevada State line.

HEARING: November 9, 1964, in Room 202, State Office Building, Las Vegas, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 125484 (Sub-No. 1), filed October 21, 1963. Applicant: RAYMOND W. BELL, doing business as BELL'S TOWING SERVICE, Third Street and Highway 80, Winterhaven, Calif. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles and trailers*, between points in Imperial County, Calif. and points in Yuma County, Ariz.

HEARING: November 4, 1964, at Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 125606, filed August 15, 1963. Applicant: VIRGIL C. POOLE, doing business as POP'S OASIS GARAGE, Highway 91 (Interstate 15), Jean, Nev. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Wrecked and disabled motor vehicles*, between Baker, Calif., and Las Vegas, Nev.; from Baker over Interstate Highway 15 to Las Vegas, and return over the same route, serving all intermediate points.

HEARING: November 9, 1964, in Room 202, State Office Building, Las Vegas, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 125632 (Sub-No. 1), filed October 14, 1963. Applicant: DEAN E. FORSYTHE, doing business as FORSYTHE TRUCKING COMPANY, 106 North 1050 West, Cedar City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour, sugar, salt, animal feeds, fertilizers, and seeds*, in bags or containers, from Ogden and Salt Lake City, Utah, and Los Angeles, Calif., to Las Vegas, Nev., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities described above, on return.

NOTE: Applicant states the proposed service will be for the account of Adams Feed Company.

HEARING: November 12, 1964, in Room 202, State Office Building, Las Vegas, Nev., before Examiner Jerry F. Laughlin.

No. MC 125738, filed October 7, 1963. Applicant: LOUIS FEIER, DONALD E. WEBSTER AND ROBERT E. EDMISTON, a partnership, doing business as CAPITOL INSULATION CONTRACTORS, 11163 Chandler Boulevard, North Hollywood, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Insulation material* from North Hollywood, Calif., to Las Vegas, Nev., from North Hollywood, east on U.S. Highway 10 to Fontana, Calif., thence over U.S. Highway 10 to San Bernardino, Calif., thence north on U.S. Highway 15 to Las Vegas, serving Fontana, Calif., as an intermediate point, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity described above, on return.

HEARING: November 10, 1964, in Room 202, State Office Building, Las Vegas, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 125792, filed November 4, 1963. Applicant: ALLAN A. McDONALD, doing business as A & A CLUB SERVICE & GARAGE, 1016 North Alvarado, Street, Los Angeles 26, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, from points in Nevada and Arizona located on, south, and west of a line beginning at the Nevada-California State line on U.S. Highway 40 west of Reno, Nev., thence over U.S. Highway 40 to the junction of U.S. Highway 95, thence over U.S. Highway 95 to the junction located at or near Fallon, Nev., thence south and southeast along U.S. Highway 95 to the junction of U.S. Highway 466, located at or near Boulder City, Nev., thence over U.S. Highway 466, to junction of U.S. Highway 66, located at Kingman, Ariz., thence east over U.S. Highway 66 to Flagstaff, Ariz., thence south on Arizona Highway 79 to Phoenix, Ariz., thence east and south on U.S. Highway 89 to the Arizona-Mexico boundary line at or near Nogales, Ariz., to points in the Los Angeles, Calif., commercial zone.

HEARING: November 4, 1964, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 166, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

NOTICE OF FILING OF PETITIONS

No. MC 2428 (Sub-No. 13) (PETITION FOR MODIFICATION OF PERMIT), filed September 21, 1964. Petitioner: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Perth Amboy, N.J. Petitioner's attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Petitioner holds Permit MC 2428 (Sub-No. 13), authorizing the transportation, by motor vehicle, over irregular routes, of: Rough cast copper bars and billets, and copper cakes, cathodes, ingots, pigs or slabs, from Carteret, N.J., to the plant site of the Circle Wire and Cable Corp., at Locust Grove, Nassau County, N.Y., with no transportation for compensation on return except as otherwise authorized, restricted to a transportation service to be performed, under a continuing contract, or contracts, with the Circle Wire and Cable Corp. By the instant petition, petitioner requests its Permit be modified by the addition of American Metal Climax, Inc. and Ametalco, Inc., as contracting parties, in addition to Circle Wire & Cable Corp. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file appropriate pleading, consisting of an original and six copies.

No. MC 52729 (PETITION TO CORRECT CERTIFICATE), dated August 28, 1964. Petitioner: FIOROT TRUCKING, INC., Pen Argyl, Pa. By the instant petition, petitioner requests the Commission correct the certificate issued in MC 52729, dated April 26, 1955, and again reissued August 24, 1962. Petitioner states that in MC 52709 (Sub-No. 9), the Commission granted to applicant's predecessor the right to transport Asbestos Cement Roofing Shingles, Asbestos Cement Siding, Asbestos Cement Sheets and Asbestos Cement Pressure Pipes, from Wind Gap, Pa., to points in Virginia and West Virginia within 300 miles of Wind Gap, Pa. In MC 52729 (Sub-No. 12) authority was granted to transport the same commodities, from Wind Gap, Pa., to points in Virginia and West Virginia, except those points within 300 miles of Wind Gap, Pa., thereby authorizing the transportation of those commodities from Wind Gap, Pa., to the entire States of Virginia and West Virginia. Petitioner also states that pursuant to MC–FC 57828 a certificate was issued in MC 52729, dated April 26, 1955, which purported to embrace, among other things, the authority granted in Sub-No. 12. The current certificate in MC 52729, dated August 24, 1963, which authorizes, among other things, the transportation of the above-named commodities is limited to points in Virginia and West Virginia within 300 miles of Wind Gap, Pa. By the instant petition, petitioner requests the Commission issue a corrected certificate in No. MC 52729 authorizing the transportation of the above-named commodities from Wind Gap, Pa., to points in Virginia and West Virginia. Any person or persons desiring to participate in this petition, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading (consisting an original and six copies).

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.250 TO THE EXTENT APPLICABLE

No. MC 126588, filed August 28, 1964. Applicant: KERR MOTOR LINES, INC., ¼ Jackson Street, Binghampton, N.Y. Applicant's attorney: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes to be specified by applicant at hearing, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Binghampton, N.Y., and Syracuse, N.Y., serving the off-route points of Village of Johnson City (Broome County), N.Y., Village of Endicott (Broome County), N.Y., Hamlet of Vestal (Broome County), N.Y., and Hamlet of Endwell (Broome County), N.Y.

NOTE: This is a matter directly related to MC–F 8869, published in FEDERAL REGISTER, issue of September 10, 1964.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–8881. Authority sought for purchase by C. A. WHITE TRUCKING COMPANY, 4641 Greenville Avenue,

Dallas, Tex., 75206, of a portion of the operating rights of ALTON LEANDER McALISTER, Post Office Box 2214, Wichita Falls, Tex., 76307, and for acquisition by FRANK CRANE, also of Dallas, Tex., of control of such rights through the purchase. Applicants' attorneys: James W. Hightower, 136 Wynnewood Professional Building, Dallas 24, Tex., and Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. Operating rights sought to be transferred: *Machinery, equipment, materials* and *supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment*, and *supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, as a *common carrier*, over irregular routes, between points in Texas, and those in Lea and Eddy Counties, N. Mex.; *machinery and equipment*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites, between points in Texas and those in Lea and Eddy Counties, N. Mex.; *machinery, equipment, materials and supplies*, used in or in connection with, the drilling of water wells, between points in Texas and those in Lea and Eddy Counties, N. Mex.; and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Texas and those in Lea and Eddy Counties, N. Mex. Vendee is authorized to operate as a *common carrier*, in Oklahoma, Kansas, Texas, Illinois, and Arkansas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8883. Authority sought for purchase by MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 2711 Fairview Avenue North, St. Paul 13, Minn., of the operating rights of MODERN EXPRESS, INC., 2091 Kasota Avenue, St. Paul, Minn., and for acquisition by A. A. McCUE, also of St. Paul, Minn., of control of such rights through the purchase. Applicants' attorneys: Jack R. Turney, Jr., and William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be transferred: *Agricultural Commodities*, in bulk, as a *common carrier*, over irregular routes, from points in the towns of Lakeland, Bear Lake, Crystal Lake, Cumberland, Stanford, Almena, Clinton, and Maple Plain, Barron County, Wis., not including the villages of Cumberland and Turtle Lake, Wis., to South St. Paul, St. Paul, and Minneapolis, Minn.; *flour, feed*, and *used furniture*, from South St. Paul, St. Paul, and Minneapolis, Minn., to Cumberland, Wis.; *household goods*, as defined by the Commission, and *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Loraine, Wis., and points within 25 miles of Loraine, on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Newport, Minn., RESTRICTION: The service authorized herein is subject to the following conditions: The above described operations shall be conducted separately from carrier's private carrier operations; completely separate accounting systems shall be maintained for carrier's private and for-hire operations; and carrier shall not transport property both as a for-hire and a private carrier in the same vehicle at the same time. Vendee is authorized to operate as a *common carrier*, in Minnesota, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8884. Authority sought for purchase by B & P MOTOR EXPRESS, INC., 51st Street, and A.V.R.R., Pittsburgh, Pa., 15201, of the operating rights of THE CLEVELAND CARTAGE COMPANY (K. V. NICOLA, TRUSTEE IN BANKRUPTCY), 1277 East 40th Street, Cleveland, Ohio, 44114, and for acquisition by HOWARD MILLER and NELLIE E. MILLER, both of Pittsburgh, Pa., 15201, of control of such rights through the purchase. Applicants' attorneys and representatives, respectively: Samuel P. Delisi, and Delisi, Wick & Vuono, 1515 Park Building, Pittsburgh, Pa., 15222; and Henry B. Johnson, and Johnson, Whitmer and Sayre, 730 Standard Building, Cleveland, Ohio, 44113, and K. V. Nicola, 1205 Terminal Building, Cleveland, Ohio, 44113. Operating rights sought to be transferred: *General commodities*, as a *common carrier*, over regular routes, between Cleveland, Ohio, and Bedford, Ohio, serving no intermediate points. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of, rail service of the Pennsylvania Railroad; shipments transported by said carrier shall be limited to those moving on through bill of lading, or express receipt, covering in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail; such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to or supplemental of rail service of the Pennsylvania Railroad; *general commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment (other than those requiring specialized handling or rigging because of weight or bulk), and those injurious or contaminating to other lading, in truckload lots, over irregular routes, between points in Cuyohoga, Lake, Lorain, and Medina Counties, Ohio, on the one hand, and, on the other, points in that part of Pennsylvania on and west of U.S. Highway 11; *building contractors' equipment and supplies, machinery, equipment, and supplies* incidental to dismantling of factories and plants, and those commodities requiring specialized handling or rigging because of weight or bulk, between points in Cuyahoga, Lake, Lorain, and Medina Counties, Ohio, on the one hand, and, on the other, points in Pennsylvania and those in Brook, Hancock, and Ohio Counties, W. Va.

Glass and *glass products*, from Washington, Pa., to points in Cuyahoga and Medina Counties, Ohio; *steel* and *steel products*, from points in Allegheny County, Pa., to points in Cuyahoga, Lake, Lorain, and Medina Counties, Ohio; and *commodities*, the transportation of which because of their size or weight require the use of special equipment, between certain specified points in Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia, Kentucky, Indiana, Illinois, and Michigan. Vendee is authorized to operate as a *common carrier* in Wisconsin, Ohio, Illinois, Pennsylvania, Maryland, Virginia, Michigan, Indiana, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8885. Authority sought for merger into REDWING CARRIERS, INC. (FLORIDA CORP.), Palm River Road, Post Office Box 426, Tampa 1, Fla., of the operating rights and property of FLORIDA TANK LINES, INC., Palm River Road, Post Office Box 426, Tampa 1, Fla., and for acquisition by C. E. MENDEZ, also of Tampa, Fla., of control of such rights and property through the transaction. Applicants' attorney: Lewis H. Hill, Jr., 1014 First National Bank Building, Tampa, Fla., 33602. Operating rights sought to be merged: *Flour*, in bulk, in tank or hopper-type vehicles, as a *common carrier*, over irregular routes, between points in Florida; *liquid chemicals*, in bulk, in tank vehicles, and *lime*, in bulk, in tank or hopper-type vehicles, from Hallandale, Fla., to points in Dade, Broward, and Palm Beach Counties, Fla.; *tallow*, in bulk, in tank vehicles, from Miami, and Palm Beach, Fla., to Port Everglades, Fla., from Palm Beach, Fla., to Miami, Fla; *dry cement*, from Jacksonville and Port Canaveral, Fla., to points in Georgia; *dry cement*, in bags, from Cocoa, Fla., to Port Canaveral; and *cement*, in bulk, in tank or hopper vehicles, from the plant sites of the Penn-Dixie Corporation at Jacksonville and Orlando, Fla., to points in Florida.

REDWING CARRIERS, INC. (FLORIDA CORP.), is authorized to operate

as a *common carrier* in Florida, Alabama, Georgia, South Carolina, North Carolina, Mississippi, Tennessee, Illinois, West Virginia, and Louisiana. Application has not been filed for temporary authority under section 210a(b).

NOTE: REDWING CARRIERS, INC. (FLORIDA CORP.), controls FLORIDA TANK LINES, INC., through ownership of capital stock, pursuant to authority granted May 16, 1964, in Docket No. MC-F-8344.

No. MC-F-8886. Authority sought for purchase by R & R TRUCK LINE, INC., 314 North Broadway, St. Louis, Mo., 63102, of the operating rights and property of ROLLA TRUCK LINES, INC., Rolla, Mo. Applicants' attorney: G. M. Rebman, 314 North Broadway, St. Louis, Mo. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Rolla, Mo., and East St. Louis, Ill., between National Stock Yards, Ill., and Dixon and Stoutland, Mo., serving certain intermediate and off-route points; *general commodities*, excepting, among others, commodities in bulk, but not excepting, household goods, between Cuba, Mo., and National Stock Yards, Ill., serving certain intermediate and off-route points; *such commodities*, as are dealt in by meat packing and food processing houses, from National Stock Yards, Ill., to Newburg, Mo., serving certain intermediate points with restriction; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, over irregular routes, between junction U.S. Highway 66 and Missouri Highway 17 and Fort Leonard A. Wood, Mo., and points within four miles of Fort Leonard A. Wood; *prepared roofing* and *roofing material*, from Madison, Ill., to Richland, Mo.; *petroleum products*, in containers, and *empty oil barrels, and drums*, between Roxana, Ill., on the one hand, and, on the other, Richland and Cabool, Mo. Vendee holds no authority from this Commission. However, it is affiliated with ROBERTSON MOTOR FREIGHT, INC., which is authorized to operate as a *common carrier* in Missouri and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8887. Authority sought for purchase by BELLM FREIGHT LINES, INC., 1819 North 17th Street, St. Louis 6, Mo., of the operating rights and property of BRINKER TRUCK LINE, INC., 210 Poplar Street, St. Louis, Mo., and for acquisition by WALTER P. BELLM, 1305 Papin Drive, Highland, Ill., and CYRIL BELLM, 1925 Barberry, Springfield, Ill., of control of such rights and property through the purchase. Applicants' representative: Walter Bellm, 1819 North 17th Street, St. Louis 6, Mo. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Jacksonville, Ill., and Detroit, Ill., between Pearl, Ill., and Barry, Ill., serving certain off-route points, between Pittsfield, Ill., and Perry, Ill., between Detroit, Ill., and Jerseyville, Ill., serving all intermediate points, between Quincy, Ill., and St. Louis, Mo., serving certain intermediate and off-route points with restriction. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8888. Authority sought for purchase by INDIANAPOLIS & SOUTHERN MOTOR EXPRESS, INC., U.S. Highway 41, South (Post Office Box 491), Vincennes, Ind., of the operating rights and certain property of BOBBY LEE CRECELIUS AND DARWIN GENE CRECELIUS, a partnership, doing business as THE C LINE, Milltown, Ind., and for acquisition by C. JAMES McCORMICK, also of Vincennes, Ind., of control of such rights and property through the purchase. Applicants' attorneys: Ferdinand Born and Walter F. Jones, Jr., 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between English, Ind., and Louisville, Ky., serving the intermediate points of Temple and Marengo, Ind., from Louisville, Ky., to Milltown, Ind., serving the intermediate and off-route points within five miles of Milltown for delivery only; *livestock*, from Milltown, Ind., to Louisville, Ky., serving the intermediate and off-route points within five miles of Milltown for pick-up only. Vendee is authorized to operate as a *common carrier* in Indiana, Ohio, and Illinois. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-8889. Authority sought for continuance in control by JOE MAGNANO, 502-504 North Barry Street, Olean, N.Y., of ALLEN'S TAXI CO., INC., 502-504 North Barry Street, Olean, N.Y., upon issuance to it of a certificate applied for in pending Docket No. MC-126282. Applicants' attorney: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. Operating rights sought to be controlled: In pending Docket No. MC-126282, covering the transportation of *passengers and their baggage* in vehicles having a seating capacity of not more than nine adult passengers, excluding the driver, and *packages*, not in excess of one hundred pounds each, in the same vehicle with passengers, as a *common carrier*, over irregular routes, between Olean, N.Y., and points within 20 miles thereof, on the one hand, and, on the other, air, rail, and bus terminals in Pennsylvania, New York, and Ohio, and to the ports of entry on the international boundary line between the United States and Canada, located at Buffalo, Niagara Falls, and Lewiston, N.Y., for continuing movements to or from air, rail, and bus terminals, located in the Province of Ontario, Canada. JOE MAGNANO, individually holds no authority from this Commission. However, JOE MAGNANO individually is a carrier, doing business as BLUEBIRD CAB COMPANY, which is authorized to operate as a *contract carrier* in New York and Pennsylvania. JOE MAGNANO individually is also in control of BLUE BIRD COACH LINES, INC., which is authorized to operate as a *common carrier* in New York, Pennsylvania, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, West Virginia, Ohio, Indiana, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: This application is set for hearing on a consolidated record with Docket No. MC-126282, on October 14, 1964, at 9:30 o'clock a.m., U.S. standard time (or 9:30 o'clock a.m., local d.s.t., if that time is observed), at the Buffalo Statler Hilton Hotel, Delaware Avenue and Niagara Square, Buffalo, N.Y., before Examiner Garland E. Taylor. Interested persons may appear at the hearing although they may not have protested the application or filed petitions for leave to intervene.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-9899; Filed, Sept. 29, 1964; 8:47 a.m.]

[Notice 685]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 25, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the Special Rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 1936 (Sub-No. 20), filed September 10, 1964. Applicant: B & P

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

MOTOR EXPRESS, INC., 51st Street and A. V. R. R., Pittsburgh, Pa., 15201. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), serving the site of the plants of General Motors Corporation, located at or near Lordstown Township, Trumbull County, Ohio as off-route points in connection with applicant's regular route operation.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 2202 (Sub-No. 271), filed September 18, 1964. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of McGraw Hill Book Company located at Manchester, Mo., as an off-route point in connection with applicant's regular-route operations over U.S. Highway 66 between St. Louis, Mo. and Oklahoma City, Okla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 4761 (Sub-No. 20), filed September 8, 1964. Applicant: LOCK CITY TRANSPORTATION COMPANY, 327 6th Avenue, Menominee, Mich. Applicant's attorney: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison 5, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, between Junction City, Wis., and points within fifteen (15) miles thereof, on the one hand, and, on the other, points in the Upper Peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 9619 (Sub-No. 1) (AMENDMENT), filed May 11, 1964, published May 27, 1964, amended September 18, 1964, and republished as amended this issue. Applicant: WILBUR S. SMITH AND FRANCES A. SMITH, doing business as, SMITH VAN & STORAGE CO., a partnership, 1120 West 15th Street, Merced, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and *empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, between Merced, Calif., on the one hand, and, on the other, points in Merced, Mariposa, Madera, Fresno, Stanislaus, Kings, and Tulare Counties, Calif.

NOTE: The purpose of this republication is to delete from the commodity description the following phrase: "moving in government bills of lading." If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 13658 (Sub-No. 6), filed September 8, 1964. Applicant: PAPA TRUCK LINE, INC., Post Office Box 14, Shongaloo, La. Applicant's attorney: Roy M. Fish, Springhill, La., 71075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* in bags, from Harvey, La., to points in Arkansas, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at either Shreveport, La. or Little Rock, Ark.

No. MC 18535 (Sub-No. 45), filed September 17, 1964. Applicant: O. ALEX HICKLIN, doing business as HICKLIN MOTOR LINE, Post Office Box 377, St. Matthews, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel and stabilizer* and *aggregates* in bulk and bags (1) from points in South Carolina to points in North Carolina and (2) between Lilesville, N.C., and points in South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 21170 (Sub-No. 57), filed September 16, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Jack H. Blanshan, 402 West Main Street, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from La Porte, Ind., to points in Ohio, Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, New York, Vermont, New Hampshire, Maine, Delaware, Maryland, District of Columbia, West Virginia, Virginia, Kentucky, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, and Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 156), filed September 14, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, Post Office Box 218 Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, from Milwaukee, Wis., to Omaha, Nebr.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 40497 (Sub-No. 1), filed September 8, 1964. Applicant: WILLIAM EUART HIBBITT AND DAVID MACAULAY, doing business as LAWRENCE MOVING & STORAGE CO. AND LAWRENCE WAREHOUSE & DISTRIBUTING CO., Post Office Box 1194, 1930 Jay Street, Sacramento, Calif. Applicant's attorney: G. Alfred Roensch, 21st Floor, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used houshold goods* as defined by the Commission in 17 M.C.C. 467, between points in Sacramento, San Joaquin, Yolo, Placer, El Dorado, Yuba, Sutter, Nevada, Butte, and Colusa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 59367 (Sub-No. 17), filed September 16, 1964. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from Perry, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 61734 (Sub-No. 11), filed September 14, 1964. Applicant: CARLSON TRUCK LINE, INC., 618 West Court Street, Post Office Box 91, Clay Center, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain augers, grain grinders, grain elevator machinery and parts and attachments therefore and incidental thereto, farm machinery* new and used knocked down and set up and *parts therefore, parts and supplies* for the above, *new and used lumber*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, between Clay Center, Kans., and points within 30 mile radius on the one hand, and, on the other, points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Oklahoma, Texas, Missouri, Iowa, Illinois, Indiana, Ohio, Minnesota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 64932 (Sub-No. 353), filed September 14, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by mo-

tor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Streator, Ill., to Indiana Harbor, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 74857 (Sub-No. 13), filed September 17, 1964. Applicant: FULLER MOTOR DELIVERY CO., 1111 West Court Street, Cincinnati 3, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt* in bulk in dump vehicles, limited to service to be performed under a continuing contract with Diamond Crystal Salt Co. from points in Hamilton County, Ohio, to points in Boone, Cabell, Kanawha, Lincoln, Logan, Mason, Putnam, and Wayne Counties, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 80428 (Sub-No. 38), filed September 15, 1964. Applicant: MC BRIDE TRANSPORTATION, INC., Main Street, Goshen, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed, dry feed ingredients, dry fertilizer, and lime*, in straight or mixed shipments in bags or in bulk, (1) from Albany, N.Y., and the Town of Bethlehem, Albany County, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and (2) from Buffalo and Binghamton, N.Y., to points in Pennsylvania.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 92983 (Sub-No. 449), filed September 14, 1964. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids, and chemicals*, in bulk, from Kansas City, Kans., and Kansas City, Mo., to points in Georgia, and (2) *food and food ingredients*, in bulk, from points in Kansas, Iowa, Missouri, and Nebraska, to Kansas City, Kans., and Kansas City, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95084 (Sub-No. 42), filed September 14, 1964. Applicant: HOVE TRUCK LINE, Stanhope, Iowa. Applicant's representative: Kenneth F. Dudley, 901 S. Madison Avenue, Post Office Box 279, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as described in Sections I (A), I (B), and I (C) of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Manhattan and Pratt, Kans., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 97357 (Sub-No. 11), filed September 17, 1964. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles 59, Calif. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles, Calif., 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium gas*, in bulk, in shipper furnished trailers, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between Navajo, Ariz., and points in California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 99149 (Sub-No. 3), filed September 8, 1964. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., Glenwood, Ark. Applicant's atorney: Robert B. Hill, Tower Building, Little Rock, Ark., 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Little Rock, Ark. and Hot Springs, Ark., over U.S. Highway 70; (2) between Hot Springs, Ark. and Mount Ida, Ark., over U.S. Highway 270; (3) between Mount Ida, Ark. and Pencil Bluff, Ark., over U.S. Highway 270; (4) between Mena, Ark. and Amity, Ark., over Arkansas Highway 8; (5) between Hot Springs, Ark. and Kirby, Ark., over U.S. Highway 70; (6) between Kirby, Ark. and Mineral Springs, Ark., over Arkansas Highway 27; (7) between Norman, Ark. and Mount Ida, Ark., over Arkansas Highway 27; (8) between Murfreesboro, Ark. and Delight, Ark., over Arkansas Highway 26; (9) between Pencil Bluff, Ark. and Mena, Ark., over Arkansas Highway 88; (10) between Nashville, Ark. and DeQueen, Ark., over Arkansas Highway 24; (11) between Hope, Ark. and Dierks, Ark., over Arkansas Highway 4; (12) between Mineral Springs, Ark. and Fulton, Ark., over Arkansas Highway 355; (13) between Fulton, Ark. and Texarkana, Ark., over U.S. Highway 67; (14) between Murfreesboro, Ark. and Narrows Dam Site, Ark., over Arkansas Highway 19; (15) between junction Arkansas Highway 4 and unnumbered county road and Briar, Ark., over unnumbered county road; and (16) between Texarkana, Ark. and Texarkana, Tex., over U.S. Highway 67, serving no intermediate points on above described route (1) between Little Rock, Ark. and Hot Springs, Ark., but serving all intermediate points on routes (2) through (16) inclusive, west and south of Hot Springs, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Texarkana, Ark.

No. MC 107107 (Sub-No. 315) (AMENDMENT), filed July 27, 1964, published in FEDERAL REGISTER, issue of August 12, 1964, amended September 17, 1964, and republished as amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from Richmond, Va., to points in Alabama, Georgia, Louisiana and Mississippi.

NOTE: The purpose of this republication is to add Alabama, Louisiana and Mississippi as destination states. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 333) filed September 17, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, from Peru, Ill., to points in Iowa, Indiana, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107500 (Sub-No. 86), filed September 18, 1964. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: R. J. Schreiber, 547 West Jackson Boulevard, Chicago, Ill., 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods* 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Chicago, Ill. and St. Louis, Mo.; from Chicago over U.S. Highway 66 (to be redesignated Interstate Highway 55) to St. Louis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 107695 (Sub-No. 5), filed September 16, 1964. Applicant: B. A. FISHER, doing business as HI-BALL CONTRACTORS, Post Office Box 1117, Billings, Mont. Applicant's attorney: Jerome Anderson, Suite 300, First National Bank Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel products* (excluding machinery, materials, supplies, and equipment incidental to and used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum and their products, and by-products), from points in the Pueblo, and Denver, Colo. Commercial Zones, to points in Idaho, Montana, Wyoming, North Dakota, Oregon, Wash-

ington, Utah, and South Dakota, and (2) *salvage and scrap metals, rejected and contaminated shipments,* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 108428 (Sub-No. 17), filed September 18, 1964. Applicant: DINO D'AGATA, Northeast Corner 25th and Dickinson Streets, Philadelphia, Pa. Applicant's representative: G. Donald Bullock, Post Office Box 146, Wyncote, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* in containers, from Willimansett, Mass., to points in New Jersey, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 110193 (Sub-No. 69), filed September 16, 1964. Applicant: SAFE-WAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos, 4625 West 55th Street, Chicago 32, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chocolate coating* from Mansfield, Mass., to Robinson, Ill., and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 110193 (Sub-No. 70), filed September 16, 1964. Applicant: SAFE-WAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Slate,* from North Poultney, Vt., and Middle Granville, N.Y., to points in Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Nebraska, and Kansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 91), filed September 14, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 2006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Lignin liquor,* in bulk, in tank vehicles, from Rothschild, Park Falls, and Green Bay, Wis., to points in Alabama, Arkansas, Florida, Iowa, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, New Mexico, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia and (2) *lignin pitch,* in bulk, in tank vehicles, from Rothschild and Green Bay, Wis., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, New Mexico, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Applicant seeks no duplicate authority.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 111045 (Sub-No. 41), filed September 18, 1964. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* in containers and packages, from Tampa, Fla., to points in Florida, Georgia, North Carolina, South Carolina, and Alabama, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112617 (Sub-No. 188) filed September 14, 1964. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jackiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products, chemicals,* and *oils,* in bulk between points in Kentucky on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Kentucky, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 52) filed September 17, 1964. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* and *articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from Mason City, Iowa, to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114144 (Sub-No. 2) filed September 14, 1964. Applicant: WOODROW W. WALTERS, North Codorus Township, Rural Delivery No. 2, Seven Valleys, Pa. Applicant's attorney: Russell F. Griest, 128 East King Street, York, Pa., 17401. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural limestone,* in bulk, from Thomasville, Pa., to points in Frederick, Carroll, Baltimore, Harford, Montgomery, Howard, Anne Arundel, and Cecil Counties, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 114194 (Sub-No. 78), filed September 16, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid yeast* in bulk, from points in Illinois, Indiana, Ohio, Tennessee, Kentucky, Arkansas, Missouri, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, and Michigan, to points in Missouri, and *rejected shipments,* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115331 (Sub-No. 85), filed September 16, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Starch,* dry, in bulk, between points in Illinois (except from Granite City, Ill., to points in Illinois).

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115841 (Sub-No. 196), filed September 18, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except (1) prepared foods, (2) candies, (3) beef, lamb, and veal cuts), when moving in mixed loads with items 1, 2, and 3, in vehicles equipped with mechanical refrigeration (except in bulk in tank vehicles), from New York, N.Y., Union City and Jersey City, N.J., and Philadelphia, Pa., to points in Tennessee, Alabama, Mississippi, and Louisiana.

NOTE: Applicant states it already holds authority on items 1, 2, and 3, to these States. If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 115841 (Sub-No. 197), filed September 18, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned and bottled goods,* from points in Massachusetts to points in Tennessee, Alabama, Mississippi, and Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 115841 (Sub-No. 198), filed September 21, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham,

Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen berries*, from points in Michigan (except (1) frozen berries from Frankfort, Mich., to Dallas, Tex., (2) frozen fruits from Bear Lake, and Benton Harbor, Mich., to Dallas, Tex., and (3) frozen fruits from Bear Lake, Mich., to Houston, Tex.), to points in Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Birmingham, Ala.

No. MC 115841 (Sub-No. 200), filed September 21, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen berries*, from Hammonton and Glassboro, N.J., to points in Tennessee and Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Birmingham, Ala.

No. MC 115841 (Sub-No. 201), filed September 21, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk, in tank vehicles), from New York, N.Y., and points in its commercial zone, to points in Texas and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 116273 (Sub-No. 32), filed September 14, 1964. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics*, dry, in bulk, from Chicago, Ill., to New Buffalo, and Benton Harbor, Mich., and Poplar Bluff, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117815 (Sub-No. 27), filed September 14, 1964. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, North Dakota, Nebraska, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119531 (Sub-No. 23) (AMENDMENT), filed September 1, 1964, published FEDERAL REGISTER issue of September 16, 1964, and republished, this issue. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. The purpose of this republication is to show that the hearing is requested in Washington, D.C., in lieu of the requested hearing in Chicago, Ill.

No. MC 120912 (Sub-No. 1), filed September 14, 1964. Applicant: C. N. HILL, doing business as HILL TANK AND VACUUM TRUCKS, Post Office Box 434, Healdton, Okla. Applicant's attorney: Earl E. LeVally, LeVally & LeVally Bank Building, Healdton, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field equipment and supplies including pipe, tanks, and tank materials* between points in Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 123048 (Sub-No. 50), filed September 14, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery*, and *parts* thereof (except commodities the transportation of which requires the use of special equipment the transportation of which requires the use of special equipment or handling), from Bloomington, Ill. and Glencoe, Minn., to points in the United States (except Hawaii and Alaska), and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee or Madison, Wis.

No. MC 123048 (Sub-No. 51), filed September 17, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chip spreaders, bituminous distributors*, and *parts thereof*, when accompanied by the units for which they are intended (except commodities the transportation of which requires the use of special equipment or handling), from Oregon, Ill., to points in Michigan, New York, Massachusetts, Maryland, Virginia, and Delaware, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee or Madison, Wis.

No. MC 123502 (Sub-No. 11), filed September 16, 1964. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Baltimore, Md., to points in Alleghany, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Greensville, Halifax, Henry, Lee, Lunenburg, Mecklenburg, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Southampton, Tazewell, Washington, Wise, and Wythe Counties, Va., and points in Barbour, Fayette, Greenbrier, Harrison, McDowell, Mercer, Monongalia, Monroe, Pocahontas, Raleigh, Randolph, Summers, Taylor, Upshur, Webster, and Wyoming Counties, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124333 (Sub-No. 7), filed September 15, 1964. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Summit Bridge Road, Middletown, Del. Applicant's attorney: Samuel W. Earnshaw, 1001 Washington Building, Washington, D.C., 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in insulated tank vehicles, from Edgemoor, Del., to Philadelphia, Pa.

NOTE: Applicant states the above proposed operations will be performed for the account of Del Val Asphalt Corporation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125407 (Sub-No. 3), filed September 16, 1964. Applicant: CHARLES E. KING, JR. AND HAROLD A. SCOTT, a partnership, doing business as KING AND SCOTT, Gary, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from LaCrosse, Wis. and St. Louis, Mo., to Carroll, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125708 (Sub-No. 7), filed September 4, 1964. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles* and *jars* from Tulsa, Okla., to points in Illinois, Indiana, Ohio, Michigan, and Wisconsin and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 116434 Sub 1 and others, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125708 (Sub-No. 9), filed September 14, 1964. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm*

implements, and farm implement parts, from Rush Springs, Okla., to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return, and (2) *steel* used in the manufacture of farm implements and farm implements parts, from points in Illinois (except Carlinville, Sparta, Centralia, Cairo, and Irvington), to points in Alabama, Georgia,, Indiana, Iowa, Kansas, Kentucky, Mississippi, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 116434, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125925 (Sub-No. 4), filed September 18, 1964. Applicant: SAM TOWLER, 3319 Collins, Annandale, Va. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed stone and stone dust,* in bulk, in dump vehicles, from points in Anne Arundel and Frederick Counties, Md., to Herndon, Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126391 (AMENDMENT), filed July 6, 1964, published FEDERAL REGISTER issue of July 22, 1964, amended September 9, 1964, and republished as amended this issue. Applicant: ALMON HILLYER, 2225 Mason Road, Burlington, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from Omaha, Nebr., and St. Paul, Minn., to Burlington, Iowa, and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: Applicant states the proposed operations will be performed under a continuing contract with Harry S. Flodin Co., Inc., of Burlington, Iowa. The purpose of this republication is to change the request for authority to contract carrier in lieu of common as previously published, also to show that the proposed service will be performed under a continuing contract with Harry S. Flodin Co., Inc., of Burlington, Iowa. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126406 (Sub No. 1), filed September 15, 1964. Applicant: UHRICH TRANSFER, INC., 102 North Water Street, Uhrichsville, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities,* as are dealt in by wholesale, retail, and chain grocery and food business houses, from Dennison, Ohio, to Ravenswood, and Parkersburg, W. Va., and points within fifty (50) miles thereof, and New Castle, Pa., and points within fifty (50) miles thereof, and rejected shipments, *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant states the proposed service to be performed under a contract with Tusco Grocers, Inc., Dennison, Ohio. Applicant is authorized to conduct operations as a common carrier under MC–7878, and therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 126560, filed September 11, 1964. Applicant: WILLIAM D. POST, Fowler, Kans. Authority sought to operate as a *contract carrier,* by motor vehicle, over regular routes, transporting: *Beer,* from St. Louis, Mo., to Dodge City, Kans., from St. Louis west over U.S. Highway 40 to Kansas City, Mo., thence west over U.S. Highway 50, to Dodge City, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 126562, filed September 11, 1964. Applicant: FRANCIS M. MOON, 116 Glenview Drive, Trenton, N.J. Applicant's representative: James H. Sweeney, 902 Spruce Avenue, Oaklyn, N.J., 08107. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sand, stone, slag and cinders, and empty containers or other such incidental facilities* not specified used in transporting the above described commodities, between points in Pennsylvania on the one hand, and, on the other, points in New Jersey.

NOTE: If a hearing is deemed necessary, applicant requests it be held at (1) Trenton, N.J.; (2) Philadelphia, Pa.

No. MC 126563, filed September 11, 1964. Applicant: S. B. PLATT, III, Post Office Box 988, Highway 82 West, Columbus, Miss. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wood chips and related forest products* for use in paper manufacturing industries, from points in Mississippi and Alabama to points in Mississippi and Alabama, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Miss.

No. MC 126564, filed September 8, 1964. Applicant: J. & S. TRUCKING, INC., 48 Zinnia Street, Floral Park, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt and lightweight kiln processed aggregates,* between points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Orange, and Rockland Counties, N.Y., and New York, N.Y., and Fairfield, New Haven, Hartford, and Litchfield Counties, Conn., and points in and north of Camden, and Burlington Counties, N.J., and points in Philadelphia, Delaware, Montgomery, and Bucks Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126565, filed September 8, 1964. Applicant: JOE MACHADO, JR., doing business as JOE MACHADO TRUCKING, 14735 Wheatstone, Norwalk, Calif. Applicant's attorney: Donald Murchison, Suite 211, Allen Paris Building, 211 South Beverly Drive, Beverly Hills, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Sulphur,* in bulk, in dump type vehicles, from Long Beach, and El Segundo, Calif., to Glendale, Ariz., (2) *cottonseed meal,* in bulk, in dump type vehicles, from Phoenix, Ariz., to Upland, Redlands, Anaheim, and Sunnymead, Calif., and (3) *crushed stone,* in bulk, in dump type vehicles, from Wenden, Ariz., to Glendale, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 126566, filed September 14, 1964. Applicant: WANSLEY MOVING & STORAGE CO., a corporation, 1522 DeKalb Avenue NE., Atlanta 7, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods and personal effects,* between Atlanta, Ga., on the one hand, and, on the other, points in Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126567, filed September 14, 1964. Applicant: GLOBAL VAN & STORAGE SACRAMENTO, INC., Post Office Box 4569, Sacramento, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household* goods as defined by the Commission in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, between points in Nevada, El Dorado, Sacramento, Placer, Butte, Colusa, Sutter, Yuba, Yolo, and San Joaquin Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126568, filed September 11, 1964. Applicant: SAFE-WAY MOVING & STORAGE CO., 6975 Market Avenue, Post Office Box 10179, El Paso, Tex. Applicant's attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in El Paso

County, Tex., restricted to shipments having a prior or subsequent movement beyond El Paso County, Tex., in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments.

NOTE: If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 126571, filed September 13, 1964. Applicant: BUREK OIL CO., INC., Arch Road, Westfield, Mass. Applicant's attorney: Reubin Kaminsky, Suite 223–410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Company located at Rocky Hill, Conn., to points in Hampden County, Mass., under a continuing contract or contracts with Phillips Petroleum Company.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 126572, filed September 14, 1964. Applicant: BURLEY T. GEIMAN AND RICHARD L. GEIMAN, a partnership, doing business as, B. T. GEIMAN & SON, 305 Westminster Avenue, Hanover, Pa. Applicant's attorney: Russell F. Griest, 128 East King Street, York, Pa., 17401. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Pulverized limestone*, from Thomasville, Pa., to points in Frederick, Carroll, Baltimore, Harford, Montgomery, Howard, Anne Arundel, and Cecil Counties, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 126573, filed September 16, 1964. Applicant: EMILE DORE, Mont Laurier, Province of Quebec, Canada. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough hardwood lumber* from ports of entry on the International Boundary line between the United States and Canada located in New York to points in New York.

NOTE: Applicant states the proposed operations will be restricted to a service limited to shipments originating at points in Canada, under contract with The Eagle Lumber Co. Limited. If a hearing is deemed necessary, applicant requests it be held at Syracuse or New York, N.Y.

No. MC 126574 filed August 24, 1964. Applicant: M. L. HATCHER, doing business as SOUTHERN PICKUP & DELIVERY SERVICE, Post Office Box 4005, Greensboro, N.C. Applicant's attorney: M. Ruffin Bailey, Post Office Box 2246, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piggy-back trailers*, empty and loaded, with prior or subsequent rail movement, between points in Rockingham, Forsyth, Guilford, Alamance, and Randolph Counties, N.C., on the one hand, and, on the other, points in North Carolina west of U.S. Highway 301 and east of U.S. Highway 321 located between the Virginia and South Carolina State lines.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Greensboro, N.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 36524 (Sub-No. 9), filed September 19, 1964. Applicant: MISSOURI TRANSIT LINES, INC., Macon, Mo. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa, 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between junction U.S. Highway 218, and Interstate Highway 80, near Iowa City, Iowa, and junction Interstate Highway 80 and Iowa Highway 149, near Williamsburg, Iowa, over Interstate Highway 80, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 46614 (Sub-No. 7), filed September 3, 1964. Applicant: BLUE & WHITE LINES, INC., 516 West Plank Road, Altoona, Pa. Applicant's attorney: Richard A. Carothers, Altoona, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers* and *their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Everett, Pa., and Breezewood, Pa., (1) over U.S. Highway 30, and (2) over Pennsylvania Turnpike, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 84728 (Sub-No. 49), filed September 16, 1964. Applicant: SAFEWAY TRAILERS, INC., doing business as SAFEWAY, 2000 Eye Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, Continental Building, 1012 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers between Elizabeth, N.J. and New York, N.Y., from Elizabeth over New Jersey Highway 439 to New York and return over the same route, serving all intermediate points.

NOTE: Applicant states it will tack the proposed route to its existing routes at New York, N.Y. and Elizabeth, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 270), filed September 17, 1964. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving new terminal site of applicant located on Massachusetts Highway 62 approximately one mile east of junction Massachusetts Highway 62 and Interstate Highway 93, as an off route point in connection with its regular route operations to and from Boston, Mass.

No. MC 85621 (Sub-No. 3), filed September 2, 1964. Applicant: G. H. VANN, doing business as VANN EXPRESS, 620 Line Street, Attalla, Ala. Applicant's attorney: R. S. Richard, 57 Adams Avenue, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Motion and sound picture films, equipment and supplies* used in the maintenance of theatres, and *newspapers and newsprint stock* consigned to or from newspapers, theatres, magazines, periodicals and monthly publications, (1) between Birmingham, Ala., and Scottsboro, Ala., over Alabama Highway 79; (2) between Birmingham, Ala. and Fort Payne, Ala., over U.S. Highway 11; (3) between Scottsboro, Ala., and junction Alabama Highway 35 and U.S. Highway 11, over Alabama Highway 35; (4) between Cleveland, Ala., and Huntsville, Ala., over U.S. Highway 231; and (5) between Huntsville, Ala., and junction U.S. Highway 431 and Alabama Highway 79, over U.S. Highway 431; serving all intermediate points on above specified routes (1) through (5) inclusive, and the off-route points of Oneonta, Albertville, Arab, and Gadsden, Ala.; and (B) *general commodities*, limited to packages not exceeding sixty (60) pounds, (6) between Birmingham, Ala., and Scottsboro, Ala., over Alabama Highway 79; (7) between Birmingham, Ala., and Valley Head, Ala., over U.S. Highway 11; (8) between Scottsboro, Ala., and junction Alabama Highway 35 and U.S. Highway 11, over Alabama Highway 35; (9) between Cleveland, Ala. and Huntsville, Ala., over U.S. Highway 231; (10) between Huntsville, Ala. and junction U.S. Highway 431 and Alabama Highway 79, over U.S. Highway 431; (11) between Rainsville, Ala. and junction U.S. Highway 431 and Alabama Highway 75, from Rainsville over Alabama Highway 75 to junction Alabama Secondary Highway 23, thence over Alabama Secondary Highway 23 to junction Alabama Highway 68, thence over Alabama Highway 68 to junction Alabama Highway 75, thence over Alabama Highway 75 to junction U.S. Highway 431, and return over the same route; (12) between Guntersville, Ala. and Attalla, Ala., over U.S. Highway 431; and (13) between Collinsville, Ala. and Fort Payne, Ala., from Collinsville over Alabama Highway 68 to junction Alabama Highway 35, thence over Alabama Highway 35 to Fort Payne, and return over the same route; serving

all intermediate points on above specified routes (6) through (13) inclusive, and the off-route points on Oneonta, Albertville, Arab, Gadsden, and Sylvania, Ala.

No. MC 97974 (Sub-No. 5), filed September 14, 1964. Applicant: SUPERIOR TRUCKING SERVICE, INC., 100 East 29th Street, Chattanooga, Tenn. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn., 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plant site of George A. Dickel Company Distillery, known as "Cascade Hollow," located approximately six miles northwest of Tullahoma, Tenn., as an off route point in connection with applicant's otherwise authorized regular-route operations.

No. MC 116077 (Sub-No. 167), filed September 15, 1964. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, from the plant site of E. I. Du Pont de Nemours and Company at Orange, Tex., to the plant site of Crescent Plastics at Evansville, Ind.

No. MC 125773 (Sub-No. 2), filed September 14, 1964. Applicant: WALTER R. PLANKINTON, doing business as BEELINE EXPRESS, 9071 Cedar Court, Thornton/29, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live bees*, in hives, and *supplies used by beekeepers*, and *farmers, when such supplies are moving on the same vehicle and at the same time with live bees*, between points in Colorado, on the one hand, and, on the other, points in Utah.

No. MC 125997 (Sub-No. 1), filed September 8, 1964. Applicant: L. C. FOESCH, doing business as FOESCH TRANSFER LINE, Box 434, Shawano, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (on flat bed trailers) and *wire nails and wire steel products*, for the Hotz Mfg. Co. of Shawano, Wis., between Waukegan, Ill. and Shawano, Wis.

No. MC 126318 (Sub-No. 1), filed September 17, 1964. Applicant: C. LAIRD WALL, doing business as WALL TRANSPORT LINES, Post Office Box 356, Rainelle, W. Va. Applicant's attorney: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston 32, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene* and *fuel oil* in bulk from the Colonial Pipeline Terminal in Bedford County, Va., to Rainelle, W. Va.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-9900; Filed, Sept. 29, 1964; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 25, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 20710–Ext., filed August 24, 1964. Applicant: ALFRED R. JACKSON, doing business as JACKSON CARTAGE CO., 600 East Maple Lamar, Colo. Applicant's attorney: John P. Thompson, 450 Capitol Life Building, Denver, Colo. Certificate of public convenience and necessity sought to operate a freight service as follows: General cartage and transportation service by motor vehicle for the pick up and delivery of *freight* between points within the area including the City of Lamar and adjacent territory within a radius of two miles of the limits of said City of Lamar, and between Lamar and points within two miles thereof, on the one hand, and, on the other (1) Holly, Colo., and all the points located on Highways 50, 51, and 196, intermediate between Lamar and Holly; (2) John Martin Dam, near Hasty, Colo., serving Wiley, May Valley and all other points intermediate located on Highways 169, 192, 196 and U.S. Highways 287 and 50; and (3) the American Telephone and Telegraph Company facility located approximately ten miles south of Lamar, serving all points intermediate located on U.S. Highway 287.

HEARING: November 10, 1964, at 1:00 p.m., in the County Court House, Lamar, Colo.

Requests for procedural information, including the time for filing protests to this application should be addressed to the Colorado Public Utilities Commission, 506 State Services Building, 1525 Sherman Street, Denver, Colo., 80203, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-9901; Filed, Sept. 29, 1964; 8:48 a.m.]

[Notice 1052]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 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 67077. By order of September 23, 1964, The Transfer Board approved the transfer to M & W Milk Transportation Co., Inc., Highland Mills, N.Y., of the operating rights in Certificate No. MC 67254 issued April 27, 1960, to William A. Adler, doing business as M & W Milk Transportation, Highland Mills, N.Y., authorizing the transportation over irregular routes of raw and pasteurized milk; in bulk, cream and ice cream mixture; empty containers for cream and ice cream mixture; condensed milk and superheated milk, in containers; empty containers for condensed milk and superheated milk; powdered milk; cheese, sugar; apples, cabbage, and bag and barrel linings, from and to specified points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, varying with the commodities transported. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, New York, attorney for applicants.

No. MC–FC 67131. By order of September 23, 1964, The Transfer Board approved the substitution of Milo Stritesky and Otto Stritesky, a partnership, doing business as Stritesky Bros., Silver Lake, Minn., in lieu of Kaminsky, Inc., Silver Lake, Minn., as applicant in No. MC 121080 Sub 1 for a Certificate of Registration to operate in interstate or foreign commerce authorizing operations under the second proviso of section 206(a)(1) of the Act supported by Minnesota Certificate 224 to transport freight as a common carrier, over a regular route, between Silver Lake, Minn., and the Twin Cities Metropolitan Area, via Minnesota Highway 7. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., 55114, representative for applicants.

No. MC–FC 67133. By order of September 24, 1964, The Transfer Board approved the transfer to International Transport, Inc., Boston, Mass., of the Certificate of Registration in No. MC 96677 Sub 1, issued April 24, 1964, to Murphy and Driscoll Co., Inc., Boston, Mass., authorizing the transportation in interstate and foreign commerce consistent with the intrastate operations authorized by the Massachusetts Department of Public Utilities in Certificate No. 1037, issued September 5, 1961. Francis E. Barrett, Professional Building, East Milton (Boston), Mass., attorney for applicants.

No. MC–FC 67156. By order of September 23, 1964, The Transfer Board approved the transfer to Transport Van Lines, Inc., Lincoln, Nebr., of a portion of Certificate No. MC 90144 issued November 19, 1963, to Sky Line Carriers,

Inc., authorizing the transportation over irregular routes of household goods, as defined by the Commission, and grain, between Weston, Nebr., and points within 20 miles thereof, on the one hand, and, on the other, points in Iowa and Kansas; and household goods, as defined by the Commission, and emigrant movables, between Bradshaw, Nebr., and points within 25 miles thereof, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, and South Dakota. Einar Viren, 904 City National Bank Building, Omaha 2, Nebr., representative for applicant.

No. MC-FC 67187. By order of September 24, 1964, The Transfer Board approved the transfer to Elizabeth M. McCormick, doing business as John C. McCormick, Lanesborough, Mass., of the operating rights in the Certificate of Registration in No. MC 99807 Sub 1, issued January 22, 1964, to John C. McCormick, doing business as J. C. McCormick, Lanesborough, Mass., authorizing the transportation of furniture and pianos anywhere in the Commonwealth; and property in bundles and containers and manufactured products within a radius of 35 miles of City Hall, Pittsfield, Mass. William L. Mobley, 1964 Main Street, Springfield, Mass., representative for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-9902; Filed, Sept. 29, 1964; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JOSEF HOLZMAYR ET AL.

Notice of Intention To Return Vested Property

Pursuant to the Agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests" which was signed at Washington on January 30, 1959, and ratified by the United States on March 4, 1964, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Josef Holzmayr, Kammermeierstrasse 4, Steyr, Austria, $246.26 in the Treasury of the United States, and Anna Riesenhuber, Sarning 33, Garsten bei Steyr, Austria, $258.48 in the Treasury of the United States; Claim No. 15656.

Hilda Pfingstl, Körösistrasse 116, Graz, Austria; Claim No. 30079; $350.90 in the Treasury of the United States.

Hans Mikulitsch, Grosse Neugasse 31/12A, Vienna IV, Austria; Claim No. 33811; $438.09 in the Treasury of the United States.

August Woseczek, Verdrossplatz 2, Innsbruck, Austria; Claim No. 36893; $110.31 in the Treasury of the United States.

Dr. Ing. Wilhelm Schaefer, Hanuschgasse 6, Neunkirchen/Niederösterreich, Austria; Claim No. 37087; $15,536.62 in the Treasury of the United States.

Margaretha Oberhauser-Seedorff, c/o The American Express Co. Inc., 20 Bahnhofstrasse, Zurich I, Switzerland; Claim No. 39409; $21,992.30 in the Treasury of the United States.

Walter Exner, Frankenbergerstrasse 12, 3559 Frankenau, Germany; Claim No. 40089; $255.06 in the Treasury of the United States.

Franz Fink, Stuppacherstrasse 8, N. Oe., Gloggnitz, Austria, $1,023.46 in the Treasury of the United States, and Hermann Fink, Koettlach 32, Gloggnitz, N. Oe., Austria, $1,023.46 in the Treasury of the United States; Claim No. 40652.

Elsa Payr, Naarnerstrasse 27, O.O., Perg, Austria; Claim No. 41128; $495.25 in the Treasury of the United States.

Ludwig Stuetz, Erdbergstrasse 125, Vienna III, Austria; Claim No. 41136; $108.96 in the Treasury of the United States.

Mathilde Lawitschka, Kirchengasse 9, Muerzzuschlag, Steiermark, Austria, $335.26 in the Treasury of the United States, and Maria Gruber, Mixnitz No. 31, Gemeinde Pernegg a.d. Mur, Steiermark, Austria, $335.26 in the Treasury of the United States; Claim No. 41210.

Wilhelm Hillebrand, Stolzenthalergasse 21/17, Vienna 8/65, Austria; Claim No. 41714; $220.65 in the Treasury of the United States.

Alois Stuetz, Fichtelplatz 13, Leoben, Steiermark, Austria; Claim Nos. 42063 and 43013; $1,228.24 in the Treasury of the United States.

Johanna Lebersorger, Aspern, Lobangasse Nr. 6, Vienna XXII, Austria; Claim No. 42428; $340.50 in the Treasury of the United States.

Countess Marie Luise Larisch, 26 Johannesgasse, Vienna 1, Austria; Claim No. 42684; $22,276.69 in the Treasury of the United States.

Franz Schleifer, Reckturmgasse Nr. 21, Laa a.d. Thaya, Austria; Claim No. 42773; $342.64 in the Treasury of the United States.

Johanna Roscenich, Leegasse 8/4, Vienna XIV, Austria; Claim No. 42889; $219.48 in the Treasury of the United States.

Franz Gstach, Ludwig Richterstrasse 3, Salzburg-Aigen, Austria, $219.91 in the Treasury of the United States, and Isabella Zwerger, Maximilianstrasse 13, Innsbruck, Tyrol, Austria, $219.91 in the Treasury of the United States; Claim No. 43952.

Maria Frey-Trauer, a/k/a Mrs. Mimi Frey-Trauer, Tulpengasse 5/1, Vienna VIII, Austria; Claim No. 44722; $2,572.79 in the Treasury of the United States.

Marie Strixner, Bahngasse Nr. 3, Laa a.d. Thaya, Austria; Claim No. 44904; $342.64 in the Treasury of the United States.

Hedwig Krapp (formerly Pauer), $20.76 in the Treasury of the United States, and Hedwig Krapp (formerly Pauer), as Guardian of Christine Pauer, Pirkebnerstrasse 1-3/11/4, Vienna XII, Austria, $31.14 in the Treasury of the United States, and Gertrude Khom, Beckmanngasse 72/10, Vienna XV, Austria, $31.14 in the Treasury of the United States; Claim No. 45000.

Georg Huber, Ofengeschäft, Herrengasse 41, Bludenz/Vlbg., Austria; Claim No. 46335; $1,005.40 in the Treasury of the United States.

Dr. Friedrich Rotter, Danhausergasse 7, Vienna IV, Austria; Claim No. 56638; $30.00 in the Treasury of the United States.

Othmar Stosius, Geblergasse 45/2, Vienna XVII, Austria; Claim No. 59739; $290.00 in the Treasury of the United States.

Irene Doderer, Kitzbühel Tyrol, Haus Michael, Austria, $463.25 in the Treasury of the United States, and Maria Anna Hoedl, c/o Mrs. Spraiter, Post Box 22, Hallein/Salzburg, Austria, $463.25 in the Treasury of the United States; Claim No. 61386.

Dr. Franz Xaver Mayr, Heiligenstaedterstrasse 12, Vienna IX, Austria; Claim No. 61789; $2,191.06 in the Treasury of the United States.

Claudius Czibulka, $28.19 in the Treasury of the United States, and Elisabeth Czibulka, Prinz Eugen Strasse 76, Vienna IV, Austria, $28.19 in the Treasury of the United States; Claim No. 62785.

Lore Elisabeth Lechner, St. Johann i. Pongau, Salzburg, Austria; Claim No. 66910; $2,392.74 in the Treasury of the United States.

Maria Hautzinger, Ried im Traunkreis Nr. 9, Austria, $64.90 in the Treasury of the United States, and Anna Thabita Oswald, Oberpullendorf, Burgenland, Austria, $64.90 in the Treasury of the United States; Claim No. 66911.

Ella Erika Buchinger, Altaussee 64, Steiermark, Austria; Claim No. 67002; $917.74 in the Treasury of the United States.

Executed at Washington, D.C., on September 22, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64-9804; Filed, Sept. 29, 1964; 8:45 a.m.]

MARIE HELENE ILCHMANN

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Marie Helene Ilchmann, Talstrasse 12, 705 Waiblingen, Germany; Claim No. 37669; Vesting Order No. 1669; $835.40 in the Treasury of the United States.

Executed at Washington, D.C., on September 24, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64-9926; Filed, Sept. 29, 1964; 8:51 a.m.]

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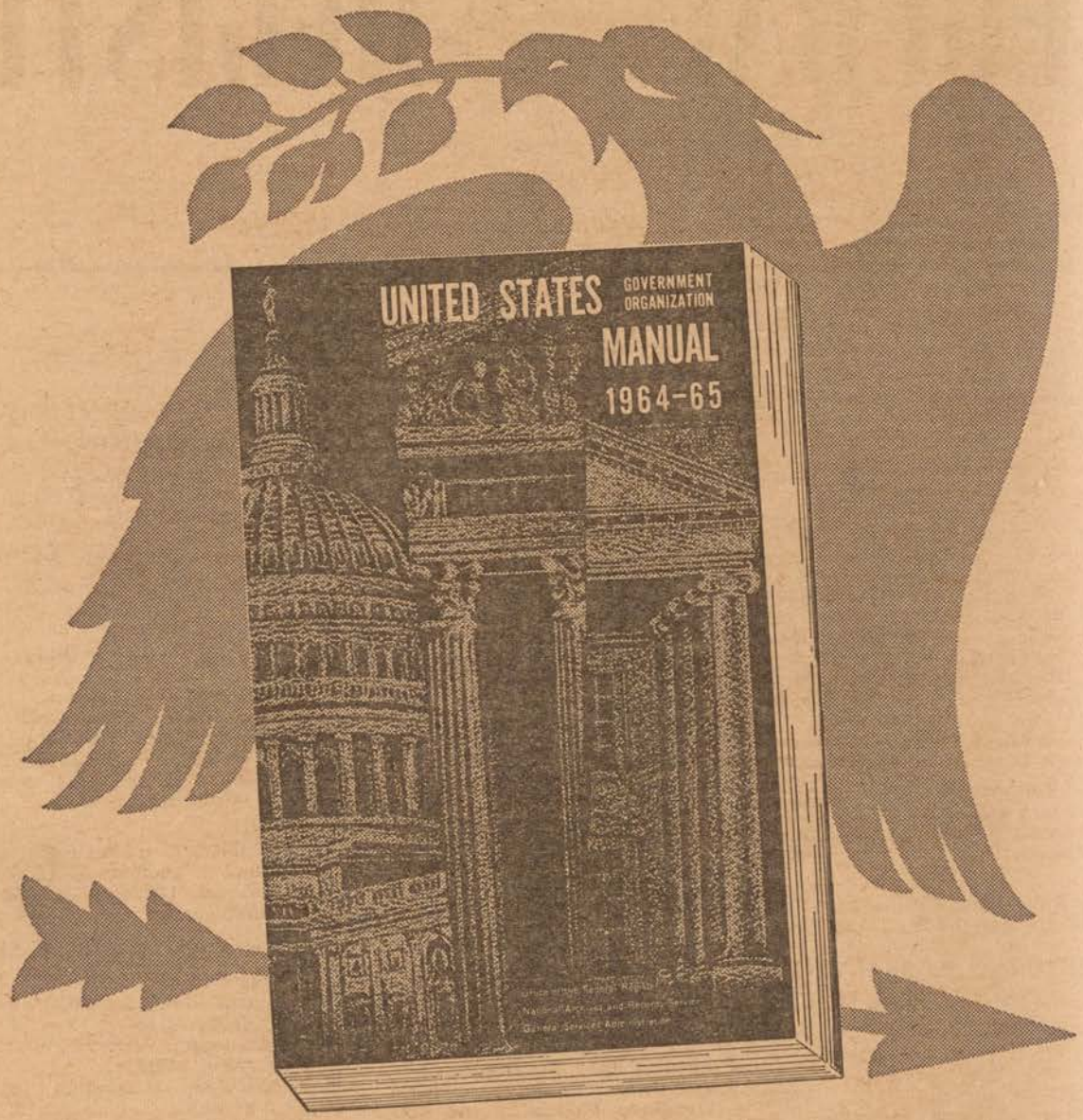

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