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FEDERAL REGISTER

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Title 3—THE PRESIDENT

Executive Order 11151

SUSPENSION OF THE PROVISIONS OF SECTION 5770 OF TITLE 10, UNITED STATES CODE, RELATING TO PROMOTION OF CERTAIN OFFICERS OF THE REGULAR NAVY

By virtue of the authority vested in me by Section 5785(b) of Title 10 of the United States Code, I hereby suspend the provisions of Section 5770 of Title 10 of the United States Code which require certain male officers on the active list in the line of the Navy to have had specified sea or foreign service before they may be promoted.

LYNDON B. JOHNSON

THE WHITE HOUSE,
April 8, 1964.

[F.R. Doc. 64-3628; Filed, Apr. 9, 1964; 10:49 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show the revocation of the exception for one of the positions of Assistant to the Secretary reducing the number of exceptions for these positions from four to three. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (a) of § 213.3305 is amended as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* (1) Three Assistants to the Secretary.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3491; Filed, Apr. 9, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. No. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans on Certain Commodities

INCREASE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 28 F.R. 2489, as amended, containing the terms and conditions for participation in pools of CCC price support loans on certain commodities are hereby further amended to increase from 3.5 to 3.70 percent per annum, effective April 10, 1964, the rate of interest on certificates evidencing participation in financing price support loans.

1. Section 1421.3806(a) is amended to read as follows:

§ 1421.2806 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates evidencing participation in financing price support program loans shall earn interest at the rate of 3 percent per annum through and including August 31, 1963, 3.5 percent per annum from September 1, 1963 through and including April 9, 1964 and 3.70 percent per annum thereafter.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Signed at Washington, D.C., on April 7, 1964.

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

[F.R. Doc. 64-3555; Filed, Apr. 9, 1964; 8:48 a.m.]

[Amdt. No. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

CHANGE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 3614, containing the terms and conditions for participation in pools of CCC price support loans on certain commodities, are hereby amended to change from 3.5 to 3.70 percent per annum the rate of interest on certificates evidencing participation in financing price support loans.

1. Section 1421.3825(a) is amended to read as follows:

§ 1421.3825 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 3.70 percent per annum.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Signed at Washington, D.C., on April 7, 1964.

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

[F.R. Doc. 64-3554; Filed, Apr. 9, 1964; 8:48 a.m.]

[Amdt. No. 3]

PART 1427—COTTON

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Cotton

INCREASE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 6192, as amended, containing the terms and conditions under which commercial banks may participate in pools of CCC price support loans on cotton are hereby further amended to increase from 3.5 to 3.70 percent per annum, effective April 10, 1964, the rate of interest on certificates evidencing participation in financing cotton price support loans.

Section 1427.1238 is amended to read as follows:

§ 1427.1238 Rate of interest and basis of computation of interest earned.

Certificates shall earn interest at the rate of 3 percent per annum through and including August 31, 1963, 3.5 percent per annum from September 1, 1963 through and including April 9, 1964 and 3.70 percent per annum thereafter. This interest rate of 3.70 percent may be increased or decreased by CCC upon publication in the FEDERAL REGISTER of an amendment to these regulations providing for such increase or decrease: *Provided*, That with respect to any decrease in the interest rate, the effective date of such decrease shall be at least 15 days subsequent to the date of publication of such amendment in the FEDERAL REGISTER. Interest earned will be paid on a 365-day basis from and including the date shown on the certificate to, but not including, the maturity date of the certificate, the date the certificate is purchased by CCC, or the date the certificate is to be presented to CCC for purchase in accordance with notice given the holder of record pursuant to § 1427.1237, whichever date first occurs. If the amount of accrued interest on a certificate presented for purchase is $3.00 or less, CCC shall not be obligated to pay any interest on the certificate.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Signed at Washington, D.C., on April 7, 1964.

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

[F.R. Doc. 64-3556; Filed, Apr. 9, 1964; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of

Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Coosa, Covington, Cullman, Dale, De Kalk, Elmore, Escambia, Etowah, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, and Winston Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Hawaii. Honolulu County;

Idaho. The entire State;

Illinois. Adams, Alexander, Bond, Bonne, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Guthrie, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Story, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, DeSoto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fayette, Franklin, Fulton, Gallia, Geauga, Greene, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Wayne, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Grant, Haskell, Latimer, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, and Pushmataha Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Castro, Childress, Cochran, Coke, Coleman, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Natrona, Nio-

brara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

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

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Honolulu County in Hawaii; Adams County in Illinois; Story County in Iowa; Hutchinson County in Texas; and Lincoln and Natrona Counties in Wyoming.

The amendment deletes the following area from the list of areas designated as modified certified brucellosis areas because it has been determined that such area no longer comes within the definition of § 78.1(i): Harding County in South Dakota.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of April 1964.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 64–3537; Filed, Apr. 9, 1964; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 17,986]

PART 523—MEMBERS OF BANKS

Stock Subscription

APRIL 1, 1964.

Resolved that, notice and public procedure having been duly afforded (28 F.R. 13549) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 523.5 of the regulations for the Federal Home Loan Bank System (12 CFR 523.5) in order to enable the Federal Home Loan Banks to obtain from Bank members on a fiscal year accounting basis information necessary to determine required stock subscription as of the end of the calendar year, and for the purpose of effecting such an amendment, hereby amends said § 523.5 of the regulations for the Federal Home Loan Bank System to read as follows, effective May 11, 1964:

§ 523.5 Minimum stock subscription.

As of the close of each calendar year, the Bank shall ascertain from the report required by § 523.15, or by such other means as may be appropriate, if an additional subscription to capital stock is required of any member, in order to comply with the act, and the Bank shall notify the member of any additional requirement.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 64–3519; Filed, Apr. 9, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Reg. Docket No. 1849; Amdt. 40–40]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Operation of Three-Engine Airplanes

The purpose of this amendment is to prescribe certain training and proficiency requirements for the pilot in command of a three-engine airplane and to authorize certain operations of three-engine airplanes under the same conditions authorized for four-engine airplanes.

On July 11, 1963, the Federal Aviation Agency issued as a notice of proposed rule making (28 F.R. 7398), circulated as Notice No. 63–26, a proposal to amend Parts 40, 41, and 42 to require that training and proficiency maneuvers for pilots in command of three-engine airplanes include the operation of the airplane with the most critical combination of two engines inoperative, or operating at zero thrust, and to authorize the same prerogatives in the operation of three-engine airplanes that are permitted in the operation of four-engine airplanes with respect to:

1. Continuation of flight under certain circumstances beyond the nearest suitable airport with one engine inoperative; and

2. Location of the alternate airport at a distance up to two hours of flying time, with one engine inoperative, from the airport of takeoff.

Insofar as this amendment relates to the initial flight training of a pilot qualifying to serve as pilot in command of a three-engine airplane, § 40.282(b)(1)(ii) is amended to require flight in a three-engine airplane, including maneuvering to a landing, with the most critical combination of two engines inoperative. These maneuvers will then be required as part of the pilot in command proficiency check as well, since § 40.302(b)(2)(i) requires that the maneuvers set forth in § 40.282(b)(1) be accomplished during that check. Also, with regard to the pilot in command proficiency check, CAM §§ 40.302–1(j) and 40.302–1(v) respectively require maneuvering and landing while utilizing 50 percent of the available power units. These sections are amended to make them applicable to three-engine airplanes by requiring the maneuvers to be performed in those airplanes with the center and one outboard engine in a simulated inoperative condition.

The Air Line Pilots Association's comments on these requirements were favorable provided that experience gained subsequent to the preparation of their comments proved that the maneuvers could be performed safely considering the actual performance characteristics of the airplanes which had not been certificated at that time. Experience gained subsequently with airplanes of this type has shown that airplane performance is adequate for these maneuvers.

The Aerospace Industries Association and the Air Transport Association opposed the two-engine-inoperative maneuver requirements. One basis of their opposition was the good engine reliability record of turbine-powered airplanes. They further contended that the requirement is more stringent than for four-engine airplanes; that maneuvering to a landing with two engines inoperative exposes the airplane to untoward incidents; and that proficiency in these maneuvers could be attained through the practice of other maneuvers such as engine failure on takeoff and jammed stabilizer landings.

The Federal Aviation Agency recognizes the commendable engine reliability record established to date by turbine-powered airplanes. However, while improved reliability reduces the probability of engine failures, the possibility factor has not been eliminated and cannot be ignored. The airplane is required to have certain performance capabilities with two engines inoperative so that the airplane may proceed to a landing in the event of two engine failures when operating more than 90 minutes from an airport. The Federal Aviation Agency believes that pilots must be competent to fly the airplane in any configuration in which it is certificated to fly.

The two-engine-inoperative landing maneuver is sufficiently different from other required maneuvers that proficiency in this maneuver is not attained by practice of the other maneuvers as was suggested by the air carriers. Concerning the industry contention that two-engine inoperative landings unnecessarily expose the airplane to an inci-

dent, experience has shown that when the degree of skill and judgment normally required in training type operations is used there is no reason to consider the two-engine-inoperative maneuvers to be unduly hazardous.

Section 40.75 provides for the en route operation of four-engine piston-powered airplanes along a track which is as much as 90 minutes or more from an available landing area when appropriate performance and gross weight requirements are complied with. Notice 63–26 contained a proposal to amend that section by broadening its applicability to include three-engine piston-powered airplanes. As a necessary corollary to this, it was proposed to amend § 40.62(a) (which limits two- and three-engine airplanes to operation at distances of not more than 60 minutes from an airport) by deleting reference in it to all three-engine airplanes. After consideration of the fact that three-engine piston-powered airplanes are not now available nor envisioned in the foreseeable future, it has been decided that the proposed amendments to §§ 40.75 and 40.62(a), insofar as they apply to three-engine piston-powered airplanes, are unnecessary. Section 40.62(a) is amended by excepting from its provisions three-engine turbine-powered airplanes, but not three-engine piston-powered airplanes as was proposed. Excepting three-engine turbine-powered airplanes from the provisions of § 40.62(a) will enable them to be operated more than 60 minutes from an airport as provided in Section 40T.83 of SR–422B.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. The issuance of this amendment was withheld until sufficient flight experience had been obtained with a three-engine turbine-powered airplane. Inasmuch as this type of airplane has recently been certificated by the Agency and introduced into air carrier operations, I find that, in the interest of safety there is good cause for making it effective on less than 30 days' notice.

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

In consideration of the foregoing, Part 40 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective April 10, 1964, as hereinafter set forth.

§ 40.62 [Amended]

1. By amending § 40.62(a) by inserting at the beginning thereof the phrase "Except for three-engine turbine-powered airplanes * * *".

2. By amending § 40.282(b)(1)(ii) to read as follows:

§ 40.282 Initial pilot flight training.

* * * * *

(b) * * *

(1) * * *

(ii) At the authorized maximum landing weight, flight, including maneuvering to a landing, in a three- or four-engine airplane with the most critical combination of two engines inoperative, or operating at zero thrust, utilizing, where appropriate, applicable climb speeds as set forth in the Airplane Flight Manual.

* * * * *

3. By amending § 40.302–1(j) by adding between the first and second sentences a new sentence to read: "In the case of a three-engine airplane, maneuvering will be accomplished with a loss of the center and one outboard engine."

4. By amending § 40.302–1(v) by adding before the last sentence a new sentence to read: "In the case of a three-engine airplane, the airplane shall be maneuvered to a landing while utilizing one of the outboard engines, and with the center engine and the other outboard engine in a simulated inoperative condition."

§ 40.363 [Amended]

5. By amending § 40.363(b) by deleting from the introductory sentence the numeral "4" and inserting in lieu thereof the numeral "3".

§ 40.388 [Amended]

6. By amending § 40.388(a) by deleting from the title of subparagraph (1) the words "or 3", and by deleting from the title of subparagraph (2) the numeral "4" and inserting in lieu thereof the numeral "3".

Issued in Washington, D.C., on April 2, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64–3500; Filed, Apr. 9, 1964; 8:45 a.m.]

[Reg. Docket No. 1849; Amdt. 41–6]

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

Operation of Three-Engine Airplanes

The purpose of this amendment is to prescribe certain training and proficiency requirements for the pilot in command of a three-engine airplane and to authorize certain operations of three-engine airplanes under the same conditions authorized for four-engine airplanes.

On July 11, 1963, the Federal Aviation Agency issued as a notice of proposed rule making (28 F.R. 7398), circulated as Notice No. 63–26, a proposal to amend Parts 40, 41, and 42 to require that training and proficiency maneuvers for pilots in command of three-engine airplanes include the operation of the airplane with the most critical combination of two engines inoperative, or operating at zero thrust, and to authorize the same prerogatives in the operation of three-engine airplanes that are permitted in the operation of four-engine airplanes with respect to:

1. Continuation of flight under certain circumstances beyond the nearest suitable airport with one engine inoperative; and

2. Location of the alternate airport at a distance up to two hours of flying time, with one engine inoperative, from the airport of takeoff.

Insofar as this amendment relates to the initial flight training of a pilot qualifying to serve as pilot in command (or as second in command in a crew requiring 3 or more pilots) of a three-engine airplane, § 41.282(b)(1)(ii) is amended to require flight in a three-engine airplane, including maneuvering to a landing, with the most critical combination of two engines inoperative. These maneuvers will then be required as part of the pilot in command proficiency check as well, since § 41.302(b)(2)(ii) presently requires that the maneuvers required by § 41.282(b)(1) be accomplished during the proficiency check.

The Air Line Pilots Association's comments on these requirements were favorable provided that experience gained subsequent to the preparation of their comments proved that the maneuvers could be performed safely considering the actual performance characteristics of the airplanes which had not been certificated at that time. Experience gained subsequently with airplanes of this type has shown that airplane performance is adequate for these maneuvers.

The Aerospace Industries Association and the Air Transport Association opposed the two-engine-inoperative maneuver requirements. One basis of their opposition was the good engine reliability record of turbine-powered airplanes. They further contended that the requirement is more stringent than for four-engine airplanes; that maneuvering to a landing with two engines inoperative exposes the airplane to untoward incidents; and that proficiency in these maneuvers could be attained through the practice of other maneuvers such as engine failure on takeoff and jammed stabilizer landings.

The Federal Aviation Agency recognizes the commendable engine reliability record established to date by turbine-powered airplanes. However, while improved reliability reduces the probability of engine failures, the possibility factor has not been eliminated and cannot be ignored. The airplane is required to have certain performance capabilities with two engines inoperative so that the airplane may proceed to a landing in the event of two engine failures when operating more than 90 minutes from an airport. The Federal Aviation Agency believes that pilots must be competent to fly the airplane in any configuration in which it is certificated to fly.

The two-engine-inoperative landing maneuver is sufficiently different from other required maneuvers that proficiency in this maneuver is not attained by practice of the other maneuvers as was suggested by the air carriers. Concerning the industry contention that two-engine-inoperative landings unnecessarily expose the airplane to an incident, experience has shown that when the degree of skill and judgment normally required in training type operations is used there is no reason to consider the two-engine-inoperative maneuvers to be unduly hazardous.

Section 41.75 provides for the en route operation of four-engine piston-powered airplanes along a track which is as much as 90 minutes or more from an available landing area when appropriate performance and gross weight requirements are complied with. Notice 63–26 contained a proposal to amend that section by broadening its applicability to include three-engine piston-powered airplanes. As a necessary corollary to this, it was proposed to amend § 41.62(a) (which limits two- and three-engine airplanes to operation at distances of not more than 60 minutes from an airport) by deleting reference in it to all three-engine airplanes. After consideration of the fact that three-engine piston-powered airplanes are not now available nor envisioned in the foreseeable future, it has been decided that the proposed amendments to §§ 41.75 and 41.62(a), insofar as they apply to three-engine piston-powered airplanes, are necessary. Section 41.62(a) is amended by excepting from its provisions three-engine turbine-powered airplanes, but not three-engine piston-powered airplanes as was proposed. Excepting three-engine turbine-powered airplanes from the provisions of § 41.62(a) will enable them to be operated more than 60 minutes from an airport as provided in Section 40T.83 of SR–422B.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. The issuance of this amendment was withheld until sufficient flight experience had been obtained with a three-engine turbine powered airplane. Inasmuch as this type of airplane has recently been certificated by the Agency and introduced into air carrier operations, I find that, in the interest of safety, there is good cause for making it effective on less than 30 days' notice.

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

In consideration of the foregoing, Part 41 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective April 10, 1964, as hereinafter set forth.

§ 41.62 [Amended]

1. By amending § 41.62(a) by inserting at the beginning thereof the phrase "Except for three-engine turbine-powered airplanes * * *".

2. By amending § 41.282(b)(1)(ii) to read as follows:

§ 41.282 Pilot flight training.

* * * * *

(b) * * *

(1) * * *

(ii) At the authorized maximum landing weight, flight, including maneuvering to a landing, in a three- or four-engine airplane with the most critical combination of two engines inoperative, or operating at zero thrust, utilizing, where appropriate, applicable climb speeds as set forth in the Airplane Flight Manual.

* * * * *

§ 41.363 [Amended]

3. By amending § 41.363(b) by deleting from the introductory sentence the numeral "4" and inserting in lieu thereof the numeral "3".

§ 41.388 [Amended]

4. By amending § 41.388(a) by deleting from the title of subparagraph (1) the words "or 3", and by deleting from the title of subparagraph (2) the numeral "4" and inserting in lieu thereof the numeral "3".

Issued in Washington, D.C., on April 2, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64–3501; Filed, Apr. 9, 1964; 8:46 a.m.]

[Reg. Docket No. 1849; Amdt. 42–5]

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

Operation of Three-Engine Airplanes

The purpose of this amendment is to prescribe certain training and proficiency requirements for the pilot in command of a three-engine airplane and to authorize certain operations of three-engine airplanes under the same conditions authorized for four-engine airplanes.

On July 11, 1963, the Federal Aviation Agency issued as a notice of proposed rule making (28 F.R. 7398), circulated as Notice No. 63–26, a proposal to amend Parts 40, 41, and 42 to require that training and proficiency maneuvers for pilots in command of three-engine airplanes include the operation of the airplane with the most critical combination of two engines inoperative, or operating at zero thrust, and to authorize the same prerogatives in the operation of three-engine airplanes that are permitted in the operation of four-engine airplanes with respect to:

1. Continuation of flight under certain circumstances beyond the nearest suitable airport with one engine inoperative; and

2. Location of the alternate airport at a distance up to two hours of flying time, with one engine inoperative, from the airport of takeoff.

Insofar as this amendment relates to the initial flight training of a pilot qualifying to serve as pilot in command (or as second in command in a crew requiring 3 or more pilots) of a three-engine airplane, § 42.282(b)(1)(ii) is amended to require flight in a three-engine airplane, including maneuvering to a landing, with the most critical combination of two engines inoperative. These maneuvers will then be required as part of the pilot in command proficiency check as well, since § 42.302(b)(2)(ii) presently requires that the maneuvers required by § 42.282(b)(1) be accomplished during the proficiency check.

The Air Line Pilots Association's comments on these requirements were favorable provided that experience gained subsequent to the preparation of their comments proved that the maneuvers could be performed safely considering the actual performance characteristics of the airplanes which had not been certificated at that time. Experience gained subsequently with airplanes of this type has shown that airplane performance is adequate for these maneuvers.

The Aerospace Industries Association and the Air Transport Association opposed the two-engine-inoperative maneuver requirements. One basis of their opposition was the good engine reliability record of turbine-powered airplanes. They further contended that the requirement is more stringent than for four-engine airplanes; that maneuvering to a landing with two engines inoperative exposes the airplane to untoward incidents; and that proficiency in these maneuvers could be attained through the practice of other maneuvers such as engine failure on takeoff and jammed stabilizer landings.

The Federal Aviation Agency recognizes the commendable engine reliability record established to date by turbine-powered airplanes. However, while improved reliability reduces the probability of engine failures, the possibility factor has not been eliminated and cannot be ignored. The airplane is required to have certain performance capabilities with two engines inoperative so that the airplane may proceed to a landing in the event of two engine failures when operating more than 90 minutes from an airport. The Federal Aviation Agency believes that pilots must be competent to fly the airplane in any configuration in which it is certificated to fly.

The two-engine-inoperative landing maneuver is sufficiently different from other required maneuvers that proficiency in this maneuver is not attained by practice of the other maneuvers as was suggested by the air carriers. Concerning the industry contention that two-engine-inoperative landings unnecessarily expose the airplane to an incident, experience has shown that when the degree of skill and judgment normally required in training type operations is used there is no reason to consider the two-engine-inoperative maneuvers to be unduly hazardous.

Section 42.75 provides for the en route operation of four-engine piston-powered airplanes along a track which is as much as 90 minutes or more from an available landing area when appropriate performance and gross weight requirements are complied with. Notice 63–26 contained a proposal to amend that section by broadening its applicability to include three-engine piston-powered airplanes. As a necessary corollary to this, it was proposed to amend § 42.62(a) (which limits two- and three-engine airplanes to operation at distances of not more than 60 minutes from an airport) by deleting reference in it to all three-engine air-

planes. After consideration of the fact that three-engine piston-powered airplanes are not now available nor envisioned in the foreseeable future, it has been decided that the proposed amendments to §§ 42.75 and 42.62(a), insofar as they apply to three-engine piston-powered airplanes, are unnecessary. Section 42.62(a) is amended by excepting from its provisions three-engine turbine-powered airplanes, but not three-engine piston-powered airplanes as was proposed. Excepting three-engine turbine-powered airplanes from the provisions of § 42.62(a) will enable them to be operated more than 60 minutes from an airport as provided in Section 40T.83 of SR-422B.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. The issuance of this amendment was withheld until sufficient flight experience had been obtained with a three-engine turbine-powered airplane. Inasmuch as this type of airplane has recently been certificated by the Agency and introduced into air carrier operations, I find that, in the interest of safety, there is good cause for making it effective on less than thirty days' notice.

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

In consideration of the foregoing, Part 42 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective April 10, 1964, as hereinafter set forth.

§ 42.62 [Amended]

1. By amending § 42.62(a) by inserting at the beginning thereof the phrase "Except for three-engine turbine-powered airplanes * * *".

2. By amending § 42.282(b)(1)(ii) to read as follows:

§ 42.282 Pilot flight training; airplanes.

* * * * *

(b) * * *

(1) * * *

(ii) At the authorized maximum landing weight, flight, including maneuvering to a landing, in a three or four-engine airplane with the most critical combination of two engines inoperative, or operating at zero thrust, utilizing, where appropriate, applicable climb speeds as set forth in the Airplane Flight Manual.

* * * * *

§ 42.363 [Amended]

3. By amending § 42.363(b) by deleting from the introductory sentence the numeral "4" and inserting in lieu thereof the numeral "3".

§ 42.388 [Amended]

4. By amending § 42.388(a) by deleting from the title of subparagraph (1) the words "or 3", and by deleting from the title of subparagraph (2) the numeral "4" and inserting in lieu thereof the numeral "3".

Issued in Washington, D.C., on April 2, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-3502; Filed, Apr. 9, 1964; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-WE-78]

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

Alteration of Control Zone and Designation of Transition Area

On October 30, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11567) stating that the Federal Aviation Agency (FAA) proposed to alter the Modesto, Calif., control zone and designate the Modesto transition area. On February 4, 1964, a supplemental notice of proposed rule making was published amending the original proposal (29 F.R. 1693).

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

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

1. In § 71.171 (29 F.R. 1101) the Modesto, Calif., control zone is amended to read:

Modesto, Calif.

Within a 5-mile radius of the Modesto City-County Airport, Modesto, Calif., (latitude 37°37'35" N., longitude 120°57'15" W.); within 2 miles each side of the Modesto VOR 291° radial, extending from the 5-mile radius zone to 8 miles W of the VOR; within 2 miles each side of the Modesto VOR 119° radial, extending from the 5-mile radius zone to 8 miles E of the VOR from 0630 to 2200 hours local time, daily, excluding the portion within R-2514.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Modesto, Calif.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Modesto City-County Airport (latitude 37°37'35" N., longitude 120°57'15" W.) within 2 miles each side of the Modesto VOR 291° radial, extending from the 5-mile radius area to 8 miles W of the VOR, and within 2 miles each side of the Modesto VOR 119° radial, extending from the 5-mile radius area to 8 miles E of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120°-30'00" W., on the SE by a line extending from latitude 37°38'45" N., longitude 120°-30'00" W., to latitude 37°25'00" N., longitude 120°48'00" W., on the S by latitude 37°25'00" N., on the W by V-109, and on the N by a line extending from the E boundary of V-109 through latitude 37°38'00" N., longitude 121°00'35" W., to latitude 37°45'45" N., longitude 120°30'00" W.

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

These amendments shall become effective 0001 e.s.t., June 25, 1964.

Issued in Washington, D.C., on April 3, 1964.

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

[F.R. Doc. 64-3503; Filed, Apr. 9, 1964; 8:46 a.m.]

[Airspace Docket No. 63-SW-32]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration and Designation of Jet Routes

On December 7, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 13319) stating that the Federal Aviation Agency (FAA) proposed the following: (1) Designation of a jet route from the Boulder, Nev., VOR via the Tuba City, Ariz., VOR; the Crown Point, N. Mex., VOR; the Las Vegas, N. Mex., VORTAC; the Amarillo, Texas, VORTAC; the Wichita Falls, Texas, VORTAC; to the Dallas, Texas, VORTAC; (2) extension of Jet Route No. [illegible] from the Albuquerque, N. Mex., VORTAC via the Winslow, Ariz., VORTAC; the Peach Springs, Ariz., VORTAC; to the Boulder VOR; (3) realignment of Jet Route No. 58 from the Amarillo, Texas, VORTAC, via the Wichita Falls VORTAC to the Dallas VORTAC.

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

The substance of the proposed amendments having been published, therefore, for the reasons stated in the notice, the following actions are taken:

1. In § 75.100 (29 F.R. 1287) Jet Route No. 76 is added as follows:

Jet Route No. 76 (Boulder, Nev., to Dallas, Texas).

From Boulder, Nev., via Tuba City, Ariz.; Crown Point, N. Mex.; Las Vegas, N. Mex.; Amarillo, Texas; Wichita Falls, Texas; to Dallas, Texas.

2. In § 75.100 (29 F.R. 1287) Jet Route No. 72 is amended to read as follows:

Jet Route No. 72 (Boulder, Nev., to Dallas, Tex.).

From Boulder, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Texico, N. Mex.; Wichita Falls, Texas; to Dallas, Texas.

3. In § 75.100 (29 F.R. 1287) Jet Route No. 58 is amended as follows: In the text "Amarillo, Texas; Dallas, Texas;" is deleted and "Amarillo, Texas; Wichita Falls, Texas; Dallas, Texas;" is substituted therefor.

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

These amendments shall become effective 0001 e.s.t., May 28, 1964.

Issued in Washington, D.C., on April 3, 1964.

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

[F.R. Doc. 64-3504; Filed, Apr. 9, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

LACTYLIC ESTERS OF FATTY ACIDS

The Commissioner of Food and Drugs having evaluated data in a petition (FAP 1189) filed by The Glidden Company, 900 Union Commerce Building, Cleveland 14, Ohio, and other relevant material, has concluded that § 121.1048 should be amended to prescribe a class of lactylic esters of fatty acids capable of acting as safe emulsifiers and plasticizers in food. Since it would serve no useful purpose to include specifications of each specific ester, it would likewise serve no purpose to retain the specifications of the one ester currently described in § 121.1048. Likewise, in the absence of a need to prescribe specific levels of use, no purpose is served by retaining the present labeling requirements imposed by § 121.1048(d). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1048 is revised to read as follows:

§ 121.1048 Lactylic esters of fatty acids.

Lactylic esters of fatty acids may be safely used in food in accordance with the following prescribed conditions:

(a) They were prepared from lactic acid and fatty acids meeting the requirements of § 121.1070(b).

(b) They are used as emulsifiers and plasticizers in the following foods, in an amount not greater than that required to produce the intended physical or technical effect, and where standards of identity do not preclude use: Bakery mixes, pancake mixes, baked products, pudding mixes, dehydrated potatoes, and cake icings.

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

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

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

Dated: April 6, 1964.

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

[F.R. Doc. 64-3520; Filed, Apr. 9, 1964; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6721]

PART 19—TEMPORARY REGULATIONS UNDER THE REVENUE ACT OF 1964

Election of 100-Percent Dividends Received Deduction

The following regulations prescribed under section 243 of the Internal Revenue Code of 1954, as amended by section 214(a) of the Revenue Act of 1964 (78 Stat. 52), relate to the election by an affiliated group of the 100-percent dividends received deduction allowed by section 243(a)(3) of the Code, and to the apportionment of the single $100,000 exemption from estimated tax allowed to members of such group under section 243(b)(3)(C)(v).

The regulations set forth herein are temporary and are designed to inform taxpayers of certain rules governing the performance of acts required or permitted under certain provisions relating to the 100-percent dividends received deduction. More comprehensive rules with respect to these and other provisions relating to such deduction will be issued subsequently.

In order to provide temporary regulations under section 243 of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 19.4-1 Election by affiliated group of 100-percent dividends received deduction; apportionment of $100,000 exemption from estimated tax among members of affiliated group.

(a) *General.* Section 214(a) of the Revenue Act of 1964 (78 Stat. 52) amends section 243 of the Internal Revenue Code of 1954 to provide that a corporation shall be allowed as a deduction an amount equal to 100 percent of the qualifying dividends (as defined in section 243(b)(1)) received from a domestic corporation which is subject to taxation under chapter 1 of the Code. Section 243(b)(1) defines the term "qualifying dividends" to mean dividends received by a corporation which, at the close of the day the dividends are received, is a member of the same affiliated group of corporations (as defined in section 243(b)(5)) as the corporation distributing the dividends, if such affiliated group has made an election under section 243(b)(2) which is effected for the taxable years of its members which include such day, and if such dividends are distributed out of earnings and profits specified in section 243(b)(1)(B).

(b) *Election*—(1) *Manner and time of making election.* The election provided by section 243(b)(2) shall be made for an affiliated group by the common parent corporation and shall be made for a particular taxable year of the common parent corporation ending after December 31, 1963. The election shall be made by means of a statement, signed by any officer who is duly authorized to act on behalf of the common parent corporation, stating that the affiliated group elects under section 243(b)(2) for such taxable year. The statement shall set forth the name, address, taxpayer account number, and taxable year of each corporation which is a member of the affiliated group at any time during its taxable year which includes the last day of such taxable year of the common parent corporation. The statement must be filed on or before the date prescribed by law (including extensions of time) for the filing of the income tax return of the common parent corporation for such taxable year, or on or before June 10, 1964, whichever is later. The statement shall be attached to such return or, if the due date of such return (including extensions of time) is before June 10, 1964, shall be filed on or before June 10, 1964, with the district director with whom such return was filed. If a corporation becomes a member of the affiliated group after the date on which the election is filed and during its taxable year which includes the last day of such taxable year of the common parent corporation, then the common parent corporation shall notify the district director with whom the election was filed of such fact in writing within 60 days after such new member becomes a member of the affiliated group, and supply such district director with the name, address, taxpayer account number, and taxable year of such new member. An election under this subparagraph, once filed, is irrevocable, and is not subject to termination under section 243(b)(4) with respect to the taxable year of the common parent corporation for which it is made.

(2) *Consents by subsidiary corporations*—(i) *General.* Each member of an electing affiliated group (other than the common parent corporation) which is a member of such group at any time during its taxable year which includes the last day of the common parent corporation's taxable year for which the election is made must consent to such election in the manner and time provided in subdivision (ii) or (iii) of this subparagraph, whichever is applicable.

(ii) *Wholly-owned subsidiary.* If all of the stock of a corporation is owned by a member or members of the affiliated group on each day such corporation is a member of such group during its taxable year which includes the last day of the common parent's taxable year for which an election is made under this paragraph, such corporation (hereinafter in this paragraph referred to as a "wholly-owned subsidiary") shall be deemed to consent to such election. Each wholly-owned subsidiary shall attach a statement to its income tax return for such

taxable year stating that it is subject to an election under section 243(b)(2) for such taxable year and setting forth the name, address, taxpayer account number, and taxable year of the common parent corporation which made the election. However, if the due date for such return (including extensions of time) is before June 10, 1964, such statement shall be filed on or before June 10, 1964, with the district director with whom such return is filed.

(iii) *Other members.* The consent of each member referred to in subdivision (i) of this subparagraph (other than a wholly-owned subsidiary) shall be made by means of a statement, signed by any officer who is duly authorized to act on behalf of the consenting member, stating that such member consents to an election under section 243(b)(2) for a particular taxable year of the common parent corporation. The statement shall set forth the name, address, taxpayer account number, and taxable year of the consenting member and of the common parent corporation. The consent of more than one such member may be incorporated in a single statement. The statement (or statements) shall be attached to the election filed by the common parent corporation. The consent of each such member which, after the date the election was filed and during its taxable year which includes the last day of the taxable year of the common parent corporation for which the election is made, either (*a*) becomes a member, or (*b*) ceases to be a wholly-owned subsidiary but continues to be a member, shall be filed with the district director with whom the election was filed. Any such consent shall be filed on or before the date prescribed by law (including extensions of time) for the filing of the consenting member's income tax return for such taxable year, or on or before June 10, 1964, whichever is later. A consent, once filed, is irrevocable. A copy of the statement of consent must be filed by the consenting member on or before the date prescribed by law (including extensions of time) for the filing of the income tax return for its taxable year which includes the last day of such taxable year of the common parent corporation, or on or before June 10, 1964, whichever is later. The copy shall be attached to such return or, if the due date of such return (including extensions of time) is before June 10, 1964, shall be filed on or before June 10, 1964, with the district director with whom such return is filed.

(3) *Years for which election effective*—(i) *General rule.* An election under section 243(b)(2) shall be effective—

(*a*) For the taxable year of each member of the electing affiliated group which includes the last day of the taxable year of the common parent corporation with respect to which such election is made, and

(*b*) For the taxable year of each member of such affiliated group (whether or not a member of such group at any time during such taxable year of the common parent corporation) which ends after the last day of such taxable year of the common parent corporation but which does not include such date, unless the election is terminated under section 243(b)(4).

(ii) *Special rule.* In the case of a taxable year of a member (other than the common parent corporation) of an affiliated group (*a*) which begins in 1963 and ends in 1964, and (*b*) for which an election is not effective under subdivision (i)(*a*) of this subparagraph, if an election under subparagraph (1) of this paragraph is effective for the taxable year of the common parent corporation which includes the last day of such taxable year of such member, then such election shall be effective for such taxable year of such member if such member files a separate consent with respect to such taxable year. However, in order for a dividend distributed by such member during such taxable year to meet the requirements of section 243(b)(1), an election under subparagraph (1) of this paragraph must be effective for the taxable year of each member of the affiliated group which includes the date such dividend is received. See section 243(b)(1)(A). Accordingly, if the dividend is to qualify for the 100-percent dividends received deduction under section 243(a)(3), a consent must be filed under this subdivision by each member of the affiliated group with respect to its taxable year which includes the day the dividend is received (unless an election is effective for such taxable year under subdivision (i)(*a*) of this subparagraph). For purposes of this subdivision, a consent shall be made by means of a statement meeting the requirements of subparagraph (2)(iii) of this paragraph, and shall be attached to the election made by the common parent corporation for its taxable year which includes the last day of the taxable year of the consenting member with respect to which the consent is made. A copy of the statement shall be filed, within 60 days after such election is filed by the common parent corporation, with the district director with whom the consenting member filed its income tax return for such taxable year.

(iii) *Examples.* The provisions of subdivision (ii) of this subparagraph may be illustrated by the following examples:

Example (1). X Corporation owns all the stock of Y Corporation on each day of 1963, 1964, and 1965. X uses the calendar year as its taxable year and Y uses a fiscal year ending June 30 as its taxable year. X makes an election under subparagraph (1) of this paragraph for 1964. Since Y is a wholly-owned subsidiary for its taxable year ending June 30, 1965, it is deemed to consent to the election. However, in order for the election to be effective with respect to Y's taxable year ending June 30, 1964, a statement specifying that Y consents to the election with respect to such taxable year and containing the information required in a statement of consent under subparagraph (2)(iii) of this paragraph must be attached to the election.

Example (2). Assume the same facts as in example (1), except that X also owns all the stock of Z Corporation on each day of 1963, 1964, and 1965. Z uses a fiscal year ending May 31 as its taxable year. If Y distributes a dividend to X on January 15, 1964, the dividend may qualify under section 243(a)(3) only if Y and Z both consent to the election made by X for 1964 with respect to their taxable years ending in 1964.

Example (3). Assume the same facts as in example (1), except that X uses a fiscal year ending on January 31 as its taxable year and makes an election under subparagraph (1) of this paragraph for its taxable year ending January 31, 1964. Since Y's taxable year beginning in 1963 and ending in 1964 includes January 31, 1964, the last day of X's taxable year for which the election was made, the election is effective, under subdivision (i)(*a*) of this subparagraph, for Y's taxable year ending June 30, 1964. Accordingly, the special rule of subdivision (ii) of this subparagraph has no application.

(4) *Effect of election.* If an election by an affiliated group is effective with respect to a taxable year of the common parent corporation, then under the regulations to be issued under section 243(b)—

(i) *Election of multiple surtax exemptions.* No member of such affiliated group may consent to an election under section 1562 for such taxable year,

(ii) *Foreign tax credit elections.* The members of such affiliated group shall be treated as one taxpayer for purposes of making the elections under section 901(a) (relating to allowance of foreign tax credit) and section 904(b)(1) (relating to election of overall limitation),

(iii) *Other limitations.* The members of such affiliated group shall be limited to (*a*) one $100,000 minimum accumulated earnings credit under section 535(c)(2) or (3); (*b*) one $100,000 limitation for exploration expenditures under section 615(a) and (b); (*c*) one $400,000 limitation for exploration expenditures under section 615(c)(1); (*d*) one $25,000 limitation on small business deductions of life insurance companies under sections 804(a)(4) and 809(d)(10); and (*e*) one $100,000 exemption for purposes of estimated tax filing requirements under section 6016 and the addition to tax under section 6655 for failure to pay estimated tax.

(c) *Estimated tax*—(1) *Exemption from estimated tax*—(i) *General rule.* In the case of an affiliated group which makes an election under paragraph (b) of this section for a taxable year of the common parent corporation beginning after December 31, 1963, the members of such group shall be limited in the aggregate to a single $100,000 exemption from estimated tax for purposes of section 6016 (relating to declaration of estimated income tax by corporations) for their taxable years which include the last day of such taxable year of the common parent corporation. Such $100,000 exemption may be apportioned among such members in accordance with the rules provided in subparagraph (2) of this paragraph.

(ii) *Special rules.* (*a*) If an election under paragraph (b) of this section is effective with respect to any member of an affiliated group for its taxable year which includes the last day of a taxable year of the common parent corporation beginning in 1963 and ending in 1964, and if the last day of the 8th month of such taxable year of the member falls after April 10, 1964, then all such members having such taxable years shall be limited in the aggregate to a single $100,000 exemption from estimated tax for such taxable years.

(b) If an election under paragraph (b) of this section is effective for a taxable year of a member of an affiliated group under the provisions of paragraph (b)(3)(ii) of this section, and if the last day of the 8th month of such taxable year falls after April 10, 1964, then all such members having such taxable years shall be limited in the aggregate to a single $100,000 exemption from estimated tax for such taxable years.

(c) The $100,000 exemption referred to in (a) or (b) of this subdivision may be apportioned in accordance with the rules provided in subparagraph (3) of this paragraph.

(iii) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Corporation P owns all the stock of corporations W, X, Y, and Z on each day of 1963, 1964, and 1965. P, W, X, Y, and Z each use the calendar year as their taxable year. P makes a valid election under paragraph (b) of this section for 1964. Under subdivision (i) of this subparagraph, P, W, X, Y, and Z are limited in the aggregate to a single $100,000 exemption from estimated tax for their 1964 taxable years.

Example (2)—(a) Facts. Assume the same facts as in example (1), except that P uses a fiscal year ending November 30 as its taxable year, W uses a fiscal year ending October 31 as its taxable year, X uses a fiscal year ending September 30 as its taxable year, and Y uses a fiscal year ending March 31 as its taxable year. P makes a valid election under paragraph (b) of this section for its taxable year ending on November 30, 1964. W, X, and Y file separate consents under paragraph (b)(3)(ii) of this section to the election with respect to their taxable years ending in 1964.

(b) *Application of subdivision (ii)(b) of this subparagraph.* The election by P is effective under the provisions of paragraph (b)(3)(ii) of this section for the taxable years of W, X, and Y ending in 1964. However, since the last day of the 8th month of Y's taxable year ending in 1964 does not fall after April 10, 1964, the members of the affiliated group having taxable years referred to in subdivision (ii)(b) of this subparagraph include only W and X. Accordingly, W and X are limited in the aggregate to a single $100,000 exemption from estimated tax for their taxable years ending in 1964. Y is entitled to a separate $100,000 exemption for its taxable year ending in 1964.

(c) *Application of subdivision (ii)(a) of this subparagraph.* The election by P is also effective, under the provisions of paragraph (b)(3)(i)(a) of this section, with respect to P, W, X, Y, and Z for their taxable years which include November 30, 1964 (the last day of P's taxable year which begins in 1963 and ends in 1964). The last day of the 8th month of each such taxable year falls after April 10, 1964. Therefore, P, W, X, Y, and Z are limited in the aggregate to a single $100,000 exemption from estimated tax for their taxable years which include November 30, 1964.

(2) *Apportionment of $100,000 exemption—(i) Manner of apportionment.* Any portion of the $100,000 amount specified in subparagraph (1)(i) of this paragraph may be apportioned to a member referred to in such subparagraph who is a member at any time during its taxable year (referred to in such subparagraph) prior to the date the apportionment plan is filed under subdivision (ii) of this subparagraph. Such plan may provide for the apportionment of the $100,000 amount in any manner the common parent corporation may select if all such members (other than the common parent corporation) consent, in the manner provided in subdivision (iii) or (iv) of this subparagraph, whichever is applicable, to the apportionment plan. The amount apportioned to each such member pursuant to such plan shall constitute such member's exemption from estimated tax (in lieu of the $100,000 amount specified in section 6016 (a) and (b)(2)(A)) for the period it is a member of such group during such taxable year, unless an amendment to such plan is filed under subparagraph (4) of this paragraph.

(ii) *Filing of plan.* The apportionment plan shall be in the form of a statement attached to the income tax return filed by the common parent corporation for its taxable year for which the election is made under paragraph (b) of this section. The statement shall be signed by any officer who is duly authorized to act on behalf of the common parent corporation and shall set forth the name, address, taxpayer account number, and taxable year of each member to whom the common parent corporation could apportion an amount under subdivision (i) of this subparagraph, the identity of the common parent corporation, and the amount actually apportioned to each such member under the plan.

(iii) *Consent of wholly-owned subsidiaries.* If all the stock of a corporation is owned by a member or members of the affiliated group on each day such corporation is a member of such group during its taxable year (referred to in subparagraph (1)(i) of this paragraph) prior to the date the apportionment plan is filed under subdivision (ii) of this subparagraph, such corporation (hereinafter in this subparagraph referred to as a "wholly-owned subsidiary") shall be deemed to consent to the apportionment plan. Each wholly-owned subsidiary shall attach a copy of the apportionment plan filed by the common parent corporation to its income tax return for such taxable year.

(iv) *Consent of other members.* The consent of a member (other than the common parent corporation and wholly-owned subsidiaries) to an apportionment plan filed pursuant to this subparagraph shall be in the form of a statement, signed by any officer who is duly authorized to act on behalf of the member consenting to the plan, stating that such member consents to the apportionment plan. The consent of more than one such member may be incorporated in a single statement. The statement (or statements) shall be attached to the apportionment plan filed by the common parent corporation. Each such consenting member shall attach a copy of the apportionment plan filed by the common parent corporation to its income tax return for its taxable year referred to in subparagraph (1)(i) of this paragraph.

(3) *Apportionment for certain taxable years—(i) Manner of apportionment.* (a) Any portion of the $100,000 amount specified in subparagraph (1)(ii)(a) of this paragraph may be apportioned to a member referred to in such subparagraph who is a member at any time during its taxable year (referred to in such subparagraph) prior to the date the apportionment plan is filed under subdivision (ii) of this subparagraph. Such plan may provide for the apportionment of the $100,000 amount in any manner the common parent corporation may select if all such members (other than the common parent corporation) consent, in the manner provided in subdivision (iii) or (iv) of this subparagraph, whichever is applicable, to the apportionment plan. The amount apportioned to each such member pursuant to such plan shall constitute such member's exemption from estimated tax (in lieu of the $100,000 amount specified in section 60616 (a) and (b)(2)(A)) for the period it is a member of such group during such taxable year, unless an amendment to such plan is filed under subparagraph (4) of this paragraph.

(b) Any portion of the $100,000 amount specified in subparagraph (1)(ii)(b) of this paragraph may be apportioned to a member referred to in such subparagraph who is a member at any time during its taxable year (referred to in such subparagraph) prior to the date the apportionment plan is filed under subdivision (ii) of this subparagraph. Such plan may provide for the apportionment of the $100,000 amount in any manner the common parent corporation may select if all such members consent, in the manner provided in subdivision (iii) or (iv) of this subparagraph, whichever is applicable, to the apportionment plan. The amount apportioned to each such member pursuant to such plan shall constitute such member's exemption from estimated tax (in lieu of the $100,000 amount specified in section 6016 (a) and (b)(2)(A)) for the period it is a member of such group during such taxable year, unless an amendment to such plan is filed under subparagraph (4) of this paragraph.

(ii) *Filing of plan.* The apportionment plan referred to in subdivision (i)(a) or (b) of this subparagraph shall be in the form of a statement which shall be filed with the district director with whom the common parent corporation files its income tax returns. In the case of an apportionment plan referred to in subdivision (i)(a) of this subparagraph, such plan shall be filed on or before the earliest date after April 10, 1964, on which a member described in such subdivision files an income tax return for a taxable year referred to in such subdivision. In the case of an apportionment plan referred to in subdivision (i)(b) of this subparagraph, such plan shall be filed on or before the earliest date after April 10, 1964, on which a member described in such subdivision files an income tax return for a taxable year referred to in such subdivision. The statement shall be signed by any officer who is duly authorized to act on behalf of the common parent corporation and shall set forth the name, address, taxpayer account number, and taxable year of each member to whom the common parent corporation could apportion an amount under subdivision (i)(a) or (b) of this subparagraph, as the case may be, the identity of the common parent corporation, and the amount actually ap-

portioned to each such member under the plan.

(iii) *Consent of wholly-owned subsidiaries.* If all the stock of a corporation is owned by a member or members of the affiliated group on each day such corporation is a member of such group during its taxable year (referred to in subparagraph (1)(ii) (*a*) or (*b*) of this paragraph, as the case may be) prior to the date the apportionment plan is filed under subdivision (ii) of this subparagraph, such corporation (hereinafter in this subparagraph referred to as a "wholly-owned subsidiary") shall be deemed to consent to the apportionment plan. Each wholly-owned subsidiary shall attach a copy of the apportionment plan to its income tax return for such taxable year.

(iv) *Consent of other members.* The consent of a member (other than wholly-owned subsidiaries) to an apportionment plan filed pursuant to this subparagraph, shall be in the form of a statement, signed by any officer who is duly authorized to act on behalf of the member consenting to the plan, stating that such member consents to the apportionment plan. The consent of more than one member may be incorporated in a single statement. The statement (or statements) shall be attached to the apportionment plan filed by the common parent corporation. Each such consenting member shall attach a copy of the apportionment plan filed by the common parent corporation to its income tax return for its taxable year which is referred to in subparagraph (1)(ii) (*a*) or (*b*) of this paragraph, as the case may be.

(4) *Amendment of apportionment plan.* An apportionment plan filed pursuant to subparagraph (2) or (3) of this paragraph may be amended in the manner and subject to such conditions as will be specified in the regulations to be issued under section 243(b)(3).

(5) *Additions to tax.* The provisions of section 6655 (relating to additions to tax for failure to pay estimated tax) shall be applied to the members of an affiliated group referred to in subparagraph (1)(i) of this paragraph for their taxable years referred to in such subparagraph by limiting such members in the aggregate to a single $100,000 exemption from estimated tax for purposes of section 6655 (d)(1) and (e)(2)(A). Such provisions shall be similarly applied to the members of an affiliated group referred to in subparagraph (1)(ii) (*a*) or (*b*) of this paragraph. If an apportionment plan is filed pursuant to this paragraph, the amount apportioned to any such member under the plan shall constitute such member's exemption from estimated tax (in lieu of the $100,000 amount specified in section 6655 (d)(1) and (e)(2)(A)) for the period it is a member of such group during its taxable year for which an election under paragraph (b) of this section is effective. If an apportionment plan is not filed, such member's exemption shall be determined under the regulations to be issued under section 243(b)(3).

(6) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Corporation P owns all the stock of corporations X, Y, and Z on each day of 1964. P, X, Y, and Z each use the calendar year as their taxable year. On March 31, 1964, the affiliated group consisting of P, X, Y, and Z anticipates making an election under paragraph (b) of this section for P's taxable year ending on December 31, 1964. Accordingly, P computes its estimated tax liability for 1964 on the basis of a $100,000 exemption and X, Y, and Z compute their estimated tax liability for 1964 on the basis of a zero exemption. P, X, Y, and Z file declarations of estimated tax on April 15, 1964, on such basis and make payments with respect to such declarations on such basis. Assume P does make an election under paragraph (b) of this section for its taxable year ending December 31, 1964. Under subparagraph (1)(i) of this paragraph, P, X, Y, and Z are limited in the aggregate to a single $100,000 exemption from estimated tax for their taxable years ending on such date. P should attach an apportionment plan to its income tax return for 1964 pursuant to subparagraph (2)(ii) of this paragraph apportioning $100,000 to P, and zero to X, Y, and Z, for their taxable years ending on December 31, 1964, in order to minimize additions to tax for failure to pay estimated tax under section 6655 for such taxable years.

Example (2). Assume the same facts as in example (1) except that P, X, Y, and Z file declarations of estimated tax on April 15, 1964, on the basis of separate $100,000 exemptions from estimated tax for their taxable years ending on December 31, 1964, and make payments with respect to such declarations on such basis. Since, under subparagraph (1)(i) of this paragraph, P, X, Y, and Z are limited in the aggregate to a single, $100,000 exemption from estimated tax for their taxable years ending on December 31, 1964, the provisions of section 6655 will be applied to such taxable years on the basis of a single exemption. Since the election was made under paragraph (b) of this section, regardless of whether or not the affiliated group anticipated making such election, the members of such group may incur additions to tax under section 6655 in respect of their taxable years ending on December 31, 1964.

Because this Treasury decision merely provides temporary regulations designed to inform taxpayers how to make the election provided by section 243(b)(2), and how the limitation on the $100,000 exemption from estimated tax will be applied to the members of electing affiliated groups for their taxable years affected by such election, it is found unnecesary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1964, or subject to the effective date limitation of section 4(c) of that Act.

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

[SEAL] BERTRAND M. HARDING,
Acting Commisioner of Internal Revenue.

Approved: April 8, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-3589; Filed, Apr. 9, 1964; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

[Dept. Circ. 888; 2d Rev.]

PART 330—REGULATIONS GOVERNING THE SPECIAL ENDORSEMENT OF UNITED STATES SAVINGS BONDS OF ANY SERIES AND THE PAYMENT OF MATURED SERIES F, G, J AND K BONDS BY ELIGIBLE PAYING AGENTS

APRIL 7, 1964.

Part 330 (Department Circular No. 888, Revised, dated April 8, 1953, as supplemented (31 CFR, 1963 Supp., 330)) is hereby further amended and issued as a Second Revision.

Sec.

AUTHORITY: The provisions of this Part 330 issued under sec. 22, 49 Stat. 21, as amended; 31 U.S.C. 757c.

§ 330.1 Purpose of regulations in this part.

These regulations in this part prescribe a procedure whereby qualified paying agents may specially endorse United States Savings Bonds of certain classes, with or without the owners' signatures to the requests for payment, and make provisions for such agents either to pay certain of the bonds so endorsed or to forward them to the Federal Reserve Bank or Branch servicing their accounts for payment or for any authorized exchange. Section 330.3 describes the eligibility of various classes of bonds for processing under the procedure provided in this part, and § 330.8 sets out which of these classes may be paid by such agents and which should be forwarded to a Federal Bank or Branch. Under no circumstances shall the provisions of this part be used to give effect to a transfer, hypothecation, or pledge of a bond or to permit payment to any person other than the owner or coowner. Violation of these prohibitions will be cause for the withdrawal of an agent's privilege to process any bonds under this part.

§ 330.2 Agents eligible to process bonds.

Any institution qualified as a paying agent of United States Savings Bonds under the provisions of Part 321 of this chapter (Department Circular No. 750),

as revised, may establish its eligibility to employ the procedure authorized by this circular upon application on Treasury Department Form PD 2291 to the Federal Reserve Bank of the District in which it is located. This form provides a certification that by duly executed resolution of its governing board or committee the institution has been authorized to apply for the privilege of processing and paying bonds in accordance with the provisions and conditions of this part (Department Circular No. 888), including all supplements, amendments, and revisions thereof, and any instructions issued in connection therewith. If the application is approved, the Federal Reserve Bank will so notify the institution on Treasury Department Form PD 2292. The Secretary of the Treasury reserves the right to withdraw from any institution at any time the authority granted thereto under the regulations in this part.

§ 330.3 Bonds eligible for processing.

The procedure provided in the regulations in this part may be employed in connection with the redemption or exchange of any savings bond upon the request of its registered owner or either coowner. The term "owner" is defined to include individuals, incorporated and unincorporated bodies, executors, administrators, and other fiduciaries named on a bond. This procedure does not apply, however, to cases where payment or exchange is requested by a parent in behalf of a minor named on a bond as owner. Also, it does not apply to requests made by surviving beneficiaries, or to any cases requiring a death certificate or other documentary evidence.

§ 330.4 Guaranty given to the United States.

A paying agent by the act of paying or presenting to the Federal Reserve Bank or Branch either for payment or for exchange a bond bearing the special endorsement prescribed in this part shall be deemed thereby (a) to have unconditionally guaranteed to the United States the validity of the transaction, including the identification of the owner and the disposition of the proceeds or the new bonds, as the case may be, in accordance with his instructions, (b) to have assumed complete and unconditional liability to the United States for any loss which may be incurred by the United States as a result of the transaction, and (c) to have unconditionally agreed to make prompt reimbursement for the amount of the loss upon request of the Treasury Department.

§ 330.5 Evidence of owner's authorization to agent.

By the act of paying or presenting to the Federal Reserve Bank or Branch for payment or for exchange a bond bearing the special endorsement described in § 330.6, the paying agent represents to the United States that it has obtained adequate instructions from the owner with respect to payment or exchange of the bond and disposition of its proceeds or the new bond, as the case may be. To support this representation, agents should maintain such records as may be necessary to establish the receipt of such instructions as well as records establishing compliance therewith.

§ 330.6 Endorsement of bonds.

Each bond processed under the regulations in this part shall bear the following endorsement:

Request by owner and validity of transaction guaranteed in accordance with T.D. Circular No. 888, Revised.
(Name and location of agent).

This endorsement must be placed on the back of the bond in the space provided for the owner to request payment. (See § 330.7 for additional instructions covering bonds inscribed in coownership form.) The endorsement stamp must be legibly impressed in black or other dark-colored ink. The Federal Reserve Bank of the District will furnish rubber stamps for impressing the above endorsement or, in lieu thereof, will approve designs for suitable stamps to be obtained by paying agents. Requests for endorsement stamps to be furnished or approved by the Federal Reserve Bank shall be made in writing by an officer of the institution.

§ 330.7 Bonds in coownership form.

In addition to the endorsement prescribed in § 330.6, the paying agent shall, in the case of bonds registered in coownership form, indicate which coowner requested payment or exchange. This should be done by encircling in black or other dark-colored ink the name of such coowner (or both coowners if a joint request for payment or exchange is made) as it appears in the inscription on the face of the bond.

§ 330.8 Payment or exchange of bonds.

(a) *By paying agents*—(1) *Payment of Series A–E bonds, inclusive, for cash.* Bonds of Series A to E, inclusive, bearing the special endorsement may be paid by a paying agent pursuant to the authority and subject, in all other respects, to the provisions and conditions of Part 321 of this chapter (Department Circular No. 750), as revised, and the instructions issued pursuant thereto. Bonds so paid will be combined with other Series A to E bonds paid under that circular and forwarded to the Federal Reserve Bank or Branch servicing the agent's account.

(2) *Payment of Matured Series F, G, J and K bonds.* Matured savings bonds of Series F, G, J and K may be paid by paying agents whose eligibility has been duly established pursuant to § 330.2. No fees will be paid to the agents for making these payments. Such matured bonds may be paid only under the provisions and conditions of this paragraph and such instructions as may be issued pursuant thereto. It will be required that (i) the bonds be of a class which may be processed by special endorsement (see § 330.3), (ii) the owner has requested the payment (see § 330.3), (iii) the bonds bear no material alteration, irregularity, mutilation, or other defect that may be a basis for questioning payment thereof, and (iv) the bonds bear the special endorsement (see § 330.6). The payment of matured bonds of Series F, G, J and K shall be made in accordance with the following provisions:

(a) A Series F or J bond shall be paid at its face value.

(b) A Series G or K bond shall be paid at its face value, together with the final interest due thereon, as shown below:

Authorized denominations	Amount payable (face value plus final interest)	
	Series G	Series K
$100 (series G only)	$101.25	
$500	506.25	$506.90
$1,000	1,012.50	1,013.80
$5,000	5,062.50	5,069.00
$10,000	10,125.00	10,138.00
$100,000 (series K only)		101,380.00

(c) Each bond shall bear on its face, in the upper right portion, a payment stamp setting forth the word "Paid" and the amount of the payment (including the final interest on Series G and K bonds), the date of payment (month, day, year), and the name and location of the paying agent including the ABA transit number or other identifying code approved or assigned by the Federal Reserve Bank of the District (the payment stamp prescribed for use under Part 321 of this chapter (Department Circular No. 750) as revised, may be used).

(d) The proceeds of each bond shall be disposed of pursuant to the owner's instructions.

(e) Each payment shall be subject to the guaranty and liability provisions of § 330.4.

(f) Paying agents shall be subject to such other instructions governing these payments as may be issued by the Federal Reserve Bank of the District.

Immediate settlement, subject to adjustment, will be made with the paying agent by the Federal Reserve Bank or Branch servicing its account for the total amount due on the paid bonds submitted hereunder at any one time.

(3) *Payment of Series E, F and J bonds on redemption-exchange for Series H bonds.* All outstanding Series E bonds, and all Series F and J bonds received not later than six months from the month of maturity, presented for redemption-exchange under the provisions of Part 339 of this chapter (Department Circular No. 1036) which bear the special endorsement, may be paid by a paying agent pursuant to the authority and subject, in all other respects, to the provisions and conditions of Part 321 of this chapter (Department Circular No. 750) as revised, and the instructions issued pursuant thereto.

(b) *By Federal Reserve Banks*—(1) *General.* All bonds forwarded to a Federal Reserve Bank or Branch for payment or exchange under this part must be accompanied by appropriate instructions governing the transaction and the disposition of the redemption checks or the new bonds, as the case may be. The bonds must be kept separate from any bonds the agent has paid, and they must be presented in accordance with such instructions as may be issued by the Federal Reserve Bank of the District.

(2) *Payment.* Savings bonds presented to an eligible paying agent for payment which it elects to process by special endorsement under the pro-

visions and conditions of this part must be forwarded to the Federal Reserve Bank or Branch servicing the agent's account for payment (i) if the bonds are not payable under paragraph (a) of this section, or (ii) if being payable thereunder, the agent does not elect to make the payment.

(3) *Exchange.* Series E, F and J bonds presented for redemption-exchange which the agent elects to process but not to pay under paragraph (a)(3) of this section, as well as any savings bonds submitted for exchange, in whole or in part, pursuant to an authorized exchange offering and processed by special endorsement under this part, must be forwarded to the Federal Reserve Bank or Branch.

§ 330.9 Functions of Federal Reserve Banks.

The Federal Reserve Banks, as fiscal agents of the United States, are authorized and directed to perform such duties, and prepare and issue such instructions, as may be necessary to the fulfillment of the purpose and requirements of this part. The Federal Reserve Banks may utilize any or all of their Branches in the performance of these duties.

§ 330.10 Modification of other parts.

The provisions of the regulations in this part shall be considered as amendatory of and supplementary to Parts 315, 316, 318, 321, 322, 329, 332, and 333 of this chapter (Department Circular Nos. 530, 653, 654, 750, 751, 885, 905, and 906) and any revisions thereof, and those parts are hereby modified where necessary to accord with the provisions of this part.

§ 330.11 Other parts generally applicable.

Except as provided in the regulations in this part, the circulars referred to in the preceding section will continue to be generally applicable.

§ 330.12 Supplements, amendments, or revisions.

The Secretary of the Treasury may at any time, or from time to time, supplement, amend, or revise the terms of the regulations in this part.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237, as amended) is found to be unnecessary with respect to this revisions.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-3530; Filed, Apr. 9, 1964; 8:47 a.m.]

PART 339—EXCHANGE OFFERING OF UNITED STATES SAVINGS BONDS SERIES H

APRIL 7, 1964.

Section 339.1 (Department Circular No. 1036, dated December 31, 1959 (31 CFR, 1963 Supp., 339)) is hereby amended as follows:

§ 339.1 Exchange of certain Series E, F and J bonds with the privilege of deferral of Federal income tax.

* * * * *

(c) *Description of bonds and definitions*—(1) *Description of bonds.* This section shall apply to:

(i) All outstanding Series E bonds; and

(ii) All Series F and J bonds, provided such bonds are received not later than six months from the month of maturity by an agency authorized to accept subscriptions for exchange.[1]

* * * * *

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237, as amended) is found to be unnecessary with respect to this amendment.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-3531; Filed, Apr. 9, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

PART 878—DECORATIONS AND AWARDS

Good Conduct Medal and Air Force Good Conduct Medal

Correction

In F.R. Doc. 64-3252, appearing at page 4772 of the issue for Friday, April 3, 1964, the following correction is made in Table 2 of § 878.57: Under the "Upon Separation" heading, exes should appear in both columns opposite the 3d, 4th, 5th, 6th, and 7th entries of the "For Service During—" column.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Corpus Christi Bay, Texas

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.188 establishing and governing the use and navigation of a seaplane restricted area in Corpus Christi Bay, Texas, is hereby amended changing the title of the section and reducing the size of the area described in paragraph (a), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.188 Corpus Christi Bay, Tex.; seaplane restricted area, U.S. Naval Air Station, Corpus Christi.

(a) *The area.* The waters of Corpus Christi Bay within the area described as follows: Beginning at a point on the south shore of Corpus Christi Bay at the "North Gate" of the U.S. Naval Air Station at longitude 97°17'15"; thence to latitude 27°44'30", longitude 97°20'-00"; thence due north to latitude 27°-46'30"; thence to latitude 27°44'12", longitude 97°16'31"; thence to latitude 27°43'04", longitude 97°13'12"; thence to a point on the easterly shore of Demit Island at latitude 27°41'20"; thence along the south shore of Corpus Christi Bay to point of beginning.

* * * * *

[Regs., March 25, 1964, 1507-32 (Corpus Christi, Tex.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 64-3518; Filed, Apr. 9, 1964; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Total Disability Provisions

1. In § 6.164, the 4th and 5th undesignated paragraphs of the Total Disability Provision which follow the paragraph beginning "(b) Pay to the insured * * *" are amended to read as follows:

§ 6.164 Total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930, and section 748 of Title 38, United States Code.

* * * * *

The insured must file written application for total disability benefits and must file due proof of such total disability: *Provided,* That in the event the insured dies without filing application and the Administrator finds that the insured's failure to file such application was due to circumstances beyond the insured's control, the application and due proof may be filed by the beneficiary within 1 year after the death of the insured. Except as hereinafter provided, the monthly income payments may relate back to a date not exceeding 6 months prior to the date of death of the insured.

Total disability as referred to herein is any impairment of mind or body which continuously renders it impossible for the disabled person to follow any substantially gainful occupation. Except as provided above in this regulation, the monthly income payments may relate back to a date not exceeding 6 months prior to receipt of due proof of such total disability but not prior to the first

[1] Series J bonds which become ineligible for exchange under this circular because of failure to present them for that purpose not later than six months from the month of maturity may be exchanged under the provisions of section 332.7(b) of Department Circular No. 905, Second Revision, as amended.

day of the fifth consecutive month of continuous total disability. Without prejudice to any other cause of disability, the loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total disability, and monthly income payments for any of these specifically enumerated causes of total disability may be paid from the first day of the fifth consecutive month of such continuous total disability. However, such anatomical and functional loss shall not be deemed to be a total disability under a total disability provision originally issued subsequent to December 15, 1936.

* * * * *

(72 Stat. 1114, 1158, as amended; 38 U.S.C. 210, 740–760, 781–788)

2. In § 8.98, Clauses (C) and (D) of the Total Disability Income Provision are amended to read as follows:

§ 8.98 Total disability income provision for National Service life insurance authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946.

* * * * *

(C) The insured must file written application for total disability income benefits and must file the required proof that clauses (A) and (B) above have been fulfilled. The required proof must be filed while this provision is in force or within 1 year after this provision has ceased to be in effect. In the event the insured dies without filing application and the Administrator finds that the insured's failure to file such application was due to circumstances beyond the insured's control, the application and required proof may be filed by the beneficiary within 1 year after the date of death of the insured. In such cases, except for total disability which is due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the monthly income payments may relate back to a date not exceeding 6 months prior to the date of death of the insured.

(D) The disability income payments will be paid from the first day of the seventh consecutive month of continuous total disability, except that if the total disability is not due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the disability income payments will not relate back to a date more than 6 months prior to receipt at the Veterans Administration of the required proof, except as provided above in clause (C). Any disability income payments due the insured and not paid during his lifetime will be paid to the person entitled to the proceeds of this policy.

* * * * *

3. In § 8.99, Clauses (C) and (D) of the Total Disability Income Provision are amended to read as follows:

§ 8.99 Total disability income provision for National Service life insurance authorized by Public Law 85–678 and section 715 of Title 38, United States Code.

* * * * *

(C) The insured must file written application for total disability income benefits and must file the required proof that clauses (A) and (B) above have been fulfilled. The required proof must be filed while this provision is in force or within 1 year after this provision has ceased to be in effect. In the event the insured dies without filing application and the Administrator finds that the insured's failure to file such application was due to circumstances beyond the insured's control, the application and required proof may be filed by the beneficiary within 1 year after the date of death of the insured. In such cases, except for total disability which is due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the monthly income payments may relate back to a date not exceeding 6 months prior to the date of death of the insured.

(D) The disability income payments will be paid from the first day of the seventh consecutive month of continuous total disability, except that if the total disability is not due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the disability income payments will not relate back to a date more than 6 months prior to receipt at the Veterans Administration of the required proof, except as provided above in clause (C). Any disability income payments due the insured and not paid during his lifetime will be paid to the person entitled to the proceeds of this policy.

* * * * *

(72 Stat. 1114, 1148, 1164, as amended; 38 U.S.C. 210, 701–724, 781–788)

These VA regulations are effective the date of approval.

Approved: April 7, 1964.

By direction of the Administrator.

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

[F.R. Doc. 64–3528; Filed, Apr. 9, 1964; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER E—FELLOWSHIPS, INTERNSHIPS, TRAINING

PART 61—FELLOWSHIPS

Allowances

Notice of proposed rule making, public rule making procedures and delay in effective date have been omitted in the issuance of the following amendments which relate exclusively to the award of fellowships. The amendments are intended to clarify the purposes for which allowances are made to sponsoring institutions and the payment procedures.

1. In § 61.9, amend paragraph (c), redesignate paragraph (d) as paragraph (e), and insert a new paragraph (d). Paragraphs (c) and (d) read as follows:

§ 61.9 Benefits.

* * * * *

(c) *Travel expenses.* Any individual awarded a fellowship may, when authorized in advance by the Public Health Service, be granted separate allowances for transportation and subsistence expenses, not exceeding such amounts as may be prescribed by the Surgeon General on account of (1) travel to the place at which he is to be located during the term of the fellowship and (2) travel to return him at the end of the fellowship term to his home or other place he left to carry out the fellowship, provided such return travel is to or from a place outside the continental United States. Individuals awarded service fellowships shall be entitled to transportation and subsistence expenses while traveling on official business during the term of the fellowship on the same basis as other civilian employees of the Public Health Service. Allowances will not be granted for transportation expenses of dependents or for shipping charges for personal effects or household goods.

(d) *Payments—stipends, dependency allowances, travel expenses.* Payments for stipends, dependency allowances and the travel expenses specified in paragraphs (c) (1) and (2) of this section may be made directly to the fellow or to the sponsoring institution for payment to the fellow.

* * * * *

2. Amend § 61.10 to read as follows:

§ 61.10 Tuition and other allowances; accountability.

(a) *Authorization.* The Surgeon General may authorize allowances for payment of expenses, in whole or in part, of tuition, fees, equipment, supplies, attendance at meetings required to carry out the purposes of the fellowship, or other expenses of the research or training activities of the fellow.

(b) *Payment—tuition and fees.* Allowances for tuition and fees may be paid to the fellow or sponsoring institution.

(c) *Payment—other expenses; standard or maximum allowances.* Allowances for equipment, supplies, attendance at meetings, and other expenses shall, except as provided otherwise in these regulations, be paid to the sponsoring institution. The Surgeon General may establish a standard allowance, or a maximum allowance for payment to the sponsoring institution for such expenses.

(d) *Payment—attendance at meetings.* Allowances for expenses of attending meetings of fellows who are sponsored by Federal agencies may be paid directly to such fellows.

(e) *Accountability.* Allowances paid directly to a fellow for tuition, fees and other expenses shall be subject to such requirements relating to accountability as may be specified by the Surgeon General.

3. These amendments shall be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690, as amended, 42 U.S.C. 216. Interpret or apply secs. 207(g), 301(c), 402(d), 58 Stat. 686, as amended, 692, 707, secs. 412(g), 422(c), 62 Stat. 465, 598, sec. 433(a), 64 Stat. 444, sec. 444, 76 Stat. 1073, sec. 4(a), 70 Stat. 499; 42 U.S.C. 209(g), 241(c), 282(d), 287a(g), 288a(c), 289c(a), 289g, 33 U.S.C. 466c(a))

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: April 6, 1964.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 64–3521; Filed, Apr. 9, 1964; 8:46 a.m.]

Title 45—PUBLIC WELFARE

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

PART 143—GUIDANCE, COUNSELING, AND TESTING; IDENTIFICATION AND ENCOURAGEMENT OF ABLE STUDENTS—STATE PROGRAMS

Miscellaneous Amendments

Part 143 of Title 45 of the Code of Federal Regulations, dealing with regulations for the administration of sections 501–504(a), inclusive, of Title V of the National Defense Education Act of 1958, 72 Stat. 1592, as amended, 20 U.S.C. 481–484, is amended as follows:

In § 143.1, paragraph (a) is amended, paragraph (b) is deleted, paragraphs (c) and (d) are redesignated as paragraphs (b) and (c), a new paragraph (d) is added, and paragraphs (f), (g), (h), and (i) are amended. The amended and added paragraphs read as follows:

§ 143.1 Definitions.

* * * * *

(a) "Act" means the National Defense Education Act of 1958, 72 Stat. 1580, as amended, 20 U.S.C. Ch. 17.

* * * * *

(d) "Elementary school" means a school which provides elementary education, as determined under State law, or, if such school is not in any State, as determined by the Commissioner.

* * * * *

(f) "Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision in a State, or any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(g) "Public," as applied to any school or institution, includes a school or institution of any agency of the United States, except that no such school or institution shall be eligible to receive any grant, loan, or other payment under the Act.

(h) "Secondary school" means a school which provides secondary education as determined under State law, or, if such school is not in any State, as determined by the Commissioner, except that the term does not include any education provided beyond grade 12.

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

* * * * *

Section 143.2(a) is amended to read as follows:

§ 143.2 State plan.

(a) *Purpose.* A basic condition for the payment of Federal funds to a State for elementary and secondary schools with respect to students who are not below grade 7, or above grade 12, for the establishment, maintenance, or extension of guidance and counseling programs in public schools, or testing programs in public schools and, to the extent authorized by law, in other schools to identify students with outstanding aptitudes and ability, is a State plan meeting the requirements of section 503(a) of the Act. The plan shall include a general description of the guidance and counseling, and testing, services of the State and local educational agencies, available to elementary and secondary school students eligible for such services under the Act at the time the plan for providing such services is originally submitted. The plan shall set forth the objectives to be accomplished through the proposed programs during the period in which Title V, Part A, of the Act is in effect, and shall show how the realization of such objectives will result in adequate guidance and counseling, and testing, programs in the State for students in elementary and secondary schools who are not below grade 7, or above grade 12. The plan, when approved by the Commissioner, shall constitute the basis on which Federal grants will be made, as well as a basis for determining the propriety of State and local expenditures in which Federal participation is requested.

* * * * *

Section 143.4 is amended to read as follows:

§ 143.4 Authority of State agency.

The State plan shall set forth the authority of the State educational agency under State law to submit the State plan and to administer the program set forth therein, including a description of the supervisory relationships between the State agency and the local educational agencies. Citations to, or copies of, all directly pertinent statutes and interpretations of law by appropriate State officials, whether by regulation, policy statements, opinions of the Attorney General, or court decisions, shall be furnished as part of the plan. All copies shall be certified as correct by an appropriate official. If the agency is not authorized under State law to expend funds for testing children not below grade 7, or above grade 12, in any one or more elementary or secondary schools in the State, the authorized officer of the agency shall so certify, indicating the schools or types of schools thus excluded and giving the legal basis for his conclusion. In such cases, the Commissioner will arrange for testing such children under the authority contained in section 504(b) of the Act.

Section 143.12 is amended to read as follows:

§ 143.12 Federal participation in general.

(a) *Nature.* The Federal Government will pay from each State's allotment, as reduced by expenditures required pursuant to section 504(b) of the Act, one-half of the total amount expended under the approved State plan: (1) By the State and local educational agencies in the establishment, maintenance, or extension of guidance and counseling, and testing, programs approved under the State plan; (2) for State agency supervision and related services in public elementary or secondary schools in the fields of guidance and counseling, and testing; and (3) for administration of the State plan. There can be no Federal financial participation in the expenditures made by local educational agencies for a guidance and counseling, or testing, program if the program has not been approved by the State agency under an approved plan prior to the incurrence of the obligation.

(b) *Equipment from a Communist country.* Annual appropriation acts for the Department of Health, Education, and Welfare, such as the Department of Health, Education, and Welfare Appropriation Act, 1964 (77 Stat. 224, 231), have provided that no part of the funds appropriated for "Defense Educational Activities" shall be available for the purchase of science, mathematics, or modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source. Such a prohibition applies to expenditures with respect to which Federal participation is requested from allotments under section 502 or section 1008 of the Act.

Paragraph (a)(2) of § 143.18 is amended to read as follows:

§ 143.18 Annual estimates and financial reports.

(a) *Content.* * * *

(2) A statement of estimated total annual expenditures for activities under the plan, indicating the amount of funds available to pay the non-Federal share of the amount estimated.

* * * * *

Section 143.19 is amended to read as follows:

§ 143.19 Federal payments.

Payments will be made in advance to States with approved plans on the basis of estimates and reports of expenditures provided for in §§ 143.18, 143.20(c), and 143.21. In connection with the making of payments, such adjustments of underpayments or overpayments for any prior period will be made as are indicated by the accounts for such prior period. In settling accounts upon the termination of the Act, the State shall refund to the Commissioner any overpayment which may have been made under Title V of the Act.

Section 143.20 is amended by revising the section heading and by adding a new paragraph (c), as follows:

§ 143.20 Effect of Federal payments and reallotment.

* * * * *

(c) *Reallotment.* In order to provide a basis for reallotments by the Commissioner under section 502(b) of the Act, each State agency shall, if requested, submit to the Commissioner, by such date or dates as he may specify, a statement or statements showing the anticipated need during the current fiscal year for the amount previously allotted, or any amount needed to be added thereto. Such a statement or statements shall re-

flect the actual utilization of prior year allotments, the pending program applications awaiting State approval, the anticipated State-level activities which will require the expenditure during that fiscal year of funds previously allotted or of additional funds and such further information as the Commission may require for the purpose of making such reallotments.

Section 143.21 is amended to read as follows:

§ 143.21 Request for payment of Federal funds.

The State agency shall, at such times and for such periods as the Commissioner may specify, submit to him upon official forms requests for funds equal to the Federal share of anticipated disbursements for program activities at the State level and for transfer, in accordance with § 143.16, either in advance or as reimbursement for program activities by local educational agencies or other school authorities.

Section 143.22 is amended to read as follows:

§ 143.22 Certifying payment.

Payment will be certified after: (a) The State has on file in the Office of Education a plan approved by the Commissioner; (b) the estimates and reports required in §§ 143.18, 143.20(c), and 143.21 have been reviewed; and (c) the Commissioner is satisfied that the State needs the funds and will be able to carry out the plan during the current fiscal year.

Section 143.24(b) is amended to read as follows:

§ 143.24 General program operations.

* * * * *

(b) *Categories of expense.* The costs for which there may be such a Federal participation include, but only to the extent that they are directly related to supervisory or related services in public elementary or secondary schools in the fields of guidance and counseling, and testing, or to the administration of the State plan, items such as the following: (1) Salaries of the State staff, in both professional and clerical positions, including the employer's contribution to retirement, workmen's compensation, or other welfare funds maintained for one or more general classes of employees of the State educational agency; (2) communication; (3) office equipment and supplies; (4) printing and printed materials; (5) the purchase or rental of tests, answer sheets, profile sheets, cumulative record forms, and such other materials as may be necessary under the plan; (6) the rental of equipment conducive to efficiency in scoring, processing, and reporting the results of tests administered under the plan or, if such equipment is owned by State or local educational agencies, the pro-rata share of the cost of maintaining and operating such equipment; (7) rental of office space as provided for in paragraph (c) of this section; and (8) other costs provided for in the following sections.

* * * * *

Section 143.28 is amended to read as follows:

§ 143.28 Purposes of testing program.

The Federal Government will participate in expenditures to establish and maintain a program for testing aptitudes and abilities of students who are not below grade 7, or above grade 12, in public elementary and secondary schools and, if authorized by law, in corresponding grades in other elementary or secondary schools to identify students with outstanding aptitudes and abilities, reports of which may be used for the following purposes: (a) To provide such information about the aptitudes and abilities of students as may be needed by school guidance personnel in carrying out their duties; and (b) to provide information to other educational institutions relative to the educational potential of students seeking admission to such institutions.

Section 143.31 is amended to read as follows:

§ 143.31 Plan requirements solely applicable to the program for testing aptitudes and abilities.

The plan shall describe the primary objectives of the program, including procedures for making such a program available to all students in elementary or secondary schools in specified grades not below grade 7, or above grade 12, and shall provide for annual reviews by the State agency of progress toward meeting such objectives. The plan shall describe the provisions for carrying out the programs, including: (a) The types of tests to be utilized for the measurement of aptitudes and abilities; (b) the grade level of students to be tested; and (c) the procedures to be utilized in the administration and scoring of tests, and in the reporting and recording of test results.

The introductory material in and paragraph (c) of § 143.32 are amended to read as follows:

§ 143.32 Scope and purposes.

Guidance and counseling programs under the plan shall serve to advise students who are not below grade 7, or above grade 12, in public elementary and secondary schools regarding courses of study best suited to their abilities, aptitudes, and skills, and to encourage such students with outstanding aptitudes and abilities to complete their secondary school education, to take the necessary courses for admission to institutions of higher education, and to enter such institutions. These programs shall provide assistance to students by assessing abilities, aptitudes, interests, and educational needs; developing understandings of educational and career opportunities and requirements; and helping them make the best possible use of these opportunities through the formulation and achievement of realistic goals. Such programs may be carried out by the following activities when directed to the foregoing purposes:

* * * * *

(c) Providing individual counseling (1) to help the student and his parents develop a better understanding of the student's educational and occupational strengths and weaknesses; (2) to help the student and his parents relate his abilities and aptitudes to educational and career opportunities and requirements; (3) to help the student, with the assistance of his parents, make appropriate educational plans, including the choice of courses in the school and the choice of an institution of higher education; (4) to stimulate desires in the student to utilize his abilities in attaining appropriate educational and career goals; and (5) to provide the student with such assistance as may be needed for the development of his aptitudes and the full utilization of his abilities.

The introductory material in § 143.33 is amended to read as follows:

§ 143.33 Categories of expenditures applicable to approved local guidance and counseling programs.

* * * * *

Categories of allowable expenditures for the supervision and operation of local guidance and counseling programs approved by the State educational agency under the standards established pursuant to § 143.34(a) with respect to students who are not below grade 7, or above grade 12, in public elementary and secondary schools include the following:

* * * * *

(Secs. 501–504, 72 Stat. 1592–1593, as amended by sec. 25, 77 Stat. 417, and sec. 1001, 72 Stat. 1602, 20 U.S.C. 481–484, 581)

Dated: March 18, 1964.

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

Approved: April 6, 1964.

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

[F.R. Doc. 64–3522; Filed, Apr. 9, 1964; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32248]

PART 131—UNITED STATES SAFETY-APPLIANCE STANDARDS (RAILROAD)

Applicability of Safety Regulations to Track Motor Cars and Push Trucks; Amended Order

It appearing, that a prehearing conference in the above-entitled proceeding was held on March 4, 1964, for the purpose of discussing informally the character and factual matter to be developed upon the record at a subsequent hearing, how such matters should be developed and the procedure to be followed:

It further appearing, that after full opportunity for the parties to discuss all pertinent issues and matters which may aid in expediting the disposition of this proceeding, a formal hearing is desirable and necessary, and good cause appearing therefor:

It is ordered, That this proceeding be, and the same is hereby, referred to Examiner Henry J. Vinskey, for hearing on June 10, 1964, at 9:30 a.m., United States standard time (or 9:30 a.m. local daylight saving time if that time is observed), at the offices of the Interstate Commerce Commission in Washington, D.C., and for appropriate proceedings, including recommendation of an appropriate order thereon, accompanied by the reasons therefor, unless waived by the parties.

And it is further ordered, That the evidence introduced at the above hearing shall relate and be limited to tract motor cars and push trucks of the type involved in the Baltimore and Ohio Railroad Co. v. Daniel T. Jackson, 353 U.S. 325, namely, self-propelled four-wheel cars and push trucks capable of being removed from the rails by a crew of men.

Dated at Washington, D.C., this 1st day of April A.D. 1964.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3524; Filed, Apr. 9, 1964; 8:47 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

Suspension Supplements

In the matter of postponement or further postponement of matter suspended and establishment of matter found justified:

At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 18th day of March 1964.

It is ordered, That 49 CFR Part 187 be, and the same is hereby amended by deleting the text of § 187.90(f) and substituting in lieu thereof the following:

§ 187.90 Suspension supplements.

* * * * *

(f) Publications issued hereunder to make specific reference hereto as authority for short notice filing or for tariff circular departure by using the following notation wholly or in part:

Issued on (show number of days) notice; Tariff Circular departure authorized; ICC Permission No. M-83800, amended.

This permission does not, except as expressly indicated, waive or modify any outstanding formal order of the Commission, any of the requirements of its published rules relative to the construction and filing of the tariffs or schedules, nor any of the provisions of the Interstate Commerce Act. This permission shall continue in force and effect until April 24, 1966.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304, interpret or apply sec. 217, as amended, 49 Stat. 560, as amended, 49 U.S.C. 317)

It is further ordered, That this order shall become effective March 18, 1964.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing with the Director Office of the Federal Register.

By the Commission, Special Permission Board.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-3525; Filed, Apr. 9, 1964; 8:47 a.m.]

Proposed Rule Making

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 40, 50, 70]

EXEMPTIONS FROM LICENSING REQUIREMENTS FOR CERTAIN AEC CONTRACTORS

Notice of Proposed Rule Making

The current licensing regulations of the Atomic Energy Commission, as set forth in 10 CFR Parts 30, 40, 50 and 70, include sections providing an exemption from the licensing requirements for certain Atomic Energy Commission contractors who are generally described (in Parts 40, 50 and 70) as being "contractors with and for the account of the Commission." The sections are §§ 30.6, 40.11, 50.11 and 70.11.

The proposed amendments are intended to redefine and clarify the scope of these exemptions by specifying certain categories of Atomic Energy Commission contractors which would be exempted from the licensing requirements.

Under the proposed amendments set forth below, the following categories of Atomic Energy Commission contractors would be included in the exemptions:

(1) Atomic Energy Commission prime contractors performing work for the Commission at United States Government-owned or controlled sites;

(2) Atomic Energy Commission prime contractors performing research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof;

(3) Atomic Energy Commission prime contractors using or operating nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel; and

(4) Any other Atomic Energy Commission prime contractor or subcontractor when the Commission determines (a) that the exemption of such contractor or subcontractor is in the interest of the common defense and security or national welfare and (b) that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety.

The phrase "Government controlled site" means a site leased or otherwise made available to the Government under terms which afford to the Commission rights of access and control substantially equal to those which the Commission would possess if it were the holder of the fee as agent of and on behalf of the Government.

The proposed amendments would not affect the status of other persons who are not subject to licensing for reasons unrelated to their contractual relationship with the Commission, such as the Department of Defense, common and contract carriers, and construction subcontractors.

In addition, the proposed amendments would provide that all currently unlicensed persons who are required to be licensed under the amended regulations will continue to be exempt on an interim basis if they apply within 60 days following the effective date of the amendments for either a license or an exemption. This interim exemption would remain in effect until final action in the matter is taken by the Commission.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments of 10 CFR Parts 30, 40, 50 and 70 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Section 30.6 of 10 CFR, Part 30, is revised to read as follows:

§ 30.6 Persons using byproduct material under certain Atomic Energy Commission contracts.

Any prime contractor of the Commission is exempt from the requirements for a license set forth in sections 81 and 82 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Commission, manufactures, produces, transfers, receives, acquires, owns, possesses, uses, imports or exports byproduct material for: (a) The performance of work for the Commission at a United States Government-owned or controlled site, including the transportation of byproduct material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, any prime contractor or subcontractor of the Commission is exempt from the requirements for a license set forth in sections 81 and 82 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor manufactures, produces, transfers, receives, acquires, owns, possesses, uses, imports or exports byproduct material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is in the interest of the common defense and security or national welfare; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety. Any person exempt from licensing under this part prior to the effective date of this amendment who would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

2. Section 40.11 of 10 CFR, Part 40, is revised to read as follows:

§ 40.11 Persons using source material under certain Atomic Energy Commission contracts.

Any prime contractor of the Commission is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Commission, receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material for: (a) The performance of work for the Commission at a United States Government-owned or controlled site, including the transportation of source material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, any prime contractor or subcontractor of the Commission is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is in the interest of the common defense and security or national welfare; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety. Any person exempt from li-

censing under this part prior to the effective date of this amendment who would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

3. Section 50.11 of 10 CFR Part 50, is revised to read as follows:

§ 50.11 Exceptions and exemptions from license.

Nothing in this part shall be deemed to require a license for:

(a) The manufacture, production, or acquisition by the Department of Defense of any utilization facility authorized pursuant to section 91 of the Act, or the use of such facility by the Department of Defense or by a person under contract with and for the account of the Department of Defense;

(b) The processing, fabricating, or refining of special nuclear material, or the separation of special nuclear material, or the separation of special nuclear material from other substances, by a prime contractor of the Commission under a prime contract for:

(1) The performance of work for the Commission at a United States Government-owned or controlled site;

(2) Research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or

(3) The use or operation of a production or utilization facility in a United States Government-owned vehicle or vessel;

or by a prime contractor or subcontractor of the Commission under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is in the interest of the common defense and security or national welfare; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety;

(c) The construction or operation of a production or utilization facility for the Commission at a United States Government-owned or controlled site, including the transportation of the production or utilization facility to or from such site and the performance of contract services during temporary interruptions of such transportation; or the construction or operation of a production or utilization facility in the performance of research in, or development, manufacture, storage, testing, or transportation of, atomic weapons or components thereof; or the use or operation of a production or utilization facility in a United States Government-owned vehicle or vessel: *Provided*, That such activities are conducted by a prime contractor of the Commission under his prime contract with the Commission;

(d) The construction or operation of a production or utilization facility by a prime contractor or subcontractor of the Commission under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is in the interest of the common defense and security or national welfare; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety;

(e) The transportation or possession of any production or utilization facility by a common or contract carrier or warehouseman in the regular course of carriage for another or storage incident thereto.

Any person exempt from licensing under this part prior to the effective date of this amendment who would otherwise be required by virtue of paragraph (b), (c) or (d) of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

4. Section 70.11 of 10 CFR Part 70, is revised to read as follows:

§ 70.11 Persons using special nuclear material under certain Atomic Energy Commission contracts.

Any prime contractor of the Commission is exempt from the requirements for a license set forth in section 53 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Commission, receives, possesses, uses, or transfers special nuclear material for: (a) The performance of work for the Commission at a United States Government-owned or controlled site, including the transportation of special nuclear material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, any prime contractor or subcontractor of the Commission is exempt from the requirements for a license set forth in section 53 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor receives, possesses, uses, or transfers special nuclear material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is in the interest of the common defense and security or national welfare; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety. Any person exempt from licensing under this part prior to the effective date of this amendment who would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 27th day of March 1964.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 64-3533; Filed, Apr. 9, 1964; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-69]

FEDERAL AIRWAYS, CONTROL AREA EXTENSION, AND REPORTING POINTS

Withdrawal of Proposal Relating to Alteration and Designation

On November 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER as Airspace Docket No. 63-SW-69 (28 F.R. 12627) stating that the Federal Aviation Agency (FAA) was considering the following actions:

1. Realign VOR Federal airway No. 68 between Corpus Christi, Tex., and Brownsville, Tex., via Harlingen, Tex., including an east alternate.

2. Redesignate VOR Federal airway No. 163 from Alice, Tex., to McAllen, Tex.

3. Realign VOR Federal airway No. 1643 between Brownsville and Alice.

4. Designate the Harlingen and Brownsville VORs as reporting points.

5. Alter the Brownsville control area extension.

Subsequent to publication of the notice, the air traffic control and airspace use requirements have changed to the extent that the proposals contained in Airspace Docket No. 63-SW-69 would no longer apply. Revised airspace assignments regarding these and other airway segments in the San Antonio-Corpus Christi-Brownsville, Tex., area will be proposed in Airspace Docket No. 64-SW-13, to be published at an early date.

In consideration of the foregoing, notice is hereby given that the actions proposed in Airspace Docket No. 63-SW-69, are withdrawn.

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

Issued in Washington, D.C., on April 3, 1964.

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

[F.R. Doc. 64-3506; Filed, Apr. 9, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WA-9]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations. These proposals relate to navigable airspace both within and outside the United States. The substance of these proposals is stated below.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on International air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3(d) that its state aircraft will be operated in International airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Federal Aviation Agency is considering the following airspace actions:

1. Designate the Boca Grande, Key West, Fla., transition area as that airspace extending upward from 2,000 feet above the surface, bounded by a line extending from latitude 24°45'00'' N., longitude 82°32'00'' W.; thence to latitude 24°25'00'' N., longitude 82°32'00'' W.; thence to latitude 24°13'00'' N., longitude 82°19'00'' W.; thence along latitude 24°13'00'' N., to a line 5 miles west of and parallel to the 205° True bearing from the Key West radio range; thence northeast along this line and the west edge of low altitude airway V-225 to latitude 24°45'00'' N.; and thence westward along latitude 24°45'00'' N., to the point of beginning.

This would provide additional controlled airspace to accommodate aircraft exercising holding procedures west of Key West, Fla.

2. Designate the Marathon, Fla., transition area as that airspace extending upward from 2,000 feet above the surface, bounded on the north by low altitude airway V-35, on the east by longitude 80°25'00'' W., on the south by latitude 24°20'00'' N., and on the west by control area 1233.

This would provide additional controlled airspace for aircraft exercising holding procedures south of Homestead AFB, Fla., based on aircraft holding at a point 55 miles out on the Miami VORTAC 192° True bearing, which is used for the TACAN approach to Homestead AFB.

The FAA has been advised by the Department of Defense that the aircraft and ordinance activity periodically conducted within Warning Areas W-174 and W-465 is hazardous to non-participating aircraft. Therefore, the portions of these proposed transition areas which lie within Warning Areas W-174 and W-465 would be utilized by the FAA for purposes of air traffic service only when not required for national defense activities hazardous to non-participants. Detailed arrangements for the cessation and resumption of hazardous military activities and for the use of these warning areas for purposes of air traffic service would be set forth in letters of procedure between the appropriate military commanders and the Federal Aviation Agency.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on April 3, 1964.

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

[F.R. Doc. 64-3507; Filed, Apr. 9, 1964; 8:46 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63-EA-49]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 73.39 of the Federal Aviation Regulations, the substance of which is stated below.

The Limestone, Maine (Loring AFB) Restricted Area/Military Climb Corridor R-3902 is presently described as follows:

Boundaries. The area centered on the 353° radial of the Loring AFB TACAN extending from 5 miles N of the airbase (Lat. 46°57'05'' N., Long. 67°53'10'' W.) to 32 miles N of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity, excluding the portion which lies outside of the United States.

Designated altitudes.

2,750 feet MSL to 15,750 feet MSL from 5 miles N of the airbase to 6 miles N of the airbase.

2,750 feet MSL to flight level 247 from 6 to 7 miles N of the airbase.

2,750 feet MSL to flight level 270 from 7 to 10 miles N of the airbase.

6,750 feet MSL to flight level 270 from 10 to 15 miles N of the airbase, excluding the portion which lies outside of the United States.

10,750 feet MSL to flight level 270 from 15 miles N of the airbase to the United States-Canadian Border.

Time of designation. Continuous.

Using agency. Loring AFB Approach Control.

The Air Force has requested alteration of R-3902 in accordance with the present Federal Aviation Agency airspace criteria which provides for enlarging such corridors as necessary to meet the climb capabilities and requirements of supersonic fighter/interceptor aircraft of the Air Defense Command. Altered as proposed, R-3902 will afford protection for air defense aircraft and other aircraft north of Loring AFB during the initial climb phase of air defense missions.

A study indicates this proposal would not affect existing low and intermediate altitude airways and would be less restrictive to jet routes. Although portions of the Limestone AFB control zone (§ 71.171) and control area extension (§ 71.165) would coincide with the reconfigured restricted area/military climb

corridor, it is not proposed to change the descriptions of these areas since the requirement for pilots to obtain prior approval from appropriate authority before operating in restricted airspace is specified in § 91.95 of the Federal Aviation Regulations.

Coordination has been initiated with the Department of Transport, Ottawa, Canada, and they have interposed no objection.

If the proposed action is taken, the Limestone, Maine (Loring AFB), Restricted Area/Military Climb Corridor would be redescribed as follows:

R–3902 Limestone, Maine (Loring AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on a line beginning at latitude 47°00'00" N., longitude 67°54'10" W. (2 nmi north of the north end of Runway 1), and extending via a True bearing therefrom of 354° to a point 30 nmi north, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity, excluding the portion which lies outside the United States.

Designated altitudes.

Surface to flight level 240 from point of beginning to 3 nmi north.

2,000 feet MSL to flight level 240 from 3 to 6 nmi north of point of beginning.

5,000 feet MSL to flight level 240 from 6 to 11 nmi north of point of beginning, excluding the portion which lies outside the United States.

10,000 feet MSL to flight level 240 from 11 to 15 nmi north of point of beginning, excluding the portion which lies outside the United States.

Time of designation. Continuous.

Using agency. Loring AFB Approach Control.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 3, 1964.

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

[F.R. Doc. 64–3508; Filed, Apr. 9, 1964; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 4]

SMALL BUSINESS SIZE STANDARDS

Method of Establishing Standards and Definition of Small Business for Government Procurement

Paragraph 121.3–1(b) of the Small Business Size Standards Regulation (Revision 4) (29 F.R. 86) provides in part that, "in defining industries, SBA follows the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President. The * * * Manual defines industries in accordance with the existing structure of the American economy. An industry is a group of establishments engaged in the same or similar lines of economic activity * * *"

The criteria for recognizing manufacturing industries are set forth in the Appendix of the Manual. There are some groups of establishments engaged in the same or similar lines of economic activity which should be recognized as separate industries even though they do not meet the criteria for industries established by the Standard Industrial Classification. This is necessary in order that the financial assistance provided by the Small Business Loan Program of this Agency can be made available to strengthen the competitive position of certain groups of business concerns that are relatively small in their fields of operation.

In the Standard Industrial Classification Manual more than 400 manufacturing industries are designated by industry numbers of four digits. For example, the industry number for food preparations not elsewhere classified in any other industry included in the food and kindred products major group is 2099. The financial assistance size standard established for this industry is 250 employees. For the reason that companies operating establishments primarily engaged in making baking powder and yeast are significantly larger than the companies in this industry as a whole, it is appropriate to establish a size standard of 500 employees for baking powder and yeast. Baking powder and yeast has a class of product code number with five digits, 20994.

When appropriate, and necessary in order to carry out the policy of the Congress and the objectives of the Small Business Act, as amended, the Small Business Administration will establish a separate size standard for a class of product code number with five digits. Before establishing such a size standard for financial assistance purposes, both administrative and economic considerations will be carefully weighed. This authority will be confined to those instances where, for manufacturing concerns, the financial assistance size standard is 250 employees and where the Government procurement size standard is 500 employees.

It also has come to our attention that certain products can be and are for statistical and other purposes classified into more than one industry. However, we have determined that, for size determination purposes, a product should be classified into only one industry.

Consequently, it is proposed to amend the Small Business Size Standards Regulation so that, for size standards purposes, a product shall be classified into only one industry and that SBA shall determine the SIC industry into which particular products are classified for such purposes.

Interested persons may file with the Small Business Administration within fifteen (15) days after publication in the FEDERAL REGISTER written statements of facts, opinions, or arguments concerning the proposed amendments.

All correspondence shall be addressed to:

Office of Economic Adviser,
Small Business Administration,
Washington, D.C. 20416.

It is proposed to amend the Small Business Size Standards Regulation (Revision 4), as follows:

The Small Business Size Standards Regulations (Revision 4) (29 F.R. 86) is hereby amended by:

1. Deleting § 121.3–1(b) and substituting in lieu thereof new § 121.3–1(b) as follows:

§ 121.3–1 Purpose and method of establishing size standards.

* * * * *

(b) *Method of establishing size standards.* In defining industries, SBA uses the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President, *Provided, however,* that, whenever SBA determines that (1) there is within an industry, as defined in the Standard Industrial Classification Manual, a group of establishments manufacturing a class of products which has been given a five-digit code by the Bureau of the Census and such group of establishments would be recognized as a separate industry except for the fact that it fails to meet the Bureau of the Budget's size of industry criterion for such recognition, and (2) the financial assistance size standard for such class of products should be 500 employees, rather than 250 employees, it shall adopt a separate size standard for such class of products and list it in Schedule A hereof. The Standard Industrial Classification Manual defines industries in accordance with the existing structure of the American economy. An industry is a group of establishments engaged in the same or similar lines of economic activity. The following factors

are considered in formulating industry size standards: (i) concentration of output, (ii) coverage ratio, (iii) primary product specialization ratio, (iv) absolute number of concerns, (v) size of industry (dollar volume), (vi) employment size of industry leaders, and (vii) the SBA program for which the size standard is established. In certain instances, the loan standard and procurement standard may differ for the same industry. This is due to the fact that when establishing size standards for the purpose of Government procurement, an eighth factor, Government procurement history, is used but is not a factor in formulating a size standard for the purpose of financial assistance. SBA shall determine the SIC industry into which particular products shall be classified for size standards purposes. When making such classifications, consideration shall be given to all appropriate factors, including (*a*) alphabetic indices published by the Bureau of the Budget, Bureau of the Census, and the Business and Defense Services Administration, (*b*) description of the product under consideration, (*c*) previous Government procurements for the same or similar products, and (*d*) published information concerning the nature of companies which manufacture such product. For size standards purposes, a product shall be classified into only one industry, even though, for other purposes, it could be classified into more than one industry.

2. Deleting the fifth sentence of the introductory text to § 121.3–8 in its entirety. As amended, the introductory text to § 121.3–8 will read as follows:

§ 121.3–8 Definition of small business for Government procurement.

A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria set forth in this section. When computing the size status of a bidder or offerer, the number of employees, annual sales or receipts, or other applicable standards of the bidder or offerer and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular procurement involved. If a procurement calls for more than one item, the bidder must meet the size standard for each item for which it submits a bid.

* * * * *

3. Deleting the category headings at the beginning of Schedule A and substituting in lieu thereof the headings below, and by adding to Schedule A the product classes and size standards as follows:

Census classification code	Industry or class of product	Employment size standard (number of employees)
20991	Desserts (ready-to-mix)	500
20994	Baking powder and yeast	500
35452	Precision measuring tools	500

Dated: April 1, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-3499; Filed, Apr. 9, 1964; 8:45 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 115–4]

GENERAL NUCLEAR ENGINEERING CORP. AND PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Issuance of Provisional Operating Authorization

Notice is hereby given that no request for hearing or petition to intervene having been filed in accordance with the notice of proposed issuance of provisional operating authorization published in the FEDERAL REGISTER on December 28, 1963, 28 F.R. 14449, the Atomic Energy Commission has issued Provisional Operating Authorization No. DPRA–4 to General Nuclear Engineering Corporation (GNEC) and Puerto Rico Water Resources Authority (PRWRA) authorizing the use and operation at powers up to 55 megawatts thermal of the Boiling Nuclear Superheater (BONUS) Power Station (the reactor) located at Punta Higuera, Puerto Rico.

Copies of the Provisional Operating Authorization are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 2d day of April 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 64–3534; Filed, Apr. 9, 1964; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

April Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during April 1964 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, and flax.

The April list of commodities available is unchanged from March.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for April 1964 are 4 percent for periods up to and including 12 months, and 4½ percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program.

The following CCC-owned commodities are available for programing under Title IV, Public Law 480, private trade agreements: Wheat, corn, barley, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programing. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Nonfat dry milk, butter, cheddar cheese, cotton, tobacco, wheat, corn, barley, and grain sorghum. This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate, CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by

anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in-store at storage location of products. Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any butter offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any cheese offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices, under LD-35: Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Monday at prices announced by press releases in Washington each Tuesday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. Export, CCC sales for export: Competitive bid under the terms and conditions of Announcements CN-EX-18 Cotton Export Program—Sales (1963-64 Marketing Year), as amended, and NO-C-22 Sale of Upland Cotton (Cotton Export Program—1963-64 Marketing Year), as amended, and NO-C-24 Sale of Irregular Upland Cotton for Export. Also CCC will, under the terms and conditions of Announcement NO-C-25, sell its interest in 1963-crop upland loan cotton for export under Announcement CN-EX-18. Export, CCC Barter and Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-21 (Acquisition of Upland Cotton for Export Under Barter and Credit Sales Programs) and NO-C-22, (Sale of Upland Cotton (Cotton Export Program—1963-64 Marketing Year)), as amended.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements domestic grown extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton).
Available	Sales of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from that office.
Barley, bulk	Domestic and export, unrestricted use: [1] Storable: Market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate [2] (published price support loan rate plus 14 cents per bu.) for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown below. Nonstorable: At not less than market price as determined by CCC. Markups and Agricultural Act of 1949 formula price examples (per bushel)

Markup in cents received by		Example of in-store [3] formula minimum prices for No. 2 or better barley (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
14	9	Minneapolis, Minn.	$1.30
		Kansas City, Mo.	1.32

Availability information: For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

See footnotes at end of table.

Commodity	Sales price or method of sale
Barley, bulk (continued)	Export announcement sales: (1) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter, credit and other designated sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in subparagraph C above. Sale is made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston and Kansas City ASCS offices. Stocks at West Coast seaboard terminals and stocks at Duluth or Minneapolis will be available through the Portland and Minneapolis ASCS grain offices, respectively.
Grain sorghum, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of grain sorghum, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1963 price support loan rate for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. B. General sales:[1] 1. Storable: Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate[3] (published price support loan rate plus 29 cents per hundredweight) for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per hundredweight).

Markup in cents received by		Examples of in-store [2] formula minimum prices for No. 2 or better grain sorghum (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
29	18	Kansas City, Mo.	$2.65

D. Availability information: For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland or Minneapolis ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghum held in California export terminals are the only stocks stored in California available for sale under these export announcements, except that such sorghum shall not be eligible for application to Title I, P.L. 480 purchase authorizations or for barter. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provision of these export sales announcements of 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Corn, bulk	Domestic and export—unrestricted use: A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1963 price support loan rate for the class, grade and quality of the corn, plus the amount shown in C below applicable for the storage point involved. B. General sales:[1] 1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate[3] (published price support loan rate plus 18 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per bushel).

Markup in cents in-store at		Example of in-store [2] formula minimum prices for No. 2 yellow corn (14 percent Mt. and 2 percent F.M.) (exrail or barge in dollars)	
Production point	Other points	Terminal	General sales price
6	7½	Minneapolis, Minn.[6]	$1.40¾
		Chicago, Ill.[5]	1.59½

D. Availability information: For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the above announcements. CCC stocks of corn at West Coast seaboard terminals are available for sale under these export announcements, except such corn shall not be eligible for Title I, P.L. 480 purchase authorization or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Commodity	Sales price or method of sale
Rye, bulk	Domestic and export,[1] unrestricted use: Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support rate[3] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Per bushel markup received by		Examples of per bushel formula minimum price (exrail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 15	*Cents* 9	Minneapolis, Minn	No. 2 or better (or No. 3 on TW only).	$1.45

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table.
Export:
(1) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for approved CCC credit and other designated sales. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit sales prices.
Available: Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.

Flaxseed, bulk — Domestic, unrestricted use:
Storable: Market price basis in store,[2] but not less than the applicable 1963 support price for the class, grade, and quality of the grain plus 14½ cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Unit	Received by		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
Bushel	*Cents* 17	*Cents* 9	Minneapolis	No. 1	$3.36½

Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office.
Available: Through the Minneapolis Grain Merchandising ASCS office.

See footnotes at end of table.

Commodity	Sales price or method of sale
Oats, bulk	Domestic and export: [1] Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support rate [3] for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point of production to the present point of storage will also be added.

Per bushel markup in-store at		Examples of per bushel formula minimum prices basis in-store		
Production point	Other points	Terminal	Grade and class	Price
Cents 9	*Cents* 10½	Chicago,[5] Ill	No. 2 (or better)	$0.92
		Minneapolis,[6] Minn		.82¾

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at end of table.
Export announcement sales:
(1) Under Announcement GR-368 (Rev. Aug. 31, 1959) as amended for feed grain export payment-in-kind programs. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and other designated sales. Oats will not be sold for application to Title I, or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Wheat, bulk — Domestic and export, unrestricted use:
A. Redemption of Domestic Payment-in-kind Certificates:[1] Such CCC dispositions of wheat, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under the 1963 wheat price-support program. The minimum price at which wheat shall be valued for such dispositions shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such wheat determined by CCC, or, (c) the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support loan rate[3] for the class, grade, and quality[4] of the wheat plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price.
B. General sales:[1]
1. Storable: Such CCC dispositions of storable wheat, as CCC may designate will be general sales. Such sales shall be made at the same minimum price as redemptions of payments-of-kind certificates described in A above. CCC will normally make general sales of wheat when dispositions of such wheat are not being made against domestic payment-in-kind certificates.
2. Nonstorable: Such dispositions of nonstorable wheat as CCC may designate as general sales will be made at not less than market price, as determined by CCC.
C. Markups and formula minimum price examples.

Per bushel markup received by		Examples of per bushel formula minimum prices basis in-store [2] ex-rail or barge		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 15	*Cents* 9	Chicago	No. 1 RW	$2.30
		Minneapolis	No. 1 DNS	2.36
		Kansas City	No. 1 HW	2.27
		Portland	No. 1 SW	2.19

Commodity	Sales price or method of sale
Wheat, bulk (continued)	Domestic and export, unrestricted use—Continued D. Availability information: For information on CCC wheat sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of wheat from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table. Export announcement sales: (i) Under Announcement GR-345 (Revised July 13, 1962) as amended, for export under the wheat export payment-in-kind program, except that durum wheat will not be eligible for P.L. 480, Title I sales, (2) under Announcement GR-212 (Rev. 2, Jan. 9, 1961), for specified offerings as announced and (3) under Announcement GR-261 (Rev. 2, Jan. 9, 1961, as amended) for export as wheat and under Announcement GR-262 (Rev. 2, Jan. 9, 1961) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Sales under the above announcements are made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices. (At Portland ASCS office, Hard Red Winter wheat with 12.0 percent or less protein will be available for barter or Title I, P.L. 480 transactions for export to Korea, Okinawa, and Formosa only.)
Peanuts, shelled or unshelled (farmers' stock) as available.	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended and supplemented March 3, 1964.
Rice, rough	Domestic, unrestricted use: Market price but not less than 1963 loan rate plus 5 percent, plus 38 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369, Revision II, Rice Export Program—Payment-in-Kind, and under GR-379, Revision I, for approved credit sales. Price, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

[1] Such dispositions shall be for domestic unrestricted use or for export.
[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.
[5] Woodford County, Ill., origin.
[6] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0860.

Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: Capitol 6-3361.

Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic and Export Sales), Arizona and California (Export Sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121.

Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529-2411.

Cotton Products and Export Operations Office, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 5, Calif. Telephone: Sutter 1-3179.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105(c), 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on April 6, 1964.

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

[F.R. Doc. 64-3536; Filed, Apr. 9, 1964; 8:48 a.m.]

Office of the Secretary

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENTS OF AGRICULTURE AND INTERIOR

Procedures for Rights-of-Way for Electric Transmission Lines Crossing National Forest or Other Lands Under Forest Service Jurisdiction

Memorandum of Understanding between the Department of Agriculture and the Department of the Interior setting forth procedures pursuant to 36 CFR 251.52 to be followed for rights-of-way for electric transmission lines, 33 kilovolts or more, crossing National Forests or other lands under Forest Service jurisdiction.

For the purpose of this Memorandum of Understanding, except where otherwise provided by law, "the power marketing program of the United States" refers to undertakings by the Department of the Interior, necessary or appropriate for the purpose of making electric power and energy at federal multipurpose projects constructed or under construction by the Bureau of Reclamation or by the Corps of Engineers, available in wholesale quantities to agencies designed by existing law as preference agencies and to other purchasers of electric power and energy at wholesale, or for the purpose of interconnecting those projects with other electric facilities, pursuant to the Bonneville Project Act, the Reclamation Project Act of 1939, the Flood Control Act of 1944, or other applicable marketing authorization.

1. Applications for rights-of-way for electric transmission lines, with a capacity of 33 kilovolts or more, across National Forest or other lands under Forest Service jurisdiction in the following States may be acted upon without referral to the Department of the Interior: Connecticut, Delaware, Hawaii, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, West Virginia, Wisconsin, and Vermont.

2. Electric transmission line rights-of-way across National Forest or other lands under Forest Service jurisdiction in the above mentioned States, if granted, will be subject to the wheeling provisions of 36 CFR 251.52(d)(2) et seq.

3. Copies of approved rights-of-way across National Forest or other lands under Forest Service jurisdiction in the above-mentioned States, with the indication that the approval is subject to the wheeling regulations, will be made available to the Office of the Assistant Secretary of the Interior (Water and Power Development).

4. Application for electric transmission line rights-of-way across National Forest or other lands under Forest Service jurisdiction in all other States will be submitted to the Office of the Assistant Secretary (Water and Power Development) for comment and recommendations in accordance with the following procedure:

a. The Regional Forester will refer the application to the appropriate power marketing office of the Department of the Interior in accordance with the attached table and map. Where an application does not indicate that applicant will conform to the wheeling requirements of 36 CFR 251.52(d)(2) the Regional Forester will ask the applicant whether a contract exists between applicant and the Department of the Interior for the transmission or wheeling of electric power over applicant's transmission system or parts thereof, and will refer the results of his inquiry, together with the application, to the appropriate power marketing office of the Department of the Interior.

b. The power marketing office will state and comment appropriately upon the following:

(i) The relationship and possible conflict of the proposed facility with the power marketing program of the United States;

(ii) Whether an existing contract between applicant and the Department of

the Interior for the transmission or wheeling of power makes execution by applicant of the wheeling stipulation referred to at 36 CFR 251.52(d)(2) unnecessary;

(iii) Changes, if any, that should be made to eliminate conflict between the proposed facility and the power marketing program of the United States, and changes, if any, needed to increase the capacity of the proposed facility for use by the Department of the Interior; and

(iv) Whether surplus capacity, if any, of the facility as proposed and if changed in the manner indicated in (iii) above, could be used by the Department of the Interior.

These comments and the application will then be referred to the Washington Office of the Bureau of Reclamation, Bonneville Power Administration, or Southwestern Power Administration, as the case may be, for further comments of these offices prior to submission to the Office of Assistant Secretary (Water and Power Development). (Southeastern Power Administration will submit its comments directly to the Office of Assistant Secretary.)

c. The Office of Assistant Secretary (Water and Power Development) will review the application in relation to the power marketing program of the United States, and will determine whether any existing contract between applicant and the Department of the Interior makes execution of the wheeling stipulation by applicant unnecessary. The comments and recommendations of the Secretary of the Interior will be transmitted to the Secretary of Agriculture, with copies to the appropriate Washington Office (Bonneville Power Administration) for referral back to the regional power marketing office. The Secretary of Agriculture will advise the Chief of the Forest Service of the action to be taken on the application.

5. In the event the Secretary of the Interior determines that modifications in the proposed facility should be made in order to eliminate conflict with the power marketing program of the United States, the Assistant Secretary (Water and Power Development) will direct the appropriate regional power marketing office to negotiate directly with the applicant and require him to submit a modified application to the Forest Service.

In the event a potential conflict with the power marketing program of the United States exists, the application will be held by the Office of the Assistant Secretary (Water and Power Development) until a determination has been made. In the event that Interior recommends that an application be denied, the Secretary of Agriculture will be so informed and advised of the reasons for the recommendations.

6. Any action taken by Interior in connection with determinations of quantities of surplus transmission capacity, use of the facility by the Department of the Interior for the delivery of power, payments to be made to the owner for joint use of the facility, or arbitration procedures under the regulations, will be handled directly by the appropriate marketing agency of the Department of the Interior with the applicant.

7. There will be no change in the procedures now being followed by the Department of Agriculture regarding the inclusion of rights-of-way across National Forest or other lands under Forest Service jurisdiction in Federal Power Commission licenses for construction and operation of hydroelectric plants. The Secretary of the Interior will make recommendations directly to the Federal Power Commission for transmission lines to be covered by Federal Power Commission licenses.

8. A master file of all rights-of-way granted subject to the provisions of the wheeling regulations will be maintained by the Office of the Assistant Secretary (Water and Power Development).

Dated: March 5, 1964.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 64-3529; Filed, Apr. 9, 1964; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Department of the Army

OFFICE OF CIVIL DEFENSE

Establishment

APRIL 1, 1964.

Organization and operation of the Office of Civil Defense within the Office of the Secretary of the Army and delegation of administrative authorities for civil defense functions:

Reference (a). Executive Order 10952 dated 20 July 1961, assigning civil defense responsibilities to the Secretary of Defense and others;

Reference (b). DOD Directive 5160.50 dated 31 March 1964, assigning civil defense responsibilities to the Secretary of the Army;

Reference (c). Department of Defense delegation of administrative authorities for civil defense functions (27 F.R. 903-906, 31 January 1962).

1. There is established within the Office of the Secretary of the Army an Office of Civil Defense. The Office of Civil Defense shall be under a Director of Civil Defense, who shall report directly to the Secretary of the Army.

2. Subject to the direction and control of the Secretary of the Army, those responsibilities, functions, powers and authorities assigned to the Secretary of the Army by Reference (b) and those authorities assigned to the Assistant Secretary of Defense (Civil Defense) by Reference (c) are hereby redelegated to the Director of Civil Defense with authority to redelegate. Redelegations heretofore made by the Assistant Secretary of Defense (Civil Defense) are continued in effect until modified, amended or revoked by the Director, Office of Civil Defense.

STEPHEN AILES,
Secretary of the Army.

[F.R. Doc. 64-3517; Filed, Apr. 9, 1964; 8:46 a.m.]

Office of the Secretary

SECRETARY OF THE ARMY

Delegation of Authority Regarding Civil Defense Functions

The Deputy Secretary of Defense approved the following on March 31, 1964:

The functions delegated to the Secretary of Defense by Executive Order 10952, dated July 20, 1961, assigning Civil Defense responsibilities to the Secretary of Defense and others, are delegated to the Secretary of the Army with authority to redelegate.

All personnel, records, facilities, and equipment of the Office of Civil Defense, Department of Defense, are transferred to the Secretary of the Army.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 64-3498; Filed, Apr. 9, 1964; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENTS OF AGRICULTURE AND INTERIOR

Procedures for Rights-of-way for Electric Transmission Lines Crossing National Forest or Other Lands Under Forest Service Jurisdiction

CROSS REFERENCE: For a document setting forth the above procedures, see Agriculture Department, Office of the Secretary, F.R. Doc. 64-3529, *supra*.

ANCHORAGE LAND OFFICE, BUREAU OF LAND MANAGEMENT

Notice of Reopening of Office

Notice is hereby given that the Anchorage Land Office, Bureau of Land Management, will be reopened for business on April 24, 1964. The Land Office was temporarily closed as of the close of business on March 27, 1964 by order published in the FEDERAL REGISTER on April 1, 1964 (29 F.R. 4685).

Applications and other documents received between the time the Land Office was closed and 10 a.m. April 24, 1964, will be considered as filed at 10 a.m. April 24, 1964.

The Land Office will be located in the Federal Building, Fourth and G Streets, Anchorage, Alaska. All mail should be directed to that address until further notice. Persons who have sent mail to the Land Office during this emergency period caused by the earthquake may wish to inquire whether it has been received.

Personnel of the Land Office will be available to give information and assistance after 10 a.m. April 21, 1964.

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

APRIL 8, 1964.

[F.R. Doc. 64-3590; Filed, Apr. 9, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 325]

OMNIA K. G. KRAUS, WEISS AND CO. AND FRIEDERICH ZIFFER

Order Denying Export Privileges

In the matter of Omnia K. G. Kraus, Weiss and Company and Friederich Ziffer, 30a Hanauer Strasse, Munich 54, Federal Republic of Germany, Case No. 325; Respondents.

The respondents, Omnia K. G. Kraus, Weiss and Company and Friederich Ziffer, both of Munich, Federal Republic of Germany, were on February 7, 1964 charged by the Director, Export Control Investigations Division, Bureau of International Commerce, with violations of the Export Control Act of 1949, as amended, and regulations thereunder. The respondents were served with the charging letter and they have filed answers. The charging letter in substance alleged that the respondents imported from the United States to West Germany certain office composing machines and accessories; that at the time of exportation from the United States, and at all times thereafter, export of said equipment and accessories from the United States to Sino-Soviet bloc destinations was prohibited, unless authorization had been granted by a validated export license; that reexportation from West Germany to Sino-Soviet bloc destinations was prohibited unless prior authorization for such reexportation had been granted; that the respondents were aware of the prohibition against unauthorized reexportation; that notwithstanding this knowledge the respondents, without authority, reexported said equipment and accessories to the Soviet Union. They were charged with having violated specific sections of the U.S. Export Regulations.

Prior to the issuance of the charging letter, an order temporarily denying export pivileges was issued against said respondents on October 8, 1963 (28 F.R. 10927, October 11, 1963). On December 6, 1963 said temporary order was extended until the completion of administrative compliance proceedings (28 F.R. 13552, December 14, 1963).

In accordance with the provisions of § 382.10 of the Export Regulations, with agreement of the Director, Investigations Division, the respondents have submitted to the Compliance Commissioner a proposal for the issuance of a consent order substantially in the form hereinafter set forth. In said consent proposal, the respondents have admitted, for the purpose of these compliance proceedings, the allegations in the charging letter.

The Compliance Commissioner has reviewed the facts in the case and the proposal, has approved the proposal and has submitted his recommendation to the undersigned Acting Director, Office of Export Control that the consent proposal be accepted.

After reviewing and considering the record in the case and the Compliance Commissioner's recommendation, I hereby make the following findings of fact:

1. Omnia K. G. Kraus, Weiss and Company (hereinafter referred to as Omnia) was at all times stated herein a limited partnership in West Germany engaged in importing and exporting duplicating machines, office composing machines, and accessories thereto. Friederich Ziffer was a silent partner in the firm and sales manager thereof. The respondent Ziffer was the individual primarily responsible for the transactions herein set forth.

2. Between April 1962 and September 1962, Omnia imported from a manufacturer in the United States certain office composing machines, multiple typewriters and accessories thereto, having a total value in excess of $26,000. Said equipment and accessories were exported from the United States to Omnia in Munich, pursuant to authority of General License GRO.

3. At the time the aforesaid exportations were made from the United States and at all times thereafter, export of said equipment and accessories from the United States to Sino-Soviet bloc destinations was prohibited unless prior authorization had been granted by a validated export license issued by the Bureau of International Commerce. Reexportation to Sino-Soviet bloc destinations of such equipment and accessories, originally exported from the United States under General License, was also prohibited by the Export Regulations unless prior authorization for such exportation had been granted by the Bureau of International Commerce.

4. The respondents, Omnia and Ziffer, were at the time of receipt of the shipments in question fully aware of the aforesaid prohibition against the unauthorized reexportation of the equipment and accessories to the Sino-Soviet bloc. Notwithstanding this knowledge, the respondent Ziffer, acting for Omnia and without authority of the Bureau of International Commerce, reexported and diverted the aforesaid equipment and accessories to the Soviet Union.

From the foregoing I have concluded that the respondents, without authorization, knowingly exported, disposed of, diverted, transshipped, and reexported commodities to persons, destinations, and uses contrary to the terms of export control documents, prior representations, notification of prohibition against such action, and contrary to the Export Control Law and regulations and licenses issued thereunder, all in violation of §§ 370.2, 371.4, 381.2 and 381.6 of the Export Regulations.

Now, after considering the record in the case, and being of the opinion that the proposal for this consent order should be accepted, and that this order is calculated to achieve effective enforcement of the law and the purpose thereof, *It is hereby ordered:*

I. Such validated export licenses as may be outstanding in which respondents appear or participate in any manner or capacity and which have heretofore been revoked shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondents for a period of 30 months from October 8, 1963 are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors or assigns, officers, partners, representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Six months after October 8, 1963, to wit, on April 9, 1964, without further order of the Bureau of International Commerce, the respondents shall have their export privileges restored to them conditionally and thereafter for the remainder of the 30-month period the respondents shall be on probation. However, no validated licenses which have been revoked under the temporary denial order of October 8, 1963 or the extension thereof shall thereby be restored. The conditions of such restoration are that the respondents shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that any respondent has knowingly failed to comply with the requirements and conditions of this order or with the conditions of probation, said official at any time, with or without prior notice of said respondent, by supplemental order, may revoke the probation of said person, revoke all outstanding validated export licenses to which any respondent may be a party, and deny all export privileges, for a period up to 24 months. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. Any person affected by a supplemental order revoking without notice his probation, may file objections and request that such order be set aside, and may request an oral hearing, as provided in § 382.16 of the Export Regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when any respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on April 9, 1964.

Dated: April 2, 1964.

RAUER H. MEYER,
Acting Director,
Office of Export Control.

[F.R. Doc. 64-3509; Filed, Apr. 9, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15407]

CITY TAXI CO.

Order To Show Cause

In the matter of Olga I. Shea, d/b as City Taxi Company, Sacramento, California, order to show cause why the license for taxicab radio station KMA-528 should not be revoked.

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

It appearing, that pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated February 17, 1964, and March 19, 1964, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that the foregoing communications from the Commission called for responses by the licensee within 15 days; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.89 of the Commission's rules;

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 6th day of April 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to licensee at her last known address of 1104 Third St., Sacramento 14, Calif.

Released: April 6, 1964.

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

[F.R. Doc. 64-3544; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket No. 15380; FCC 64M-289]

RICHARD H. SANDERS

Order To Show Cause; Scheduling of Hearing

In the matter of Richard H. Sanders, Fort Lauderdale, Florida, Docket No. 15380, order to show cause why there should not be revoked the license for Radio Station 7W2005 in the Citizens Radio Service.

It is ordered, This 6th day of April 1964, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 1, 1964, in Fort Lauderdale, Florida.

Released: April 6, 1964.

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

[F.R. Doc. 64-3543; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket No. 15402; FCC 64M-287]

HORACE C. BOREN (KWON)

Order Scheduling Hearing

In re application of Horace C. Boren (KWON), Bartlesville, Oklahoma, Docket No. 15402, File No. BP-15453, for construction permit.

It is ordered, This 6th day of April 1964, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 24, 1964, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., May 4, 1964.

Released: April 6, 1964.

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

[F.R. Doc. 64-3538; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket No. 15362; FCC 64M-281]

GRAYSON ENTERPRISES, INC.

Order Continuing Hearing

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

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered,* This 2d day of April 1964, that the hearing presently scheduled to commence on May 4, 1964, is continued to a date to be fixed at the further prehearing conference on May 15, 1964.

Released: April 3, 1964.

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

[F.R. Doc. 64-3539; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket Nos. 15323-15325; FCC 64M-280]

INTEGRATED COMMUNICATION SYSTEMS, INC., OF MASSACHUSETTS ET AL.

Order Regarding Procedural Dates

In re applications of Integrated Communication Systems, Inc., of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT-3169; WGBH Educational Foundation, Boston, Massachusetts, Docket 15325, File No. BPCT-3277; for construction permits for new television broadcast stations.

At a prehearing conference held today it was specified that the proceeding would be tried on the written direct case basis, that all written material would be exchanged by each of the applicants with all of the other parties no later than September 1, 1964, and that the hearing would get under way at 10:00 a.m. in Washington, D.C., on September 14, 1964 with the first order of business to be given over to considering offers into evidence of the written material. Other

procedural dates will be fixed as the requirements of the proceeding dictate.

So ordered, This 2d day of April 1964.

Released: April 3, 1964.

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

[F.R. Doc. 64-3540; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket No. 12847; FCC 64M-290]

KPDQ, INC. (KPDQ)

Order Scheduling Hearing

In re application of KPDQ, Inc. (KPDQ), Portland, Oregon, Docket No. 12847, File No. BP-11436, for construction permit.

It is ordered, This 6th day of April 1964, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 17, 1964, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., May 4, 1964.

Released: April 6, 1964.

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

[F.R. Doc. 64-3541; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket No. 15358; FCC 64M-284]

LOMPOC VALLEY CABLE TV

Statement and Order After Prehearing Conference

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

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

Further prehearing conference—April 13, 1964 at 10 a.m.

KCOY-TV to furnish proposed exhibits by May 11, 1964.

Receipt of notification of witnesses desired for qualification and cross-examination by May 25, 1964.

Hearing (rescheduled from May 18, 1964)—June 8, 1964 at 10 a.m.

So ordered, This 3d day of April 1964.

Released: April 6, 1964.

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

[F.R. Doc. 64-3542; Filed, Apr. 9, 1964; 8:48 a.m.]

[Docket No. 14722; FCC 64M-288]

SOUTH MISSISSIPPI BROADCASTING CO.

Order Following Prehearing Conference

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

A prehearing conference in the above-captioned proceeding having been held on April 3, 1964, and it appearing that certain procedural agreements reached therein should properly be formalized by order;

Accordingly, it is ordered, This 6th day of April 1964, that:

(1) The direct affirmative cases of the applicant on all issues shall be presented by written sworn exhibits;

(2) In the event any material in a written exhibit is excluded at the hearing as incompetent, it may be restored by competent oral testimony;

(3) There shall be an exchange of the applicant's proposed nonengineering exhibits (with copies to be supplied to the Hearing Examiner also) by May 1, 1964;

(4) Notification as to those of applicant's lay witnesses desired to be present at the hearing for cross-examination shall be given to counsel for applicant by May 8, 1964;

(5) Notification as to the taking of any prehearing depositions by the applicant shall be given by May 8, 1964;

(6) There shall be a preliminary exchange of the applicant's proposed engineering exhibits (with copies to be supplied to the Examiner also) by May 15, 1964;

(7) There shall be a final exchange of the applicant's proposed engineering exhibits (with copies to be supplied also to the Hearing Examiner) by May 21, 1964; and

(8) Notification as to those of applicant's engineering witnesses desired to be present at the hearing for cross-examination shall be given to counsel for applicant by May 22, 1964.

It is further ordered, That the hearing heretofore scheduled to commence on May 11, 1964, is hereby postponed to May 26, 1964, at 10:00 a.m., in the offices of the Commission at Washintgon, D.C.

Released: April 6, 1964.

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

[F.R. Doc. 64-3545; Filed, Apr. 9, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64-666 etc.]

ELMORE A. WILLETS, JR., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 2, 1964.

Elmore A. Willets, Jr. and Earl M. Craig, Jr. (and other Respondents listed herein), Docket Nos. RI64-666, et al.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before May 20, 1964.

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] Commissioners O'Connor and Woodward not participating in the suspension of the filings in Docket Nos. RI64-667, Hugh McMillan, RI64-669, United States Smelting Refining and Mining Company, and RI64-670, Beta Development Company.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-666	Elmore A. Willets, Jr., and Earl M. Craig, Jr., 701 Midland National Bank Bldg., Midland, Tex.	1	1	Northern Natural Gas Co. (Buckhorn-Ellenburger Field, Crockett County, Tex.) (R.R. District No. 7-c) (Permian Basin Area).	$1,440	3- 5-64	[2] 4- 5-64	9- 5-64	[4] 10.0	[3 6 8] 11.0	
RI64-667	Hugh McMillan, P.O. Box 1977, El Paso, Tex., 79950, Attn: Mr. William J. Mounce.	2	2	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	1,329	3- 9-64	[5] 4- 9-64	9- 9-64	[6] 13.0	[3 6 10] 14.0536	
RI64-668	Schermerhorn Oil Corp. (Operator), et al., P.O. Box 287, Tulsa, Okla.	5	5	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	1,171	3- 6-64	[5] 4- 7-64	9- 7-64	10.0125	[3 8 9 11] 11.2243	
RI64-669	United States Smelting Refining and Mining Co., P.O. Box 1877, Midland, Tex., 79701.	4	3	El Paso Natural Gas Co. (Blanco (Mesa Verde) Field, San Juan County, N. Mex.) (San Juan Basin Area).	470	3-12-64	[5] 5 -1-64	10- 1-64	[6] 13.3	[3 6 10] 14.0	
RI64-670	Beta Development Co., Mid Continent Bldg., Fort Worth 2, Tex.	1	11	El Paso Natural Gas Co. (San Juan Field, San Juan County, N. Mex.) (San Juan Basin Area).	378	3-12-64	[2] 4-12-64	9-12-64	[6 12] 13.0	[3 6 10 12] 14.0	
RI64-671	Walter Duncan, P.O. Box 137, Durango, Colo.	4	2	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	4,015	3-13-64	[2] 4-13-64	9-13-64	[6] 13.0	[3 6 10] 14.0	
RI64-672	Kansas Natural Gas, Inc. (Operator), et al., P.O. Box 270, Hays, Kans.	22	3	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	821	3-10-64	[2] 4-10-64	9-10-64	[14] 11.0	[6 13 14] 13.5	
RI64-673	do	30 30	([15]) 1	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.).	1,140	3-11-64	[2] 4-11-64	9-11-64	[14] 8.9329	[6 13 14] 13.5	
RI64-674	H. N. Burnett, 328 First National Bank Bldg., Amarillo, Tex.	8	13	Cities Service Gas Co. (West Panhandle Field, Carson County, Tex.) (R.R. District No. 10).	7,557	3-16-64	[2] 4-16-64	9-16-64	10.09	[6 18] 11.099	
RI64-675	E. W. Campbell, Lakin, Kans.	2	3	Cities Service Gas Co. (Hugoton Field, Kearney and Stanton Counties, Kans.).	372	3- 9-64	[5] 4- 9-64	9- 9-64	[14] 7.5036	[6 14 16] 14.5	
RI74-676	Southeastern Public Service Co. (Operator), et al., 70 Pine St., New York 5, N.Y.	5	2	Natural Gas Pipeline Co. of America (Menafee Field Area, Wharton County, Tex.) (R.R. District No. 3).	12,257	3- 9-64	[5] 4- 9-64	9- 9-64	15.0	[3 8] 16.0	
RI64-677	R. H. Siegfried, Inc., et al., [21] National Bank of Tulsa Bldg., Tulsa, Okla.	2	2	Natural Gas Pipeline Co. of America (Wise County Area, Wise County, Tex.). (R.R. District No. 9).	4,039	3-11-64	[5] 4-11-64	9-11-64	14.95	[6 8 17] 16.0	RI-62-380.[16]
RI64-678	Bright & Schiff (Operator), et al., 107 Mercantile Continental Bldg., Dallas 1, Tex.	4	1	South Texas Natural Gas Gathering Co. (Monte Cristo Field, Hidalgo County, Tex.) (R.R. District No. 4).	1,000	3-13-64	[5] 6- 1-64	11- 1-64	14.5	[3 8] 15.5	
RI64-679	Royalite Oil Company, Inc., Royalite Bldg., Calgary, Alberta, Canada.	1	3	United Fuel Gas Co. (Deep Lake Field, Cameron Parish, La.).	40,880	3- 9-64	[2] 4- 9-64	9- 9-64	[21] 18.3	[10 19 20] 21.1	

[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Periodic rate increase.
[4] Subject to a 0.75 cent per Mcf increase in price if sulphur and hydrogen sulphide content does not exceed 5 grains of total sulphur or ¼ grain of hydrogen sulphide per 100 cu. ft. and carbon dioxide content does not exceed 1 percent by volume.
[5] The stated effective date is the effective date requested by Respondent.
[6] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[7] Includes partial reimbursement for 0.55 percent increase in New Mexico Oil and Gas Emergency School Tax.
[8] Pressure base is 14.65 psia.
[9] Includes partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
[10] Pressure base is 15.025 psia.
[11] Includes 0.4875 cent per Mcf compression charge for low pressure gas (below 600 psig).
[12] Rate for gas delivered from acreage added by Supplement No. 10.
[13] Renegotiated rate increase.
[14] Subject to downward Btu adjustment.
[15] Supersedes Kansas Natural Gas, Inc.'s FPC Gas Rate Schedule No. 28. (Rate Schedule No. 30 is suspended herein.)
[16] Redetermined rate increase.
[17] Includes 0.75 cent per Mcf for Btu adjustment (1050) and 0.25 cent per Mcf for dehydration charged by seller.
[18] Price includes 0.70 cent per Mcf for Btu adjustment (1050 Btu gas) and 0.25 cent per Mcf for dehydration charged by Seller.
[19] Seven-step periodic rate increase.
[20] Inclusive of 1.5 cents per Mcf tax reimbursement.
[21] Coastal States Gas Producing Company is an et al. party and affiliate of the buyer. Coastal State's interest is 12.5 percent.

Royalite Oil Company, Inc., requests an effective date of November 1, 1963; Elmore A. Willets, Jr., and Earl M. Craig, Jr. (Willets and Craig) request an effective date of December 1, 1963; Walter Duncan requests an effective date of January 1, 1964, and H. N. Burnet requests an effective date of January 7, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

Beta Development Co. (Beta) requests an effective date of March 1, 1964, for its proposed rate filing. Beta's proposed rate increase is applicable to additional acreage and Beta requests that if the proposed rate is suspended that such suspension be limited to a period terminating not later than June 1, 1964, so that a common increased rate for sales from all of the acreage covered by the rate schedule can be placed into effect on the same date, thereby avoiding unnecessary and burdensome accounting. Good cause has not been shown for granting Beta's request for an earlier effective date for its rate filing and for shortening the suspension period with respect thereto to June 1, 1964, and such request is denied.

With respect to the proposed rate increase filed by Willets and Craig, the gas is sour and the contract provides for an increase in price of 0.75 cent per Mcf if the gas delivered is sweet. The addition of this 0.75 cent increase for delivery of sweet gas to the proposed increased rate of 11.0 cents per Mcf amounts to a total rate of 11.75 cents per Mcf which exceeds the applicable area ceiling for pipeline quality gas.

Hugh McMillan, United States Smelting Refining and Mining Company, and Beta did not include in their proposed rates the contractually provided for 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate plus the periodic increase results in a total rate in excess of 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, Sec. 2.56). Additionally the increased rate of Bright & Schiff (Operator), et al., is suspended because of the affiliation between the buyer, South Texas Natural Gas Gathering Company, and one of the seller "et al" parties.

[F.R. Doc. 64-3470; Filed, Apr. 9, 1964; 8:45 a.m.]

[Project No. 2447]

CONSUMERS POWER CO.

Notice of Application for License

APRIL 3, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Consumers Power Company (correspondence to: W. R. Boris, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201) for license for constructed Project No. 2447, located on Au Sable River in Alcona County, Michigan.

The project consists of: an earth fill dam comprising spillway chute, powerhouse and spillway block sections totaling about 4,900 feet in length; a reservoir about four miles in length containing 1,075 acres in surface area; a masonry and steel powerhouse with two open penstocks with steel tainter gates, six spill tubes, and two generating units totaling 8,000 kilowatts in capacity; a substation; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 22, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3512; Filed, Apr. 9, 1964; 8:46 a.m.]

[Docket No. CI63-1062]

GULF OIL CORP.

Notice of Application

APRIL 3, 1964.

Gulf Oil Corporation (Successor to Agnes Cullen Arnold, et al.) Docket No. CI63-1062.

Take notice that on February 25, 1963, as supplemented on April 22, 1963, Gulf Oil Corporation (Applicant) filed in Docket No. CI63-1062 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Southern Natural Gas Company for resale from the Tantine (West Bay) Field, Plaquemines Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas as successor in interest to Agnes Cullen Arnold, et al., at a total initial rate of 22.0 cents per Mcf at 15.025 psia pursuant to a contract designated as Agnes Cullen Arnold, et al., FPC Gas Rate Schedule No. 2. Applicant requests that the successor's rate schedule be redesignated as its own rate schedule. Agnes Cullen Arnold, et al., filed a notice of change in rate under the subject rate schedule to 23.5 cents per Mcf, which change was suspended in Docket No. RI61-222 and has not been made effective. Applicant requests to be substituted as respondent in said proceeding.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3513; Filed, Apr. 9, 1964; 8:46 a.m.]

[Docket No. CP64-128]

MICHIGAN GAS STORAGE CO.

Notice of Application

APRIL 3, 1964.

Take notice that on December 4, 1963, Michigan Gas Storage Company (Applicant), Jackson, Michigan, filed in Docket No. CP64-128 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities and the transportation of natural gas in Michigan for and in behalf of Consumers Power Company (Consumers), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport for and in behalf of Consumers up to 200,000 Mcf of natural gas per day commencing April 1, 1964, and up to 225,000 Mcf per day commencing November 1, 1964.

Applicant states that in Docket No. CP-63-221 it was authorized to transport 200,000 Mcf of natural gas per day for Consumers commencing in the fall of 1964. Said gas to be transported was to be supplied by Trunkline Gas Company (Trunkline). The application indicates that Consumers and Trunkline have entered into a new agreement providing for the sale and delivery to Consumers of 200,000 Mcf per day commencing April 1, 1964, and 225,000 Mcf per day commencing November 1, 1964.[1] Accordingly, Applicant requests herein authorization to transport for Consumers these increased sales from Trunkline to Consumers.

Applicant states further that the proposed increased transportation service will be provided without any additional facilities and that all costs arising from said service will be passed on to Consumers pursuant to Applicant's cost of service tariff.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 27, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3514; Filed, Apr. 9, 1964; 8:46 a.m.]

[1] By Commission order issued Mar. 20, 1964, in Docket No. CP64-144 Trunkline was authorized to render the increased service to Consumers.

[Docket Nos. G–17077, RI63–67]

ALBERT C. PLUMMER ET AL.

Order Terminating Proceedings

APRIL 3, 1964.

Albert C. Plummer, Docket No. G–17077,[1] Getty Oil Company (Operator), et al., Docket No. RI63–67 (AR64–2).

The above-named Respondents have heretofore severally tendered for filing proposed increased rates which were subsequently suspended in the above-entitled proceedings and which have not been placed in effect. By orders issued October 11, 1963, and July 25, 1963, the Commission permitted the abandonment of service and the cancellation of the rate schedule of Albert C. Plummer in Docket No. CI63–1235 and of Getty Oil Company (Operator), et al. (Getty) in Docket No. CI63–1551, respectively, relating to the subject increased rate proceedings. Since the increased rates have not been placed in effect and the related certificates terminated, the subject increased rate proceedings are moot and should be terminated.

It should be noted that the termination of the proceeding in Docket No. RI63–67, which was heretofore consolidated in the Area Rate Proceeding, Docket No. AR64–2, does not constitute or authorize the deletion of Getty Oil Company as a Respondent in Docket No. AR64–2 as Getty Oil Company is making another jurisdictional sale of natural gas in the area.

The Commission finds: For the reasons heretofore stated, it is in the public interest to terminate the rate suspension proceedings as hereinafter ordered.

The Commission orders: The rate suspension proceedings in Docket No. G–17077 insofar as it relates to Albert C. Plummer's FPC Gas Rate Schedule No. 1 and in Docket No. RI63–67 are hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3515; Filed, Apr. 9, 1964; 8:46 a.m.]

[1] Docket No. G–17077 is terminated insofar as it relates to Albert C. Plummer's FPC Gas Rate Schedule No. 1.

[Docket No. RI62–445]

SUPERIOR OIL CO. ET AL.

Order Making Successor in Interest Co-Respondent, Redesignating Proceeding, and Requiring Successor To File Agreement and Undertaking

APRIL 3, 1964.

The Superior Oil Company and A. W. Rutter, Jr. (Operator), et al., Docket No. RI62–445.

A. W. Rutter, Jr. (Operator), et al. (Rutter) has acquired by various assignments a portion of the interest in the acreage dedicated under The Superior Oil Company (Superior) FPC Gas Rate Schedule No. 30, as supplemented, for the jurisdictional sale of natural gas in the Spraberry Trend Field, Upton County, Texas, to El Paso Natural Gas Company (El Paso). The presently effective rate under Superior's FPC Gas Rate Schedule No. 30 is 17.2295 cents per Mcf at 14.65 psia, which was suspended and placed in effect subject to refund in Docket No. RI62–445.

By order issued October 11, 1963, Rutter was issued a certificate of public convenience and necessity in Docket No. CI63–1180 authorizing his continuation of the sale to El Paso from his assigned interest from Superior. In his request for authorization to continue the sale, Rutter asked to be made a co-respondent in Docket No. RI62–445.

The responsibility for making refunds, plus interest at seven percent to the actual date of refund, for any amounts collected in excess of the rate finally determined to be just and reasonable by the Commission in Docket No. RI62–445, rests with Superior up to the date of the various transfers of the subject interest to Rutter and thereafter rests with Rutter.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder, that Rutter be joined as co-respondent with Superior in the rate proceeding in Docket No. RI62–445, that such proceeding be redesignated accordingly, and that Rutter be required to file an agreement and undertaking in Docket No. RI62–445.

The Commission orders:

(A) Rutter is hereby joined as co-respondent with Superior in the proceeding in Docket No. RI62–445, and the proceeding is hereby redesignated as "The Superior Oil Company and A. W. Rutter, Jr. (Operator), et al.".

(B) Within 30 days from the issuance of this order, Rutter shall execute and shall file with the Secretary of the Commission an acceptable agreement and undertaking, in the form attached,[1] in Docket No. RI62–445 to assure refund of any excess charges which the Commission may require in accordance with this order. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(C) Rutter shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, and its agreement and undertaking filed in Docket No. RI62–445 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–3516; Filed, Apr. 9, 1964; 8:46 a.m.]

[1] Form filed as part of original document.

[Docket No. G–4567, etc.]

BERT FIELDS ESTATE

Order Amending Orders Issuing Certificates, etc.

APRIL 2, 1964.

Bert Fields Estate (Successor to Bert Fields) Docket Nos. G–4567, G–4568, G–4569, G–4570, G–4571, G–4572, G–11473, G–11614, G–13302, G–19601, CI61–422, RI63–366, RI64–290.

On January 3, 1964, Bert Fields Estate (Petitioner) filed in the above-docketed certificate proceedings a petition pursuant to section 7(c) of the Natural Gas Act to amend the orders issuing certificates of public convenience and necessity in said proceedings by substituting Petitioner in lieu of Bert Fields, deceased, as certificate holder, all as more fully set forth in the petition.

Three of the decedent's FPC gas rate schedules are involved in rate proceedings in Docket Nos. RI63–366 and RI64–290. Increased rates are being collected subject to refund in Docket No. RI63–366.

Petitioner will be substituted as respondent in the afore-mentioned rate proceedings and all of the decedent's FPC gas rate schedules will be redesignated as those of Petitioner.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Bert Fields in Docket Nos. G–4567, G–4568, G–4569, G–4570, G–4571, G–4572, G–11473, G–11614, G–13302, G–19601, and CI61–422 be and the same are hereby amended by substituting Bert Fields Estate in lieu of Bert Fields as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Bert Fields Estate be and is hereby substituted as respondent in lieu of Bert Fields in the pending rate proceedings in Docket Nos. RI63–366 and RI64–290, and said proceedings are redesignated accordingly.

(C) Within 30 days from the issuance of this order, Bert Fields Estate shall execute, in the form set out below,[1] and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI63–366 to assure refund of any amounts, together with interest at the rate of seven percent per annum, collected in excess of the amount determined to be just and reasonable in said docket. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, said agreement and undertaking shall be deemed to have been accepted for filing.

(D) Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and Petitioner's agreement and undertaking filed in Docket No. RI63–366 shall remain in full force and effect until discharged by the Commission.

(E) The notices of succession are hereby accepted for filing and Bert Fields FPC gas rate schedules are hereby redesignated as FPC gas rate schedules of Bert Fields Estate, effective August 3, 1963, as shown below.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Filed as part of the original document.

APPENDIX

Docket No.	Applicant	New designation: Rate schedule No.	New designation: Supplement No.	Former designation	Purchaser	Location
G-4572	Bert Fields Estate (Operator), et al.	1		Bert Fields (Operator), et al	Arkansas Louisiana Gas. Co.	Waskom Field, Harrison County, Tex.
				FPC Gas Rate Schedule No. 1.		
		1	1-11	Supplement Nos. 1-11.		
		1		Notice of Succession.		
G-4571	Bert Fields Estate, et al.	2		Bert Fields, et al	Tennessee Gas Transmission Co.	Carthage Field, Panola County, Tex.
				FPC Gas Rate Schedule No. 2.		
		2	1- 5	Supplement Nos. 1-5.		
		2		Notice of Succession.		
G-4567	do	3		Bert Fields, et al	United Gas Pipe Line Co.	Bethany Field, Panola County, Tex.
				FPC Gas Rate Schedule No. 3.		
		3	1- 7	Supplement Nos. 1-7.		
		3		Notice of Succession.		
G-4567	Bert Fields Estate	4		Bert Fields	do	Do.
				FPC Gas Rate Schedule No. 4.		
		4	1- 6	Supplement Nos. 1-6.		
		4		Notice of Succession.		
G-4568	Bert Fields Estate, et al.	5		Bert Fields, et al	Arkansas Louisiana Gas Co.	Carthage Field, Panola County, Tex.
				FPC Gas Rate Schedule No. 5.		
		5	1- 8	Supplement Nos. 1-8.		
		5		Notice of Succession.		
G-4569	do	6		Bert Fields, et al	do	North Lansing Field, Harrison County, Tex.
				FPC Gas Rate Schedule No. 6.		
		6	1-10	Supplement Nos. 1-10.		
		6		Notice of Succession.		
G-4570	Bert Fields Estate (Operator), et al.	7		Bert Fields (Operator), et al	do	Sentell Field, Caddo and Bossier Parishes, La.
				FPC Gas Rate Schedule No. 7.		
		7	1- 8	Supplement Nos. 1-8.		
		7		Notice of Succession.		
G-11614	Bert Fields Estate, et al.	8		Bert Fields, et al	Texas Eastern Transmission Corp.	Greenwood-Waskom Field, Caddo Parish, La.
				FPC Gas Rate Schedule No. 8.[1]		
		8	1-14	Supplement Nos. 1-14.		
		8		Notice of Succession.		
G-11473	do	9		Bert Fields, et al	do	Waskom Field, Harrison and Panola Counties, Tex.
				FPC Gas Rate Schedule No. 9.[1]		
		9	1- 9	Supplement Nos. 1-9.		
		9		Notice of Succession.		
G-13302	do	10		Bert Fields, et al	do	Trebloc Field, Chickasaw County, Miss.
				FPC Gas Rate Schedule No. 10.		
		10	1- 3	Supplement Nos. 1-3.		
		10		Notice of Succession.		
G-19601	do	11		Bert Fields, et al	West Texas Gathering Co.	Emperor Deep (Yates) Field, Winkler County, Tex.
				FPC Gas Rate Schedule No. 11.[2]		
		11	1	Supplement No. 1.		
		11		Notice of Succession.		
CI61-422	Bert Fields Estate	12		Bert Fields	El Paso Natural Gas Co.	South Blanco-Dakota Field, Rio Arriba County, N. Mex.
				FPC Gas Rate Schedule No. 12.		
		12	1	Supplement No. 1.		
		12		Notice of Succession.		

[1] Bert Fields has filed an increased rate under this rate schedule. The increase was suspended in Docket No. RI64-290 and has not been made effective.
[2] Bert Fields has filed an increased rate under this rate schedule. The increase was suspended in Docket No. RI63-366 and is being collected subject to refund.

[F.R. Doc. 64-3463; Filed, Apr. 8, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4201]

ALABAMA POWER CO.

Proposed Issuance and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

APRIL 6, 1964.

Notice is hereby given that Alabama Power Company ("Alabama") 600 North 18th Street, Birmingham, Alabama 35202, an exempt holding company and an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $29,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1994. The interest rate of the new bonds (which will be a multiple of ⅛ of 1 percent and the price, exclusive of accrued interest, to be paid to Alabama (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under an Indenture dated as of January 1, 1942, between Alabama and Chemical Bank New York Trust Company, successor to Chemical Bank & Trust Company, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of May 1, 1964.

Alabama also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 60,000 shares of its cumulative preferred stock, par value $100 per share. The dividend rate of the new preferred stock (which will be a multiple of 0.04 percent) and the price, exclusive of accrued dividends, to be paid to Alabama (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. Alabama's charter will be amended to allow for and to establish the terms of the new preferred stock. The general provisions which apply to Alabama's preferred stocks of all classes which are now or may hereafter be authorized or created are set forth in the joint agreement of merger between Alabama and Birmingham Electric Company. In addition to the terms and conditions therein, Alabama has agreed to further terms and conditions applicable to its preferred stocks that were imposed by the order of the Commission dated March 15, 1961, in File No. 70-3941 (Holding Company Act Release No. 14389).

The application states that Alabama intends to use the proceeds from the issuance and sale of the new bonds and new preferred stock, together with other available funds, for the construction or acquisition of permanent improvements, extensions of, and additions to its property; for the payment of short-term bank loans made for such purposes; and for other lawful purposes. Alabama's 1964 construction expenditures are estimated to aggregate $73,505,000, and the company expects to finance the balance of these costs from cash on hand, to be generated from internal sources, and by issuing short-term notes to banks, $10,000,000 of which the company estimates will be outstanding at December 31, 1964.

The issuance and sale of the new bonds and the new preferred stock have been

expressly authorized by the Alabama Public Service Commission, the State commission of the State of which Alabama is organized and doing business. The application states that no Federal commission, other than this Commission, has jurisdiction over the transactions proposed. Estimates of fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than May 4, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 64-3510; Filed, Apr. 9, 1964; 8:46 a.m.]

[File No. 70-4200]

POTOMAC LIGHT AND POWER CO. ET AL.

Proposed Issuance and Sale of Capital Stocks by Subsidiary Companies and Acquisition and Pledge Thereof by Holding Company

APRIL 6, 1964.

In the matter of Potomac Light and Power Company, South Penn Power Company, the Potomac Edison Company, 200 East Patrick Street, Frederick, Maryland; File No. 70-4200.

Notice is hereby given that the Potomac Edison Company ("Potomac Edison"), a registered holding company, an electric utility company, and a subsidiary company of Allegheny Power System, Inc., also a registered holding company, and two of Potomac Edison's electric utility subsidiary companies, Potomac Light and Power Company ("Potomac Light") and South Penn Power Company ("South Penn"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Potomac Light and South Penn propose to issue and sell, from time to time prior to December 31, 1964, additional shares of their authorized and unissued capital stocks, and Potomac Edison proposes to acquire such shares, in each case for a cash consideration equal to the aggregate par or stated value thereof as follows:

	Presently outstanding	Proposed to be issued	Cash consideration
Potomac Light: Common Stock, par value $100 per share	*Shares* 170,000	*Shares* 12,000	$1,200,000
South Penn: Capital Stock, no par, stated value $5 per share	1,258,000	140,000	700,000

The proceeds to be received by Potomac Light and South Penn from the proposed sales of stock will be used to finance, in part, necessary property additions and improvements. The estimated costs of the 1964 construction programs of such subsidiary companies are $2,083,950 and $1,324,750, respectively.

Potomac Edison owns all the outstanding shares of capital stock of each of said subsidiary companies and has pledged such shares under its Indenture dated as of October 1, 1944, as supplemented, securing its First Mortgage and Collateral Trust Bonds. It is proposed that such additional shares to be acquired by Potomac Edison will also be pledged under said Indenture in accordance with the requirements thereof.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $2,300, consisting of legal fees of $300, Federal stamp tax of $1,900, and miscellaneous expenses of $100.

The filing states that the Pennsylvania Public Utility Commission has jurisdiction over the issuance of the stock of South Penn; that the Public Service Commission of West Virginia has or asserts jurisdiction over the acquisition by Potomac Edison of the capital stocks of the subsidiary companies; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that appropriate orders of the respective State commissions are to be supplied by amendment to the application-declaration.

Notice is further given that any interested person may, not later than May 1, 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 such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 64-3511; Filed, Apr. 9, 1964; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

U.S./CANADA-WEST AFRICA CONFERENCE, EASTBOUND AND WESTBOUND

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the U.S./Canada-West Africa Freight Conference, Eastbound and Westbound, Agreement No. 9339, has filed with the Commission, pursuant to section 14b of the Shipping Act, 1916, a proposed exclusive patronage (dual rate) contract and an application for permission to institute a dual rate system in the trade between Atlantic and St. Lawrence River ports of Canada/U.S. Atlantic and Gulf of Mexico ports on the one hand and West African ports (south of the southerly border of Rio de Oro, Spanish Sahara and north of the northerly border of Southwest Africa), including the Atlantic Islands of the Azores, Madeira, Canary and Cape Verde, also the islands of Fernando Po, Principe, and Sao Tome in the Gulf of Guinea on the other hand.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Manager of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request

for a hearing, should a hearing be desired.

Dated: April 7, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3532; Filed, Apr. 9, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 7, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38946: *Liquid caustic soda from points in Louisiana.* Filed by O. W. South, Jr., agent (No. A4490), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Baton Rouge, North Baton Rouge, and Geismar, La., to specified points in Florida and Georgia.

Grounds for relief: Market competition.

Tariff: Supplement 10 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 38947: *Iron or steel articles to Owensboro, Ky.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2714), for interested rail carriers. Rates on iron or steel angles, plates, sheets and structural braces, brackets, forms, posts, shoes, strutts or separators, in carloads, from Canton, Cleveland, Massillon, Warren, and Youngstown, Ohio, to Owensboro, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 33 to Traffic Executive Association—Eastern Railroads, agent, tariff I.C.C. C-282.

FSA No. 38948: *Coke and coke products to points in southwestern territory.* Filed by Southwestern Freight Bureau (No. B-8534), for interested rail carriers. Rates on coke and coke products, as described in the application, in carloads, from St. Louis, Mo., East St. Louis and Granite City, Ill., to points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief: Carrier competition.

Tariff: Supplement 27 to Southwestern Freight Bureau, agent, tariff I.C.C. 4449.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-3526; Filed, Apr. 9, 1964; 8:47 a.m.]

[Notice 965]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 7, 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.

Finance Docket No. 23030. By order of April 3, 1964, the Transfer Board approved the transfer to Muller Boat Co., Inc., Taylors Falls, Minn., of the operating rights issued by the Commission July 29, 1942, under Certificate No. W-264, to C. C. Muller, doing business as Muller Boat Co., Taylors Falls, Minn., authorizing the transportation, over regular and irregular routes, of passengers from boat landing at Taylors Falls, Minn., on round trips through the Dalles of the St. Croix River and return; and on demand, stage of water permissible, from boat landing at Taylors Falls, Minn., to Franconia, Minn., and return. Howard F. Johnson, Center City, Minn., attorney for Applicants.

No. MC-FC 66324. By order of April 1, 1964, the Transfer Board approved the transfer to Blue Springs Truck Line, a corporation, Post Office Box 216, Blue Springs, Mo., of the operating rights issued by the Commission in No. MC 9003 on March 8, 1961, to Raymond Haller, doing business as Blue Springs Truck Line, Blue Springs, Mo., and acquired by Ward Badder, doing business as Blue Springs Truck Line, P.O. Box 216, Blue Springs, Mo., pursuant to MC-FC 65059, approved July 13, 1962, authorizing the transportation of salt, from Kanopolis, Kans., to Blue Springs, Mo., serving no intermediate points; ground feed, tankage, grain, seed, farm machinery, and fertilizer, from Kansas City, Kans., to Blue Springs, Mo., serving all intermediate and off-route points within 10 miles of Blue Springs, Mo., hardware and commodities incidental to the conduct of retail hardware stores, between Blue Springs, Mo., and McCracken, Kans., serving no intermediate points; general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Blue Springs, Mo., and Kansas City, Kans., serving the intermediate and off-route point of Lake Tapawingo, Mo., and for the transportation of livestock only, points within 10 miles of Blue Springs, Mo.; livestock, from points in Wisconsin to Blue Springs, Mo., and points within 10 miles of Blue Springs; and household goods, between Lake Tapawingo, Mo., on the one hand, and, on the other, points in Johnson and Wyandotte Counties, Kans.

No. MC-FC 66460. By order of April 1, 1964, the Transfer Board approved the transfer to Jesse Gaines Lancaster, doing business as Lancaster Transfer, 411-413 West Seventh Street, West Point, Ga., of the operating rights issued by the Commission July 30, 1937, under Certificate in No. MC 69101, to Joe H. Smallwood and L. G. Smallwood, a partnership, doing business as Smallwood Transfer Company, Lanett, Ala., authorizing the transportation over irregular routes, between West Point, Ga., and points within a radius of 10 miles thereof, on the one hand, and points in Alabama and Georgia, on the other.

No. MC-FC 66591. By order of April 1, 1964, the Transfer Board approved the transfer to Wescon Transportation Co., Inc., Mt. Vernon, N.Y., of Certificate in No. MC 32102, issued September 4, 1962, to T. A. D. Trucking Corp., Brooklyn, N.Y., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between points in Orange and Rockland Counties, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, and Morris Counties, N.J. Carmine Porpora, 25 Warren Place, Mt. Vernon, N.Y., representative for transferee. Joseph M. Schwartz, 291 Broadway, New York 7, N.Y., attorney for transferor.

No. MC-FC 66661. By order of April 1, 1964, the Transfer Board approved the transfer to John F. Mudge, doing business as J. J. Mudge & Son, 391 Ferry Street, Everett, Mass., of the operating rights in Second Corrected Certificate in No. MC 83253, issued June 21, 1949, to John J. Mudge and John F. Mudge, doing business as J. J. Mudge & Son, 391 Ferry Street, Everett, Mass., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between Everett, Mass., and points within 25 miles thereof, on the one hand, and, on the other, points in Maine, Massachusetts, Connecticut, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

No. MC-FC 66671. By order of April 1, 1964, the Transfer Board approved the transfer to Pallet Trucking Co., a corporation, Tamaqua, Pa., of the operating rights in Permit in No. MC 124258 (Sub-No. 1), issued January 21, 1963, to Frank A. Kelly, doing business as Pallet Trucking Co., Tamaqua, Pa., authorizing the transportation over irregular routes, of: Wood pallets, from the site of Tam Pallet Co., Inc., Carbon County, Pa., to points in New York, New Jersey, and Delaware. Guy A. Bowe, Jr., 129 West Broad Street, Tamaqua, Pa., attorney for applicants.

No. MC-FC 66672. By order of April 1, 1964, the Transfer Board approved the substitution of Jack Hopwood and Robert Hopwood, a partnership, doing business as Hoppy's Ice & Oil Service,

Brockton, Mass., in lieu of Everett A. Hopwood (Fred D. Hendrick, Administrator), doing business as Hoppy's Ice & Oil Service, Brockton, Mass., as applicant in No. MC 58468 (Sub-No. 1) for a certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act supported by Texas Certificate No. 5268 authorizing the transportation, over irregular routes, of general commodities anywhere within the Commonwealth of Massachusetts. Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., attorney for applicants.

No. MC–FC 66692. By order of April 1, 1964, the Transfer Board approved the transfer to Keith Marshall, doing business as Marshall Truck Line, Osage, Iowa, of the operating rights in Certificates in Nos. MC 31668, MC 31668 (Sub-No. 5), MC 31668 (Sub-No. 6), MC 31668 (Sub-No. 7), issued by the Commission, September 9, 1948, July 6, 1950, July 18, 1950 and October 5, 1956, respectively, to R. M. Marshall, Osage, Iowa, authorizing the transportation, over regular and irregular routes, of: Commodities of a general commodity nature, between points in Illinois, Iowa, Minnesota, and Wisconsin. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–3527; Filed, Apr. 9, 1964; 8:47 a.m.]

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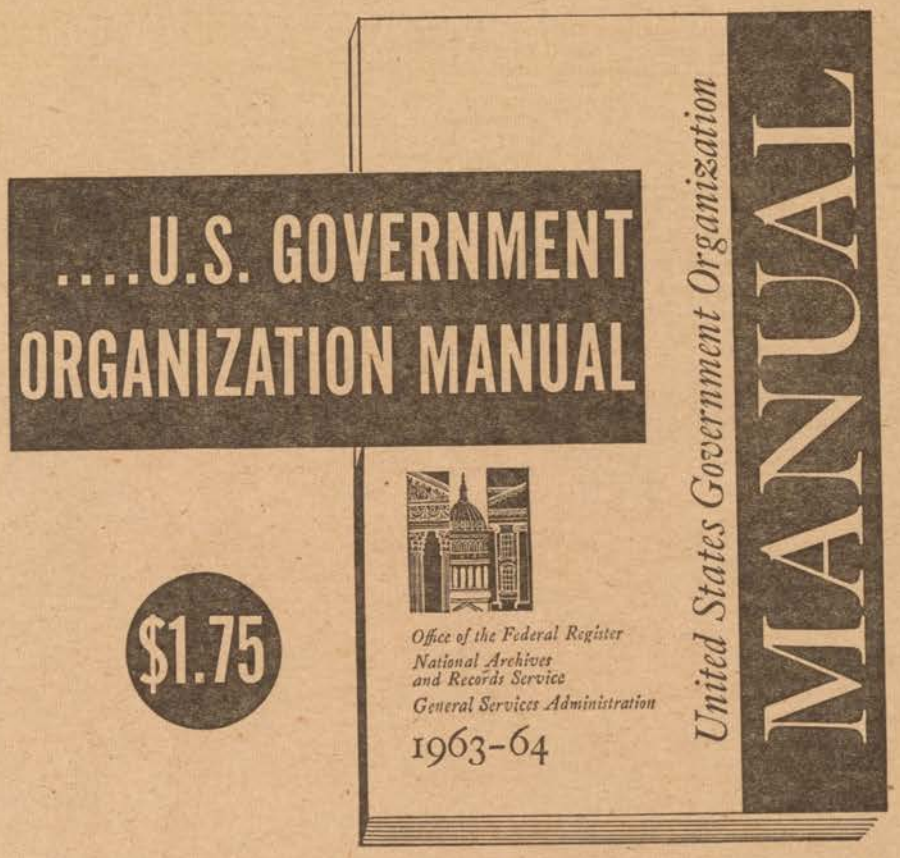

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