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FEDERAL REGISTER

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

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

[Reg. Docket No. 6271; Amdt. 400]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

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

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ELN VOR	EL LFR	Direct	5500	T-dn % C-dn A-dn**	500-1 2200-1 NA	500-1 2200-1 NA	500-1 2200-1½ NA

Procedure turn S side E crs, 050° Outbnd, 230° Inbnd, 5500′ within 10 miles. Not authorized beyond 10 miles. (Nonstandard for more favorable terrain.)
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 280°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing EL LFR, turn left, climb on E crs EL LFR to 5500′ within 10 miles.
CAUTION: High terrain all quadrants; 4770′ hills 10 miles NE EL LFR.
**No weather service. Air carrier use not authorized.
%Takeoffs all runways: Climb on the W crs EL LFR within 5 miles to cross EL LFR at 4500′ northeastbound; 3000′ southbound; 3500′ westbound; 5000′ northbound. All turns S side of W crs EL LFR.
Takeoffs all runways: Climb on the ELN VOR R-267 within 5 miles to cross ELN VOR at 4500′ northeastbound on V-2; 5000′ northbound on V-25; 3000′ southbound on V-25; 3500′ westbound on V-2 and V-28. All turns S of R-267.
MSA within 25 miles of facility: NE-7200′; SE-5100′; SW-7400′; NW-8100′.

City, Ellensburg; State, Wash.; Airport Name, Ellensburg Municipal; Elev., 1766′; Fac. Class., SBMRAZ; Ident., EL; Procedure No. 1, Amdt. 10; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 9; Dated, 8 Apr. 61

Hibiscus Int Bayview LF Int*	Bayview LF Int* Hilo LFR (final)	Direct Direct	2000 600	T-dn** C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	200-½ 600-1½ 800-2

Procedure turn S side of E crs, 079° Outbnd, 259° Inbnd, 1500′ within 10 miles. Nonstandard due ATC requirements.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 228°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing LFR, execute right turn, climbing to 3000′ on N crs Hilo LFR within 20 miles.
CAUTION: Gradually rising terrain all westerly quadrants.
NOTE: Aircraft must have LFR and ADF equipment in operation to utilize Bayview LF Int.
*Bayview LF Int: Int E crs Hilo LFR and 009° bearing from Pahoa RBn.
**400-1 required Runway 26 with right turn after takeoff.

City, Hilo; State, Hawaii; Airport Name, General Lyman Field; Elev., 34′; Fac. Class., SBRAZ; Ident., IO; Procedure No. 1, Amdt. 14; Eff. Date, 21 Nov. 64; Sup. Amdt No. 13; Dated, 6 Apr. 63

Klamath Falls VOR	KL LFR	Direct	7500	T-dn% C-d C-n A-dn	400-1 1200-1 1200-2 1500-2	400-1 1200-1 1200-2 1500-2	400-½ 1200-1½ 1200-2 1500-2

Procedure turn E side of S crs, 162° Outbnd, 342° Inbnd, 7500′ within 10 miles.
Minimum altitude over facility on final approach crs, 5700′.
Crs and distance, facility to airport, 345°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing LFR, turn left, climb to 8000′ on W crs of Klamath Falls LFR in a standard 1-minute holding pattern, all turns S side of crs.
CAUTION: High terrain all quadrants.
MSA within 25 miles of facility: NE-8300′; SE-7600′; SW-8200′; NW-9300′.
%Takeoffs all runways: VHF navigational equipment required. Climb southeastbound on R-140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700′, thence turn right heading 250° magnetic to intercept S crs KL LFR, thence turn right, climb direct KL LFR so as to cross KL LFR at or above 7000′.
Takeoffs all runways: Climb via SE crs LMT ILS localizer southeastbound to cross LFA RBn at or above 5700′, thence turn right heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.
Takeoffs all runways: Climb direct to MT LMM, thence climb direct to LFA RBn to cross LFA RBn at or above 5700′, thence turn right, heading 250° magnetic to intercept S crs KL LFR/162° bearing from KL LFR, thence turn right, climb direct to KL LFR so as to cross KL LFR at or above 7000′.
Takeoffs all runways: Climb southeastbound on R-140 LMT-VOR to cross LFA RBn/11-miles DME fix at or above 5700′, thence turn right heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4092′; Fac. Class., SBRAZ; Ident., KL; Procedure No. 1, Amdt. 11; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 10; Dated, 15 Sept. 62

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn %-----	300-1	300-1	200-½
				C-dn*-----	1900-1	1900-1	1900-1½
				A-dn-----	1900-2	1900-2	1900-2
				*If Eagle Pt Int is positively identified the following minimum applies:			
				C-dn-----	700-1	700-1	700-1½

Procedure turn E side of crs, 332° Outbnd, 152° Inbnd, 5000′ within 12 miles.
Minimum altitude over Eagle Pt Int on final approch crs, 3900′; over ME LFR 2600′.
Crs and distance, facility to airport, 160°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing ME LFR, make immediate right turn, climb direct to ME LFR, thence continue climb to 5000′ on the N crs of ME LFR within 10 miles. All turns E side of N crs.
CAUTION: High terrain all quadrants.
Other change: Deletes transitions.
* If Eagle Pt Int is not positively identified, minimum over ME LFR is 3900′. VOR equipment required to execute this procedure to reduced minimums.
% All IFR departures must comply with published Medford SID's.
MSA within 25 miles of facility: NE–10,500′; SE–8600′; SW–8500′; NW–6300′.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., SBRAZ; Ident., ME; Procedure No. 1, Amdt. 10; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 9; Dated, 2 May 64

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ATL VOR-----	LOM-----	Direct-----	2200	T-dn-----	300-1	300-1	200-½
MDU VOR-----	LOM (final)-----	Direct-----	2200	C-dn-----	400-1	500-1	500-1½
Tucker Int-----	LOM-----	Direct-----	3000	S-dn-33-----	400-1	400-1	400-1
Harrison Int-----	LOM-----	Direct-----	3000	A-dn-----	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 329°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing AZ LOM, make climbing right turn to 3000′ and proceed direct to REG VOR#.
CAUTION: 1185′ tank ¼ mile W of airport.
Other change: Deletes transition from Stone Mountain Int.
#Aircraft executing missed approach may, after being reidentified, be radar controlled.
MSA within 25 miles of the facility: 000°–090°—4000′; 090°–180°—2300′; 180°–270°—3300′; 270°–360°—3800′.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., LOM; Ident., AZ; Procedure No. 2, Amdt. 6; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 5; Dated, 16 May 64

Duluth VOR-----	LOM-----	Direct-----	3000	T-dn-----	300-1	300-1	200-½
				C-d-----	400-1	500-1	500-1½
				C-n-----	400-1½	500-1½	500-1½
				S-dn-9-----	400-1	400-1	400-1
				A-dn-----	800-2	800-2	800-2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn S side of crs, 268° Outbnd, 088° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 088°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, climb to 3000′ on 088° bearing from LOM within 15 miles.
CAUTION: 2049′ tower approximately 4.3 miles SE of Duluth International Airport.
NOTE: Aircraft on missed approach may be radar controlled after radar identification.
Other changes: Deletes transitions from Duluth RBn, Taft, Bartlett, Lakewood, and Palmers Ints.
MSA within 25 miles of facility: 000°–090°—2700′; 090°–180°—3100′; 180°–270°—2700′; 270°–360°—2800′.

City, Duluth; State, Minn.; Airport Name, Duluth International; Elev., 1429′; Fac. Class., H–SAB; Ident., DLH; Procedure No. 1, Amdt. 8; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 7; Dated, 27 June 64

FAR VOR-----	LOM-----	Direct-----	2300	T-dn-----	300-1	300-1	200-½
FAR RBn-----	LOM-----	Direct-----	2300	C-dn-----	500-1	500-1	500-1½
Rice Int-----	Leslie Int-----	Direct-----	2100	S-dn-35-----	500-1	500-1	500-1
FAR VOR-----	Leslie Int-----	Direct-----	2300	A-dn-----	800-2	800-2	800-2
Leslie Int-----	LOM (final)-----	Direct-----	2100				

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300′ within 10 miles.
Minimum altitude over LOM on finalapproach crs, 2100′.
Crs and distance, facility to airport, 351°—4.1 miles.
If visual contact not established upon descent to authorized landing minumums or if landing not accomplished within 4.1 miles after passing LOM, climb on crs 351° from LOM to 2500′ within 10 miles or, when directed by ATC, make left-climbing turn to intercept FAR VOR R–281, climb to 2800′ on R–281 within 20 miles of FAR VOR.
Other change: Deletes caution note.
MSA within 25 miles of facility: 000°–090°—2700′; 090°–180°—2400′; 180°–270°—2300′; 270°–360°—3200′.

City, Fargo; State, N. Dak.; Airport Name, Hector; Elev., 900′; Fac. Class., LOM; Ident., FA; Procedure No. 1, Amdt. 16; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 15; Dated, 3 Nov. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FAR VOR	FAR RBn	Direct	2500	T-dn	300–1	300–1	200–½
FA LOM	FAR RBn	Direct	2500	C-dn	500–1	500–1	500–1½
				S-dn-17	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2500′ within 10 miles of FAR RBn.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 171°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing FAR RBn, climb to 2300′ on 171° bearing from FAR RBn within 15 miles of FAR RBn.
MSA within 25 miles of the facility: 000°–090°—2200′; 090°—180°–2700′; 180°–360°—3200′.

City, Fargo; State, N. Dak.; Airport Name, Hector; Elev., 900′; Fac. Class., BA; Ident., FAR; Procedure No. 2, Amdt. Orig; Eff. Date, 21 Nov. 64 or upon commissioning of RBn

Denmark Int	MCR RBn	Direct	2000	T-dn	300–1	300–1	200–½
Anderson Int	MCR RBn (final)	Direct	2000	C-dn	400–1	500–1	500–1½
				S-dn-2	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 197° Outbnd, 017° Inbnd, 2000′ within 10 miles.
Minimum altitude over MCR RBn on final approach crs, 2000′, over MKL RBn, 900′.
Crs and distance, MCR RBn to airport, 017°—6.3 miles; MKL RBn to airport, 017°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MCR RBn or within 0.9 mile after passing MKL RBn, turn left, climb to 2000′, return to MCR RBn.
CAUTION: 1. 1088′ tower 4.5 miles NE of airport. 2. Threshold lights displaced on N end of Runway 20.
MSA: 000°–090°—2100′; 090°–180°—1600′; 180°–270°—1700′; 270°–360°—1800′.

City, Jackson; State, Tenn.; Airport Name, McKellar Field; Elev., 432′; Fac Class., MHW; Ident, MCR; Procedure No. 1, Amdt. 3; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 2; Dated, 25 July 64

LMT VOR	LFA RBn	Direct	7500	T-dn%	400–1	400–1	400–½
Mt. Dome VHF Int	LFA RBn	Direct	7500	C-dn*	1600–1	1600–1	1600–1½
LMT VOR R–161 20-mile DME fix	LFA RBn	Direct	7500	A-dn	1600–2	1600–2	1600–2
LFA RBn	MT LMM (final)	Direct	5700	*If aircraft equipped with operating dual ADF receivers and Fan Marker receiver, the following minimums apply:			
				C-dn	800–1	800–1	800–1½

Procedure turn not authorized. Final approach from holding pattern at LFA RBn. Final approach crs, 318° from LFA RBn.
Minimum altitude over OM on final approach crs, 5700′; over Stukel Int 5500′; over LMM 5000′.
Crs and distance, LFA RBn to airport, 318°—10.5 miles; OM to airport, 318°—5.8 miles; Stukel Int to airport, 318°—2.0 miles, MT LMM to airport, 318°—0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing MT LMM, turn left, climb to 7500′ in a 1-minute, right-turn holding pattern on the W crs of KL LFR.
CAUTION: High terrain all quadrants.
MSA within 25 miles of facility: 000°–090°—8300′; 090°–180°—7600′; 180°–270°—8500′; 270°–360°—9300′. %Takeoffs all runways: Climb direct to MT LMM, thence climb direct to LFA RBn to cross LFA RBn at or above 5700′, thence turn right, heading 250° magnetic to intercept S crs KL LFR/162° bearing from KL LFR, thence turn right, climb direct to KL LFR so as to cross KL LFR at or above 7000′.
Takeoffs all runways: VHF navigational equipment required. Climb southeastbound on R–140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700′, thence turn right, heading 250° magnetic to intercept S crs KL LFR, thence turn right, climb direct KL LFR so as to cross KL LFR at or above 7000′.
Takeoffs all runways: Climb via SE crs LMT ILS localizer southeastbound to cross LFA RBn at or above 5700′, thence turn right, heading 250° magnetic to intercept R–161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.
Takeoffs all runways: Climb southeastbound on R–140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700′, thence turn right, heading 250° magnetic to intercept R–161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4092′; Fac. Class., LMM; Ident., MT; Procedure No. 2, Amdt. 1; Eff. Date, 21 Nov. 64; Sup Amdt. No. Orig.; Dated, 6 June 64

PVU VOR	Riverton FM	Direct	9000	T-dn#	300–1	300–1	200–½
Riverton FM	LOM	Direct	6100	C-dn	600–1	600–1	600–1½
				S-dn-34 Land R.	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over LOM on final approach crs, 6100′; over LMM, 4826′.
Crs and distance, LOM to Runway 34L, 338°—5.5 miles; LMM to Runway 34L, 338°—0.6 mile.
Crs and distance, LOM to Runway 34R, 343°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, turn left, climb to 9000′ on R–248 SLC VOR within 20 miles or, when directed by ATC, climb to 9000′ on R–329 within 12 miles.
#Takeoff not authorized Runway 7.
MSA within 25 miles of facility: 060°–150°—12,500′; 150°–240°—11,600′; 240°–330°—7700′; 330°–060°—10,800′.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226′; Fac. Class., LOM; Ident., SL; Procedure No. 1, Amdt. 1; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 1, Orig.; Dated, 3 Oct. 64

PROCEDURE CANCELLED EFFECTIVE NOV. 21, 1964.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226′; Fac. Class., LOM; Ident., SL; Procedure No. 2, Amdt. Orig.; Eff. Date, 20 Mar. 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-01	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 185° Outbnd, 005° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 005°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing DLG VOR, climb straight ahead to 2000′ on R-005 within 15 miles.
NOTE: No control zone, no local communications. Airport advisory service not available. HF communications available through King Salmon FSS. Air carrier sliding scale not authorized. VHF communication with King Salmon FSS and Anchorage Center above 1800′. Aircraft not HF communications equipped, not authorized this approach.

City, Dillingham; State, Alaska; Airport Name, Dillingham Municipal; Elev., 83′; Fac. Class., H-VOR; Ident., DLG; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Nov. 64

				T-dn%	500-1	500-1	500-1
				C-dn	1000-1	1000-1	1000-1½
				A-dn*	NA	NA	NA

Procedure turn N side of crs, 110° Outbnd, 290° Inbnd, 5000′ within 10 miles. Beyond 10 miles not authorized. Restricted area 11.5 miles SE of ELN-VOR.
Minimum altitude over facility on final approach crs, 3500′.
Crs and distance, facility to airport, 260°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing ELN VOR, make climbing left turn to 5000′ on R-110 ELN-VOR within 10 miles.
CAUTION: High terrain all quadrants.
*No weather service. Air carrier use not authorized.
Other changes: Deletes transition from EL LFR.
%Takeoffs all runways: Climb on the ELN VOR R-267 within 5 miles to cross ELN VOR at 4500′ northeastbound on V-2; 5000′ northbound on V-25; 3000′ southbound on V-25; 3500′ westbound on V-2 and V-28. All turns S of R-267.
Takeoffs all runways: Climb on the W crs EL LFR within 5 miles to cross EL LFR at 4500′ northeastbound; 3000′ southbound; 3500′ westbound; 5000′ northbound. All turns S side of W crs EL LFR.
MSA within 25 miles of facility: 000°-090°—7000′; 090°-180°—5100′; 180°-270°—7400′; 270°-360°—8100′.

City, Ellensburg; State, Wash.; Airport Name, Ellensburg Municipal; Elev., 1766′; Fac. Class., L-BVORTAC; Ident., ELN; Procedure No. 1, Amdt. 2; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 1; Dated, 8 Apr. 61

				T-dn%	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				A-dn*	800-2	800-2	800-2

Shuttle descent to 6000′ on R-055 LWS VOR.
Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 4800′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 246°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LWS VOR, climb to 4800′ on R-246 within 15 miles of LWS-VOR.
NOTE: Final approach from holding pattern at LWS VOR not authorized, procedure turn required.
Other change: Deletes transition from Spencer Int.
*Alternate minimums not authorized when weather service not available. U.S. Weather Bureau service available 0400-2000 local time; approved weather service 2001 until 2230 local time.
%Takeoffs all runways; climb direct LWS VOR, thence climb on LWS VOR R-234 within 10 miles to cross the VOR at or above 3000′ northbound on V253; 3000′ westbound on V520; 3500′ southbound on V253.
MSA within 25 miles of facility: 000°-090°—5200′; 090°-180°—6300′; 180°-270°—7100′; 270°-360°—6000′.

City, Lewiston; State, Idaho; Airport Name, Lewiston-Nez Perce County; Elev., 1438′; Fac. Class., L-BVOR; Ident., LWS; Procedure No. 1, Amdt. 2; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 1; Dated, 30 Nov. 63

MFR VOR	Evans Creek FM	Direct	6500	T-dn%	300-1	300-1	200-½
Evans Creek FM—V23	MFR VOR (final)	Direct	3900	C-d*	1000-1	1000-1	1000-1½
Evans Creek FM—V23W	MFR VOR (final)	Direct	3900	C-n*	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
				*If Table Int is positively identified, the following minimums apply:			
				C-dn	700-1	700-1	700-1½

Procedure turn E side of crs, 332° Outbnd, 152° Inbnd, 6500′ within 10 miles of Evans Creek FM.
Minimum altitude over Evans Creek FM on final approach crs, 6000′; over MFR VOR 3900′; over Table Int 2900′.
Crs and distance, MFR VOR to airport, 145°—6.3 miles, Table Int to airport, 145°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or 4.5 miles after passing Table Int, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6500′ in a 1-minute right turn holding pattern S of MFR VOR on R-156.
NOTE: When authorized by ATC, DME may be used between R-215 MFR VOR clockwise to R-347 MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain in all quadrants.
*ADF equipment required to execute this procedure to the reduced minimums.
%All IFR departures must comply with published Medford SID's.
MSA within 25 miles of facility: 000°-090°—9900′; 090°-180°—8600′; 180°-270°—7400′; 270°-360°—6300′.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. 1, Amdt. 6; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 5; Dated, 2 May 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	NA	NA
				C-d	700-1	NA	NA
				C-n	700-2	NA	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, 3300′.
Crs and distance, facility to airport, 089°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing PHP-VOR, make left-climbing turn to PHP VOR, then continue climb to 3600′ on R-269 within 10 miles of VOR.
NOTE: Airport suitable for aircraft with stall speed of 65 K or less only.
MSA within 25 miles of facility: 000°-090°—3600′; 090°-180°—3800′; 180°-360°—4000′.

City, Philip; State, S. Dak.; Airport Name, Philip; Elev., 2210′; Fac. Class., L-BVOR; Ident., PHP; Procedure No. 1, Amdt. 5; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 4; Dated, 25 May 63

				T-d	300-1	300-1	NA
				C-d	600-1	600-1	NA
				A-d	NA	NA	NA

Procedure turn N side of crs, 112° Outbnd, 292° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 292°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing MIV VOR, climb to 1000′ on R-292, then make right turn and return to MIV VOR at 1800′. Hold SW on R-244; 1-minute right turns, 064°, Inbnd.
MSA within 25 miles of facility: 000°-090°—1400′; 090°-180°—1400′; 180°-270°—1600′; 270°-360°—2100′.

City, Vineland; State, N.J.; Airport Name, Rudy's; Elev., 80′; Fac. Class., M-BVOR; Ident., MIV; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Nov. 64

4. By amending the following terminal very high frequenc y omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
GVN RBn	ANN VOR	120°—9.4 miles	4000	T-dn*	300-1	300-1	200-½
AT LFR	ANN VOR	Direct	4000	C-dn*	600-1	600-1	600-1½
				S-dn-30	600-1	600-1	600-1
				A-dn*	800-2	800-2	800-2

Procedure turn W side of crs, 137° Outbnd, 317° Inbnd, 2700′ within 10 miles. Nonstandard due to terrain.
Proceed Outbnd 3 miles from VOR on R-137 not below 3900′ before starting descent to procedure turn altitude.
Minimum altitude over facility on final approach crs, 700′ (on airport).
Crs and distance, breakoff point to end of Runway 30, 124°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ANN VOR, turn left, climb to 4200′ on R-137 within 15 miles.
CAUTION: Terrain 1000′ within 1.9 miles N through E, 2882′ 2.9 miles E, 3591′ 5.1 miles ENE of airport.
NOTE: All maneuvering for circling to be conducted W of airport.
*Runway 2-20: Night operation not authorized. Runway 2: T-d restricted to 600-1 due to high terrain N through E 1000′ within 2 miles. Make immediate left turn after takeoff.

City, Annette; State, Alaska; Airport Name, Annette FAA; Elev., 119′; Fac. Class., H-BVOR; Ident., ANN; Procedure No. TerVOR-30, Amdt. Orig.; Eff. Date, 21 Nov. 64

				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2
				When Terry fan marker received minimum becomes:			
				C-dn	600-1	600-1	600-1½

Radar transitions and vectoring authorized in accordance with approved patterns.
No procedure turn. Radar control will not descend aircraft below 3000′ until passing Margaret Int*.
Minimum altitude over facility on final approach crs, 1500′ (1400′ when Terry fan marker received).
Crs and distance, Margaret Int* to VOR 095°—6.0 miles; breakoff point to Runway 078°—0.4 mile.
Crs and distance, Terry fan marker to airport, 095°—1.5 miles; to VOR, 2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing FTY VOR, make left turn, climb to 3000′ and return to Margaret Int* via FTY R-275 or follow radar vector after being reidentified.
NOTES: (1) ATL Approach Control Radar must be in operation for vector to final approach crs. (2) Night air carrier operations not authorized.
CAUTION: Water tank 1218′ 1.8 miles WNW of airport. Tower 1375′ 2.7 miles NW of airport.
Other change: Deletes straight-in minimums.
*Margaret Int: Int FTY R-275 and ATL R-334 or 166° bearing from LSM RBn.
MSA within 25 miles of facility: 000°-180°—4000′; 180°-270°—3700′; 270°-360°—3800′.

City, Atlanta; State, Ga.; Airport Name, Fulton County; Elev., 834′; Fac. Class., L-BVOR; Ident., FTY; Procedure No. TerVOR (R-275), Amdt. 6; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 5; Dated, 14 Mar. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn%----------	400–1	400–1	400–½
				C-dn----------	1500–1	1500–1	1500–1½
				A-dn----------	1500–2	1500–2	1500–2
				If aircraft equipped to receive VOR and ADF simultaneously or equipped with DME, and Canal Int identified the following minimum applies:			
				C-dn----------	800–1	800–1	800–1½

Procedure turn E side of crs, 150° Outbnd, 330° Inbnd, 7500′ within 14 miles.
Minimum altitude over Canal Int on final approach crs, 5600′; over LMT-VOR, 4900′.
Facility on airport, crs and distance, Canal Int to VOR, 330°—2.5 miles; breakoff point to runway, 318°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LMT VOR, turn left, climb to 7500′ on R-255 in a 1-minute left turn holding pattern, all turns N side of crs.
CAUTION: High terrain all quadrants.
MSA within 25 miles of facility: 000°–090°—8300′; 090°–180°—7600′; 180°–270°—8500′; 270°–360°—9300′.
%Takeoffs all runways: Climb southeastbound on R-140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700′, thence turn right, heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.
Takeoffs all runways: VHF navigational equipment required—climb southeastbound on R-140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700′, thence turn right, heading 250° magnetic to intercept S crs KL LFR, thence turn right, climb direct KL LFR so as to cross KL LFR at or above 7000′.
Takeoffs all runways: Climb direct to MT LMM, thence climb direct to LFA RBn to cross LFA RBn at or above 5700′, thence turn right, heading 250° magnetic to intercept S crs KL LFR/162° bearing from KL LFR, thence turn right, climb direct to KL LFR so as to cross KL LFR at or above 7000′.
Takeoffs all runways: Climb via SE crs LMT ILS localizer southeastbound to cross LFA RBn at or above 5700′, thence turn right, heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4092′; Fac. Class., L-BVORTAC; Ident., LMT; Procedure No. TerVOR-32, Amdt. 2; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 1; Dated, 6 June 64

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
12-mile DME fix R-244 (Draper Int)----	12-mile DME fix R-211----	Via 12-mile DME counterclockwise arc.	5000	T-dn----------	*500–1	*500–1	*500–1
				C-dn----------	600–1	600–1	600–1½
				A-dn----------	NA	NA	NA
Sawmill Int----	18-mile DME fix R-211----	Via 18-mile DME clockwise arc.	5000				

When authorized by ATC, DME may be used from R-244 counterclockwise to R-211 at 12 miles and from R-188 clockwise to R-211 at 18 miles to position aircraft on final approach R-211 with elimination of procedure turn.
Procedure turn E side of crs, 211° Outbnd, 031° Inbnd, 5000′ between 2.5 miles and 12.5 miles.
Minimum altitude over 2.5-mile DME fix R-211, 3900′. Descent to authorized minimums after passing 2.5-mile DME fix R-211.
Crs and distance, facility to airport, 031°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing PSK VOR, make right-climbing turn to 5000′ on R-080 within 20 miles. Reverse crs to PSK VOR, hold SW on PSK VOR R-211, 031° Inbnd, 1-minute right turns.
*CAUTION: Mountainous terrain 1500′ higher than airport elevation S, W, and N at 5 to 8 miles. Higher terrain at greater distances.
MSA within 25 miles of facility: 000°–090°—5400′; 090°–180°—4600′; 180°–270°—5000′; 270°–360°—5100′.

City, Dublin; State, Va.; Airport Name, New River Valley; Elev., 2105′; Fac. Class., BVORTAC; Ident., PSK; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Nov. 64

MFD VOR----	9-mile DME fix R-133----	Direct----	2500	T-dn----------	300–1	300–1	200–½
				C-dn----------	500–1	500–1	500–1½
				S-dn–32#----	400–1	400–1	400–1
				A-dn----------	800–2	800–2	800–2

Procedure turn N side of crs, 133° Outbnd, 313° Inbnd, 2500′ within 10 miles of 9-mile DME fix R-133.
Minimum altitude over 9-mile DME fix R-133 on final approach crs, 2500′.
Crs and distance, 9-mile DME fix R-133 to airport, 313°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing 9-mi DME fix, climb on 313° crs to 2500′, turn right and return to 9-mile DME fix R-133, hold SE, right turns, 1 minute, 313° Inbnd.
NOTES: When authorized by ATC, DME may be used between R-036 clockwise to R-183 at 3000′ between 12 and 15 miles to position aircraft for final approach to the 9-mile DME fix with elimination of procedure turn.
#400–½ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
#400–½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–270°—2700′; 270°–360°—2200′.

City, Mansfield; State, Ohio; Airport Name, Mansfield Municipal; Elev., 1297′; Fac. Class., BVORTAC; Ident., MFD; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 21 Nov. 64; Sup. Amdt. No. Orig.; Dated, 24 Oct. 64

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15-mile DME fix R-332	7.8-mile DME fix R-332	Direct	6000	T-dn%	300-1	300-1	200-½
7.8-mile DME fix R-332	3.5-mile DME fix R-332	Direct	3900	C-dn	700-1	700-1	700-1½
3.5-mile DME fix R-332	0-mile DME fix R-332	Direct	3300	S-dn-14	500-1	500-1	500-1
15-mile DME fix R-315	8.7-mile DME fix R-315	Direct	6000	A-dn	1000-2	1000-2	1000-2
8.7-mile DME fix R-315	3.5-mile DME fix R-315	Direct	3900				
3.5-mile DME fix R-315	0-mile DME fix R-315	Direct	3300				
10-mile DME fix R-137	MFR VOR	Direct	6000				
10-mile DME fix R-156	MFR VOR	Direct	6000				

Procedure turn E side of crs, 332° Outbnd, 152° Inbnd, 5700′ within 12 miles.
Minimum altitude over 3.5-mile DME fix R-332 on final approach crs, 3900′; over MFR VOR, 3300′; over 2.5-mile DME fix R-145, 2500′.
Crs and distance, facility to airport, 145°—6.3-miles; 2.5-mile DME fix R-145 to airport, 145°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or at the 6.3-mile DME fix R-145, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6000′ in a 1-minute right turn, holding pattern S of MFR VOR on R-156.
CAUTION: High terrain all quadrants.
NOTE: When authorized by ATC, DME may be used between R-215 MFR VOR clockwise to R-347 MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
%All IFR departures must comply with published Medford SID's.
MSA within 25 miles of facility: 000°-090°—9900′; 090°-180°—8600′; 180°-270°—7400′; 270°-360°—6300′.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 21 Nov. 64; Sup. Amdt. No. Orig; Dated, 9 May 64

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Albuquerque VOR	LOM	Direct	8000	T-dn	300-1	300-1	200-½
Aden Int	LOM	Direct	8000	C-dn	400-1	500-1	500-1½
Coyote Int	LOM	Direct	10,000	S-dn-35	200-½	200-½	200-½
Sandoval Int	LOM	Direct	7000	A-dn	600-2	600-2	600-2
Dalies Int	LOM	Direct	7000				
Bean Int	LOM	Direct	10,500				
Valencia Int	S crs ILS	061°—5.8 miles	7000				

Radar transitions and vectoring using Albuquerque radar authorized in accordance with approved radar patterns.
Procedure turn W side S crs, 170° Outbnd, 350° Inbnd, 7000′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 7000′.
Altitude of glide slope and distance to approach end of runway at OM, 6400—3.7 miles at MM 5530′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a left-climbing turn, climb to 8000′ direct to ABQ VOR.
CAUTION: Terrain exceeding 8000′ E of ILS localizer—all turns to be made W of localizer crs.
Other change: Deletes transitions from ABQ RBn and Bacaville VOR.

City, Albuquerque; State, N. Mex.; Airport Name, Albuquerque Sunport/Kirtland AFB; Elev., 5352′; Fac. Class., ILS; Ident., I-ABQ; Procedure No. ILS-35, Amdt. 26; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 25; Dated, 13 July 63

FOT VOR via R-036	SE crs ILS (final)	Direct	3500	T-dn	300-1	300-1	200-½
Int FOT R-036 and SE crs ILS	OM (final)	Direct	#1800	C-dn**	500-1	500-1	500-2
Trinidad Int	LMM	Direct	4200	S-dn-31	200-½	200-½	200-½
LMM	OM via Lczr crs	Direct	4200	A-dn	800-2	800-2	800-2
Yager INT	OM (final)	Direct	%5000				

Procedure turn S side crs, 134° Outbnd, 314° Inbnd, 4200′ within 10 miles of OM. Beyond 10 miles not authorized.
Procedure turn nonstandard, high terrain N.
Minimum altitude at glide slope interception Inbnd, 4200′*.
Altitude of glide slope and distance to approach end of runway at OM, 1800′—4.7 miles; at MM, 460′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left-climbing turn, climb to 2000′ on crs of 295° from the LMM to Trinidad Int.
NOTE: Procedure not authorized with any component of the ILS or airborne receiver inoperative except the approach lights. 300-¾ required if approach lights are inoperative.
*Glide slope will be intercepted 7 miles from OM (Int FOT R-037).
#Descent on glide slope is required.
%After intercepting glide slope descent on glide slope authorized. Glide slope will be intercepted when crossing FOT R-057.
**CAUTION: All maneuvering W of airport. High terrain E.

City, Arcata-Eureka; State, Calif.; Airport Name, Arcata; Elev., 217′; Fac. Class., ILS; Ident., I-ACV; Procedure No. ILS-31, Amdt. 10; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 9; Dated, 6 June 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ATL VOR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
MDU VOR	LOM (final)	Direct	2200	C-dn	400-1	500-1	500-1½
Tucker Int	LOM	Direct	3000	S-dn-33°	200-½	200-½	200-½
Harrison Int	LOM	Direct	3000	A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side SE crs, 149° Outbnd, 329° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2140—4.3 miles; at MM, 1185—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 3000′ and proceed direct to REG VOR#.
CAUTION: 1185′ tank ¾ mile W of airport.
°400-¾ required when glide slope not utilized.
#Aircraft executing missed approach may, after being reidentified, be radar controlled.
Other change: Deletes transition from Stone Mountain Int.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., ILS; Ident., I-AZA; Procedure No. ILS-33, Amdt. 6; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 5; Dated, 16 May 64

Mentor Int	Stadium RBn	Direct	3000	T-dn	300-1	300-1	200-½
Cleveland RBn	Stadium RBn	Direct	3000	C-d	700-1	700-1	700-1½
Sharon Int	Stadium RBn	Via STG VOR R-183 and STG VOR R-036.	3000	C-n	700-2	700-2	700-2
				S-d-23L	700-1	700-1	700-1
				S-n-23L	700-2	700-2	700-2
Vermilion Int	Stadium RBn	Via CLE RBn	3000	A-dn	800-2	800-2	800-2
				If 4-mile radar fix is received, the following minimums apply:			
				C-dn	400-1	500-1	500-1½
				S-dn-23L°	400-1	400-1	400-1

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of NE crs, 054° Outbnd, 234° Inbnd, 3000′ within 10 miles of SUM RBn.
Minimum altitude over Stadium RBn on final approach crs, 3000′.
Crs and distance, Stadium RBn to airport, 234°—6.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing Stadium RBn or 4.0 miles after passing 4-mile radar fix, make right-climbing turn to 3000′, proceed direct to Cleveland VOR, hold SW, 1-minute, right turns, 069° Inbnd.
NOTES: (1) No glide slope or markers. (2) Minimum altitude 1500′ after SUM RBn Inbnd until 4-mile radar fix is received. (3) Four-mile radar fix not provided by ATC unless weather is 700-2 or below.
CAUTION: TV towers 1971′ approximately 6 miles ESE of airport.
°400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Cleveland; State, Ohio; Airport Name, Cleveland Hopkins; Elev., 792′; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS-23L, Amdt. Orig; Eff. Date, 21 Nov. 64

PROCEDURE CANCELLED EFFECTIVE NOV. 21, 1964.

City, Duluth; State, Minn.; Airport Name, Duluth International; Elev., 1429′; Fac. Class., ILS; Ident., I-DLH; Procedure No. ILS-9, Amdt. 9; Eff. Date, 22 Aug. 64; Sup. Amdt. No. 8; Dated, 27 June 64

Duluth VOR	LOM	Direct	3100	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-dn-9°	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn S side of final approach crs, 268° Outbnd, 088° Inbnd, 3100′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 3100′.
Altitude of glide slope and distance to approach end of runway at OM, 3013′—5.6 miles at MM, 1616′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on E crs ILS within 15 miles.
NOTES: 1. Aircraft on missed approach may be radar controlled after radar identification. 2. When authorized by ATC, DLH DME may be used to position aircraft for straight-in approach at 3100′ between R-179 CW to R-337 via 12-mile DME arc with the elimination of procedure turn.
°400-¾ required when glide slope not utilized.

City, Duluth; State, Minn.; Airport Name, Duluth International; Elev., 1429′; Fac. Class., ILS; Ident., I-DLH; Procedure No. ILS-9, Amdt. Orig.; Eff. Date, 21 Nov. 64

FAR VOR	FAR RBn	Direct	2500	T-dn	300-1	300-1	200-½
FA LOM	FAR RBn	Direct	2500	C-dn	500-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

When authorized by ATC, FAR DME may be used to position aircraft for straight-in approach at 2500′ between R-340 clockwise to 005° via 21-mile DME arc with the elimination of procedure turn.
Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2500′ within 10 miles of FAR RBn.
Minimum altitude over FAR RBn on final approach crs, 2200′.
Crs and distance, FAR RBn to airport 171°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing FAR RBn, climb to 2300′ on S crs of ILS within 15 miles of FAR RBn.

City, Fargo; State, N. Dak.; Airport Name, Hector; Elev., 900′; Fac. Class., ILS; Ident., I-FAR; Procedure No. ILS-17, Amdt. Orig; Eff. Date, 21 Nov. 64 or upon commissioning of RBn

Fargo VOR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
Fargo RBn	LOM	Direct	2300	C-dn	500-1	500-1	500-1½
Rice Int	Leslie Int	Direct	2100	S-dn-35°	200-½	200-½	200-½
FAR VOR	Leslie Int	Direct	2300	A-dn	600-2	600-2	600-2
Leslie Int	LOM (final)	Direct	2100				

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2092—4.1 miles, at MM, 1105—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on N crs Fargo ILS to 2500′ within 10 miles or, when directed by ATC, make left-climbing turn to intercept FAR VOR R-281, climb to 2800′ within 20 miles of FAR VOR.
°400-¾ required when glide slope inoperative.

City, Fargo; State, N. Dak.: Airport Name, Hector; Elev., 900′; Fac. Class., ILS; Ident., IFAR; Procedure No. ILS-35, Amdt. 16; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 15; Dated, 20 Oct. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LMT VOR	LFA RBn	Direct	7500	T-dn%	400–1	400–1	400–½
Mt. Dome VHF Int	LFA RBn	Direct	7500	C-dn	800–1	800–1	800–1½
LMT VOR R-161 20-mile DME fix	LFA RBn	Direct	7500	S-dn-32°	400–¾	400–¾	400–¾
				A-dn	1000–2	1000–2	1000–2

Procedure turn not authorized. Final approach from holding pattern at LFA RBn. Final approach crs, 318° from LFA RBn.
Minimum altitude at glide slope interception 7500'.
Altitude of glide slope and distance to approach end of runway at LFA RBn, 7500'—10.5 miles; at OM, 5970'—5.8 miles; at MM, 4350'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing MT LMM, climb to 7500' direct to LMT VOR, thence turn left, continue climb in a 1-minute left turn, holding pattern on R-255 of LMT VOR.
CAUTION: High terrain all quadrants.
*All components of the ILS including LFA RBn and all related airborne equipment must be in satisfactory operating condition when executing this approach. The ALS is not considered a component of this ILS.
%Takeoffs all runways: Climb via SE crs LMT ILS localizer southeastbound to cross LFA RBn at or above 5700'; thence turn right heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000'.
Takeoffs all runways: Climb southeastbound on R-140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700', thence turn right, heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000'.
Takeoffs all runways: Climb direct to MT LMM, thence climb direct to LFA RBn at or above 5700', thence turn right, heading 250° magnetic to intercept S crs KL LFR/162° bearing from KL LFR, thence turn right, climb direct to KL LFR so as to cross KL LFR at or above 7000'.
Takeoffs all runways: VHF navigational equipment required. Climb southeastbound on R-140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700', thence turn right, heading 250° magnetic to intercept S crs KL LFR, thence turn right, climb direct KL LFR so as to cross KL LFR at or above 7000'.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4092; Fac. Clas., ILS; Ident., I-LMT; Procedure No. 1LS-32, Amdt. 4; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 3; Dated, 6 June 64

Medford LFR	MF LOM	Direct	6500	T-dn%	300–1	300–1	200–½
Medford VOR	MF LOM	Direct	6500	C-dn	700–1	700–1	700–1½
Gold Hill Int	MF LOM	Direct	6500	S-dn-14	200–½	200–½	200–½
Klamath Junction Int	MF LOM	Direct	8000	A-dn	1000–2	1000–2	1000–2
Talent Int	MF LOM	Direct	8000				
15-mile DME fix and N crs MFR Loc	Evans Creek FM (final)	Direct	*6500				

Procedure turn E side N crs, 319° Outbnd, 139° Inbnd, 6500' within 10 miles of Evans Creek FM.
Minimum altitude at glide slope int Inbnd, 6000'.
Altitude of glide slope and distance to approach end of runway at Evans Creek, 6000'—14.6 miles; at OM, 2860'—4.7 miles; at MM, 1550'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate climbing right turn, climbing direct to MF LOM, thence continue climb to 6500' in a 1-minute right turn holding pattern S of MF LOM on the localizer crs.
NOTE: 1. Evans Creek FM and all components of the ILS and related airborne equipment must be fully operational and used when executing this approach. 2. When authorized by ATC, DME may be used between R-215 MFR VOR clockwise to R-347 MFR VOR within 15 miles at 6500' to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain all quadrants.
*Descent on glide slope to cross Evans Creek FM at 6000' is authorized.
%All IFR departures must comply with published Medford SID's.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330'; Fac. Class., ILS; Ident., I-MFR; Procedure No. ILS-14, Amdt. 6; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 5; Dated, 22 Feb. 64.

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

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

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

[F.R. Doc. 64–10831; Filed, Nov. 20, 1964; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Paragraph (a) of § 213.3344 is amended to show that the positions of three Assistant Commissioners in the Community Facilities Administration are excepted under Schedule Co. Effective upon publication in the FEDERAL REGISTER, subparagraphs (43), (44), and (45) are added to paragraph (a) of § 213.3344, as set out below.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *

(43) One Assistant Commissioner for Operations and Engineering, Community Facilities Administration.

(44) One Assistant Commissioner for Program Development, Community Facilities Administration.

(45) One Assistant Commissioner for Management Control, Community Facilities Administration.

* * * * * *

(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. 64–11942; Filed, Nov. 20, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

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

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

License Fee

On October 1, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13535) regarding a proposed revision of regulations, other than rules of practice (7 CFR 46.1–46.44), effective under the Perishable Agricultural Commodities Act, 1930

(46 Stat. 531, et seq., as amended; 7 U.S.C. 499a et seq.).

After consideration of all written data, views, and comments received concerning the proposed revision, and pursuant to the authority contained in section 15, 46 Stat. 537, as amended; 7 U.S.C. 499o, the regulations, other than rules of practice (7 CFR Part 46) under the Perishable Agricultural Commodities Act, 1930, are hereby amended as follows:

Amend § 46.6 to read as follows:

§ 46.6 License fee.

The annual license fee is forty-two dollars ($42). The Director may require the fee be submitted in the form of a money order, bank draft, cashier's check, or certified check made payable to Agricultural Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

This amendment shall became effective January 1, 1965.

Done at Washington, D.C., this 17th day of November 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64-11938; Filed, Nov. 20, 1964; 8:48 a.m.]

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

[Grapefruit Reg. 44]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.435 Grapefruit Regulation 44.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 17, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 23, 1964, and ending at 12:01 a.m., e.s.t., December 7, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet: *Provided,* That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade; or

(v) Any seedless grapefruit grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida grapefruit.

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

Dated: November 18, 1964.

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

[F.R. Doc. 64-11933; Filed, Nov. 20, 1964; 8:47 a.m.]

[Orange Reg. 43]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.436 Orange Regulation 43.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 17, 1964, such meeting was held to consider recommendations for regulation, after

giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 23, 1964, and ending at 12:01 a.m., e.s.t., December 7, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet;

(iii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{14}/_{16}$ inches in diameter or smaller;

(iv) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(v) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

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

Dated: November 18, 1964.

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

[F.R. Doc. 64–11932; Filed, Nov. 20, 1964; 8:47 a.m.]

[Tangerine Reg. 22]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.437 Tangerine Regulation 22.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 17, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such hearing, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 23, 1964, and ending at 12:01 a.m., e.s.t., November 30, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2$^{6}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

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

Dated: November 18, 1964.

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

[F.R. Doc. 64–11930; Filed, Nov. 20, 1964; 8:47 a.m.]

[Tangelo Reg. 23]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.438 Tangelo Regulation 23.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure,

and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 17, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 23, 1964, and ending at 12:01 a.m., e.s.t., December 7, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2\frac{2}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

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

Dated: November 18, 1964.

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

[F.R. Doc. 64–11931; Filed, Nov. 20, 1964; 8:47 a.m.]

[Navel Orange Reg. 60]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.360 Navel Orange Regulation 60.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 19, 1964.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 22, 1964, and ending at 12:01 a.m., P.s.t., November 29, 1964, are hereby fixed as follows:

(i) District 1: 889,458 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: November 20, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–12038; Filed, Nov. 20, 1964; 11:27 a.m.]

[Lemon Reg. 139]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.439 Lemon Regulation 139.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after

giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 17, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 22, 1964, and ending at 12:01 a.m., P.s.t., November 29, 1964, are hereby fixed as follows:

(i) District 1: 27,900 cartons;

(ii) District 2: 79,050 cartons;

(iii) District 3: 111,600 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: November 19, 1964.

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

[F.R. Doc. 64–11982; Filed, Nov. 20, 1964; 8:50 a.m.]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Increased Rate of Assessment for 1964–65 Fiscal Period

Notice was published in the November 5, 1964 issue of the FEDERAL REGISTER (29 F.R. 14990) that consideration was being given to a proposal regarding an increase in the rate of assessment for the Marketing Agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

a. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee (established pursuant to said Marketing Agreement and Order): *It is hereby ordered,* That the provisions pertaining to the rate of assessment in paragraph (b) of § 925.204 *Expenses and rate of assessment for the 1964–65 fiscal period* (29 F.R. 12452) be, and hereby are, amended to read as follows:

§ 925.204 Expenses and rate of assessment for the 1964–65 fiscal period.

* * * * *

(b) Rate of Assessment. The rate of assessment, which each handler who first handles fresh prunes shall pay as his pro rata share of the aforementioned expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at eight-tenths cent ($0.008) per one-half bushel or equivalent quantity of fresh prunes so handled by such handler during such fiscal period.

* * * * *

(b). It is hereby found and determined that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the rate of assessment in accordance with the provisions of the marketing agreement and order is applicable to all assessable fresh prunes handled during the aforesaid fiscal period; (2) such handling has now been completed, and the volume of fresh prunes handled was substantially less than that upon which the rate of assessment was initially based, and the application of such rate to the volume handled resulted in income insufficient to defray the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee's previously approved expenses which were determined to be reasonable and necessary to be incurred during such fiscal period; and (3) it is essential that the specification of the assessment rate herein provided be issued immediately so as to enable the committee to perform its duties and functions in accordance with the said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

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

Dated: November 18, 1964.

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

[F.R. Doc. 64–11934; Filed, Nov. 20, 1964; 8:48 a.m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Subpart—Administrative Rules and Regulations

METHODS FOR PROPOSING NAMES OF ADDITIONAL CANDIDATES TO BE INCLUDED ON GROWER'S NOMINATION BALLOT

Notice was published in the FEDERAL REGISTER on October 31, 1964 (29 F.R. 14855), that there was under consideration a proposal to amend § 984.437 (29 F.R. 175) of Subpart—Administrative Rules and Regulations currently in effect under amended Marketing Agreement No. 105 and Order No. 984 (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal, which was based on the recommendation of the Walnut Control Board and other available information, set forth an amendment of § 984.437 containing a petition method for proposing names of additional candidates to be included on the Oregon-Washington grower's nomination ballot.

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining to the proposal. The prescribed time has elapsed and no such communication has been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that amendment, as hereinafter set forth, of § 984.437 of the aforesaid administrative rules and regulations will tend to effectuate the declared policy of the act.

Therefore, § 984.437 of Subpart—Administrative Rules and Regulations is amended in the following respects:

The section heading is changed to read "Methods for proposing names of additional candidates to be included on the grower's nomination ballot"; immediately before the existing text of § 984.437, "(a) *California.*" is added; and a new paragraph (b) is added. The amended and added portions of § 984.437 read as follows:

§ 984.437 Methods for proposing names of additional candidates to be included on the grower's nomination ballot.

(a) *California.* * * *

(b) *Oregon-Washington.* Any ten or more growers, whose orchards are located in Oregon or Washington, and who marketed an aggregate of 50 or more tons of walnuts in the preceding marketing year, may petition the Board not later than March 15 of any nomination year (on a form provided by the Board) to include on the ballot the names of a proposed candidate eligible to serve as a member and one as alternate member on the Board to represent the group specified in § 984.35(a)(8). The names proposed by such growers shall be included on the ballot.

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

Dated November 18, 1964, to become effective thirty days after publication in the FEDERAL REGISTER.

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

[F.R. Doc. 64–11935; Filed, Nov. 20, 1964; 8:48 a.m.]

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

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

PART 1073—MILK IN WICHITA, KANS. MARKETING AREA

PART 1074—MILK IN SOUTHWEST KANSAS MARKETING AREA

Order Amending Orders

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings and determinations are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon the date of its publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued November 16, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon its publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

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

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

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

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

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby further amended, as follows:

1. In § 1071.51(a), the language which precedes the first proviso in the introductory text is revised to read as follows:

§ 1071.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight for Class I milk shall be the basic formula price for the preceding delivery period plus $1.00 during the delivery periods of April through June and $1.45 during the delivery periods of July through March, and plus 10 cents for the period from the effective date of this amended order through February 28, 1965:

* * * * *

2. In § 1073.51(a), the language which precedes the proviso in the introductory text is revised to read as follows:

§ 1073.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.57 during all months of the year, plus 10 cents for the period from the effective date of this amended order through February 28, 1965, and plus or minus a supply-demand adjustment computed as follows:

* * * * *

3. In § 1074.51(a), the introductory text is revised to read as follows:

§ 1074.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.65 during all months of the year, plus 10 cents for the period from the effective date of this amended order through February 28, 1965, and plus or minus a supply-demand adjustment computed as follows:

* * * * *

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

Effective date: Date of publication in the FEDERAL REGISTER.

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

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64–11937; Filed, Nov. 20, 1964; 8:48 a.m.]

[Milk Order 132]

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

Order Amending Order

§ 1132.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto: and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective on the date of its publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued November 16, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on the date of its publication in the FEDERAL REGISTER and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

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

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

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

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

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1132.51, paragraph (a) is revised to read as follows:

§ 1132.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.15 during the months of July through February and plus $1.85 during all other months, plus 10 cents for the period from the effective date of this amended order through February 28, 1965.

* * * * *

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

Effective date: Date of publication in the FEDERAL REGISTER.

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

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64–11936; Filed, Nov. 20, 1964; 8:48 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 16—MACARONI AND NOODLE PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 18—MILK AND CREAM; DEFINITIONS AND STANDARDS OF IDENTITY

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Miscellaneous Amendments

Effective on the date of publication of this order in the FEDERAL REGISTER, the following amendments are ordered for the purpose of making minor editorial changes prior to republication of Title 21.

Subchapter B of Title 21 is amended in the following respects:

§ 16.1 [Amended]

1. Section 16.1 is amended as follows:

a. In the introduction to paragraph (a), the words "subparagraphs (1) to (5)" are changed to "subparagraphs (1) to (6)".

b. Paragraph (e) is amended by changing the word "alternately" to "alternatively".

§ 16.6 [Amended]

2. In § 16.6, the introduction to paragraph (a) is amended by changing the words "subparagraphs (1) to (3)" to read "subparagraphs (1) to (4)."

3. Section 18.525(c) is amended to read:

§ 18.525 Concentrated milk, plain condensed milk; identity; label statement of optional ingredients.

* * * * *

(c) The optional ingredients listed in § 18.520(a)(1) are not used.

4. Section 19.542 is amended in the following respects:

a. By changing the section heading to read:

§ 19.542 Swiss cheese for manufacturing; identity; label statement of optional ingredients.

b. By changing the period at the end of the section to a semicolon and adding the following clause: "; however, the labeling requirements of paragraph (e)(2) of that section do apply."

§ 19.635 [Amended]

5. Section 19.635(b) is amended by inserting the word "skim" preceding the word "milk" in the third sentence.

§ 19.685 [Amended]

6. Section 19.685(b) is amended by inserting the word "skim" before the word "milk" in both places in the third sentence.

No substantive amendments are included in this order, and therefore the requirements for notice and public procedure and delayed effective contemplated by the Administrative Procedure Act are not necessary in this instance.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 16, 1964.

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

[F.R. Doc. 64–11922; Filed, Nov. 20, 1964; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DEFOAMING AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5A1497) filed by Humble Oil & Refining Co., Post Office Box 2180, Houston 1, Tex., and other relevant material, has concluded that the food additive regulations (21 CFR 121.1099; 29 F.R. 7461, 12515) should be amended to prescribe the safe use of synthetic isoparaffinic petroleum hydrocarbons as a defoaming agent in processing beet sugar and yeast and to effect certain editorial changes. 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), § 121.1099(a)(3) is amended in the table by inserting a new item, by cross-referencing mineral oil to § 121.1146, petrolatum to § 121.1166, and petroleum wax to § 121.1156, and by repositioning petrolatum in alphabetical order. As amended, the affected portion of the table reads as follows:

§ 121.1099 Defoaming agents.

* * * * *

(a) * * *

(3) * * *

Substances	Limitations
* * *	* * *
Mineral oil: Conforming with § 121.1146. Petrolatum: Conforming with § 121.1166. Petroleum wax: Conforming with § 121.1156. Synthetic isoparaffinic petroleum hydrocarbons: Conforming with § 121.1154.	Not more than 150 p.p.m. in yeast, measured as hydrocarbons.

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: November 17, 1964.

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

[F.R. Doc. 64-11923; Filed, Nov. 20, 1964; 8:46 a.m.]

SUBCHAPTER C—DRUGS

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

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

PART 148c—COLISTIN

PART 148i—NEOMYCIN

PART 148n—OXYTETRACYCLINE

Miscellaneous Amendments

Effective on the date of publication of this order in the FEDERAL REGISTER, the following amendments are ordered to Parts 146, 146c, 148c, 148i, and 148n for the purpose of making minor editorial changes prior to republication of Title 21.

1. In § 146.26(b), subparagraphs (44) and (45) are amended by changing the word "finished" to read "complete." In both instances, this change occurs in the fifth sentence.

2. In the paragraph heading in § 146c.206(d), the word "clarification" is changed to "certification."

3. In § 148c.2(a)(3), the cross-reference "§ 141.4" is changed to read "§ 148.4."

4. In paragraph (b) of § 148i.11 the phrase "1 hour" is corrected to read "2 hours."

5. In § 148n.3(b)(2), the words "per milliliter" are inserted after the word "oxytetracycline."

The amendments in this order are made for the purpose of correcting errors in existing regulations, and therefore the requirements for notice and public procedure and delayed effective date contemplated by the Administrative Procedure Act are not necessary in this instance.

(Sec. 507, 52 Stat. 463 as amended; 21 U.S.C. 357)

Dated: November 16, 1964.

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

[F.R. Doc. 64-11924; Filed, Nov. 20, 1964; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 9 is amended as follows:

PART 9-1—GENERAL

1. Section 9-1.709 is revised to read as follows:

§ 9-1.709 Records and reports.

A semi-annual small business report shall be prepared by each Field Office and forwarded to the Director, Division of Contracts, not later than the thirtieth day following the end of the six-month period covered by the report. Managers of Field Offices shall require similar reports to be prepared by cost-type contractors to accompany the Field Office reports. Reports shall be prepared as follows:

(a) Narrative statement regarding the operation of the program during the six-month period.

(b) Tabulation of the following factual information:

(1) Number of contracts awarded to small business concerns during the six-month period which have not previously received contracts.

(2) Number of small business concerns added to bidders' mailing lists during the six-month period.

(3) Number and dollar value of awards to small business concerns compared to the number and dollar value of awards suitable for small business concerns.

(4) Number and dollar value of invitations to bid and requests for proposals referred to SBA.

(5) Names of small business production and research and development pools receiving awards during the six-month period and identity and dollar value of each award.

(6) Number and dollar value of set-asides to small business.

PART 9-7—CONTRACT CLAUSES

2. The following sections are deleted from Part 9-7 and the corresponding numbers are reserved for use at a later date:

§ 9-7.5004-7 Assignment [Reserved]

§ 9-7.5004-8 Safety, health, and fire protection [Reserved]

§ 9-7.5004-9 Permits [Reserved]

§ 9-7.5004-12 Notice of labor disputes [Reserved]

§ 9-7.5004-18 Litigation and claims [Reserved]

§ 9-7.5004-19 Required Bonds and Insurance—exclusive of Government Property [Reserved]

§ 9-7.5004-23 Priorities, allocations, and allotments [Reserved]

3. The following new sections are added to Part 9-7:

§ 9-7.5006 Standard AEC clauses not included in § 9-7.5004 or § 9-7.5005.

* * * * *

§ 9-7.5006-46 Assignment.

Neither this contract nor any interest therein nor claim thereunder shall be assigned or transferred by the contractor except as expressly authorized in writing by the Contracting Officer.

§ 9-7.5006-47 Safety, health, and fire protection.

The contractor shall take all reasonable precautions in the performance of the work under this contract to protect the health and safety of employees and of members of the public and to minimize danger from all hazards of life and property, and shall comply with all health, safety, and fire protection regulations and requirements (including reporting requirements) of the Commission. In the event that the contractor fails to comply with said regulations or requirements of the Commission, the Contracting Officer may, without prejudice to any other legal or contractual rights of the Commission, issue an order stopping all or any part of the work; thereafter a start order for resumption of work may be issued at the discretion of the Contracting Officer. The contractor shall make no claim for an extension of time or for compensation or damages by reason of or in connection with such work stoppage.

NOTE A: The foregoing clause shall be included:

(a) in all prime contracts exempt from AEC licensing requirements by AEC regulation and all prime and subcontracts for which an exemption from AEC licensing has been granted by the General Manager or his designee; (Ref: 10 CFR Parts 30, 40, 50, and 70);

(b) in all other contracts or subcontracts involving work to be performed at an AEC-owned or controlled site (an AEC controlled site is 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);

(c) in all contracts or subcontracts involving the use of an AEC-owned particle accelerator.

NOTE B: The foregoing clause, with modifications as to its applicability or coverage,

may be used in special situations where deemed warranted by the Contracting Officer; in such instances the modification shall clearly delineate that work for which health and safety conditions are subject to licensing controls and that work for which health and safety conditions are subject to direction of the contracting officer under the contract.

§ 9–7.5006–48 Permits.

Except as otherwise directed by the Contracting Officer, the contractor shall procure all necessary permits or licenses and abide by all applicable laws, regulations, and ordinances of the United States and of the State, territory, and political subdivision in which the work under this contract is performed.

§ 9–7.5006–49 Notice of labor disputes.

Whenever an actual or potential labor dispute is delaying or threatens to delay the performance of the work the contractor shall immediately notify the Contracting Officer in writing. Such notice shall include all relevant information concerning the dispute and its background.

§ 9–7.5006–50 Litigation and claims.

(a) *Initiation of litigation.* If the Government requires the contractor to initiate litigation, including proceedings before administrative agencies, in connection with this contract, the contractor shall proceed with the litigation in good faith as directed from time to time by the Contracting Officer.

(b) *Defense and settlement of claims.* The contractor shall give the Contracting Officer immediate notice in writing (1) of any action, including any proceeding before an administrative agency, filed against the contractor arising out of the performance of this contract, and (2) of any claim against the contractor the cost and expense of which is allowable under the clause entitled "Costs and Expenses". Except as otherwise directed by the Contracting Officer, in writing, the contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the contractor with respect to such action or claim. To the extent not in conflict with any applicable policy of insurance, the contractor may with the Contracting Officer's approval settle any such action or claim, shall effect at the Contracting Officer's request an assignment and subrogation in favor of the Government of all the contractor's rights and claims (except those against the Government) arising out of any such action or claim against the contractor, and, if required by the Contracting Officer, shall authorize representatives of the Government to settle or defend any such action or claim and to represent the contractor in, or to take charge of, any action. If the settlement or defense of an action or claim against the contractor is undertaken by the Government, the contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the contractor is not covered by a policy of insurance, the contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith; and in such event the defense of the action shall be at the expense of the Government: *Provided, however,* That the Government shall not be liable for such expense to the extent that it would have been compensated for by insurance which was required by law or by the written direction of the Contracting Officer, but which the contractor failed to secure through its own fault or negligence.

§ 9–7.5006–51 Required bonds and insurance—exclusive of Government property.

COST-TYPE CONTRACTS AND SUBCONTRACTS

The Contractor (subcontractor) shall procure and maintain such bonds and insurance as are required by law or by the written direction of the *Contracting Officer* (contractor with the concurrence of the Contracting Officer). The terms of any such bond or insurance policy shall be submitted to the *Contracting Officer for approval,* upon request (contractor for transmittal to the Contracting Officer for approval). In view of the provisions of the article entitled "Property" the *contractor* (subcontractor) shall not procure or maintain for its own protection any insurance (including self-insurance or reserves) covering loss or destruction of or damage to Government-owned property.

NOTE: In the case of subcontracts, the italized portions are superseded by the portion in parentheses immediately following.

NOTE: In the case of subcontracts, the italicized portions are superseded by the portion in parentheses immediately following.

§ 9–7.5006–52 Priorities, allocations, and allotments.

The contractor shall follow the provisions of DMA Regulation 1 and all other applicable regulations and orders of the Business and Defense Service Administration in obtaining controller materials and other products and materials needed to fill this order.

PART 9–51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

4. Subparagraph (5) of § 9–51.102(b) is deleted.

5. Paragraphs (c) and (d) of 9–51.102 are revised to read as follows:

§ 9–51.102 Contract actions requiring Headquarters review and approval.

* * * * *

(c) Other contract actions requiring advance Headquarters' approval. Managers of Field Offices will submit requests for the extension of operating contracts regardless of amount and the extension of on-site service-type contracts in excess of their delegated authority, and for deviation from prescribed contract policy for advance Headquarters' approval.

(d) Cost-plus-incentive-fee, fixed-price incentive contracts or other incentive arrangements in excess of $1,000,000 require advance Headquarters' approval. For such contracts and arrangements of $1,000,000 and below, a copy of the contract and summary of the incentive arrangement should be furnished the Headquarters' Director, Division of Contracts for information after execution.

6. Paragraphs (d) and (e) of 9–51.201 are revised to read as follows:

§ 9–51.201 Types of actions.

* * * * *

(d) *Specified dollar amounts.* Approval shall be required prior to entering into subcontracts or purchase orders above specified dollar amounts. Dollar limits will be established at the discretion of Managers of Field Offices, taking into consideration such factors as the nature of work under each contract, the estimated cost of work under the contract, the contractor's procurement organization, other controls exercised over the contractor's procurement operations, and policies with respect to approvals established by Headquarters or Field Offices. Except as provided in paragraph (e) of this section, subcontracts or purchase orders in excess of the following amounts shall require prior AEC approval:

(1) Construction and architect engineer contracts, $10,000.

(2) Off-site research and development contracts, $5,000.

(3) All other contracts, $25,000.

(e) *Exceptions.* In the event a Manager of a Field Office determines (1) that application of any of the dollar amount limitations established in paragraph (d) of this section would impair the AEC program of the Field Office concerned or would be impracticable of application under the circumstances, or (2) that it would be in the best interests of the Government to establish less stringent limitations, he may, upon making such determination, approve a dollar amount up to $100,000. Requests to establish dollar amount levels in excess of $100,000 shall be submitted to the Headquarters Director, Division of Contracts, for approval.

7. Section 9–51.401 is revised to read as follows:

§ 9–51.401 Applicability.

All prime contracts and subcontracts under cost-type prime contractors, in excess of $100,000 shall be reviewed in conformance with this subpart. Such reviews shall be made prior to award in all cases. Managers of Field Offices may, if considered appropriate, exempt basic research lump-sum contracts with educational institutions from the independent contract review board requirements of this subpart.

PART 9–53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

8. Subdivisions (i) and (ii) of 9–53.104 (b) (1) are revised to read as follows:

§ 9–53.104 Distribution of contracts.

* * * * *

(b) *Additional distribution of contracts.* * * *

(1) To the Office of the General Counsel, Headquarters, one copy of:

(i) Each contract, and each subcontract under a cost-type contract where the proposed contract action was submitted for Headquarters' approval prior to execution;

(ii) Each engineering or architect-engineering prime contract, and each

engineering or architect-engineering sub-contract under a cost-type prime contract, involving an expenditure (actual or estimated) of $500,000 or more.

* * * * *

PART 9–56—SELECTION OF CONTRACTORS BY BOARD PROCESS

9. Subparagraph (1) of 9–56.302(b) is revised to read as follows:

§ 9–56.302 Selections by field offices and cost-type prime contractors requiring Headquarters' review and approval.

* * * * *

(b) * * *

(1) Requests for proposals, list of proposed invitees, and the criteria and weighting recommended for use in evaluating proposals; however, only the list of proposed invitees is required to be submitted for the proposed selection of construction contracts not expected to exceed $10,000,000, and for architect-engineer contracts where the related construction cost is not expected to exceed $10,000,000, or where the architect-engineer contract is not expected to exceed $1,000,000 if related construction costs cannot be determined.

* * * * *

PART 9–58—RENTAL OF CONSTRUCTION EQUIPMENT

10. Section 9–58.101 is revised to read as follows:

§ 9–58.101 Rental agreement.

The terms and conditions governing rental by the AEC of construction equipment from a prime cost-type construction contractor are set forth in AECPR 9–16.5002–12, Outline of agreement for rental of contractor-owned construction equipment. This form of agreement is designed for use as an appendix to an AEC cost-type construction contract. It may be modified for rental of equipment under other contractual arrangements, such as an operating contractor renting from a cost-type construction subcontractor, and it may be modified for use as a separate contract or as an attachment to a subcontract. Some of the aspects of this agreement to which particular attention should be given are set forth in §§ 9–58.102 and 9–58.109.

11. Section 9–58.103, is revised to read as follows:

§ 9–58.103 Rental rates.

(a) Rates for rental of contractor-owned equipment shall be fair and equitable. The rental rates contemplate that the AEC will pay incoming and outgoing transportation costs and rental during in-transit time for both inbound and outbound transportation of equipment; however, terms more favorable to the AEC may be negotiated where appropriate. The rental rates to be paid for the use of contractor-owned equipment under normal conditions should not exceed 65 percent of the rates quoted in the latest edition of the Associated Equipment Distributors' "Compilation of Averaged Rental Rates for Construction Equipment". However, Managers of Field Offices may approve rates in excess of 65 percent of the current A.E.D. schedule when local conditions require higher rates. When it becomes necessary as a general practice to exceed 65 percent of the current A.E.D. schedule, the Manager of the Field Office shall advise the Director, Division of Contracts, Headquarters, explaining the circumstances.

12. Section 9–58.201 is revised to read as follows:

§ 9–58.201 Rental agreement.

The terms and conditions governing rental by an AEC prime cost-type construction contractor (lessee) of construction equipment without operators from a third party (lessor) are in accordance with §§ 9–58.102, 9–58.104, 9–58.108 and 9–58.109 and they are set forth in AECPR 9–16.5002–13, outline of agreement for rental of third party-owned construction equipment. Similar terms and conditions shall be used by other AEC cost-type contractors or subcontractors in renting construction equipment from a third party. These terms and conditions may be suitably modified to provide for rental of equipment with operators. Some of the aspects of this agreement to which particular attention should be given are set forth below in this section.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These regulations shall become effective 45 days following publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 13th day of November 1964.

For the U.S. Atomic Energy Commission,

JAMES SCAMMAHORN,
Acting Director,
Division of Contracts.

[F.R. Doc. 64–11906; Filed, Nov. 20, 1964; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1047, 1049]

[Docket Nos. AO–319–A5, AO–33–A30]

MILK IN INDIANAPOLIS, INDIANA, AND FORT WAYNE, INDIANA, MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Indianapolis, Indiana, and Fort Wayne, Indiana, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in five copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Cerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The joint hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Indianapolis, Indiana, on September 24, 1964, pursuant to notice thereof which was issued September 8, 1964 (29 F.R. 12875).

The material issues on the record of the hearing relate to the pricing of Class I milk in the two markets, as follows:

1. Levels and relationship of Class I price differentials;
2. Adoption of a common supply-demand "adjustor"; and
3. Modification of Class I butterfat differentials.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the joint hearing and the record thereof:

1. *Levels and relationship of Class I price differentials.* The stated Class I price differentials of the Indianapolis, Indiana, and Fort Wayne, Indiana, milk orders ($1.27 and $1.20 per hundredweight, respectively, over the basic formula price for the preceding month) should be continued at present levels. A common supply-demand "adjustor" to the Class I price differentials of both orders should be provided.

The Class I pricing provision of the Indianapolis, Indiana, order expires November 30, 1964, and the corresponding provision of the Fort Wayne, Indiana, order expires December 31, 1964.

An amendment to the Indianapolis order effective June 1, 1963, based upon a hearing held in Indianapolis, Indiana, January 30–February 1, 1962, provided for the present level of stated Class I differential. In rendering his decision in the matter of the appropriate level of Class I prices, the Assistant Secretary concluded (in part) at that time, as follows:

"In these circumstances it would not be appropriate to provide the Class I price increase proposed by producers. Nor in view of the extensive expansion of the marketing area herein recommended is it appropriate to reduce the present level. A reasonable period of time should be allowed to elapse under the new supply-demand conditions before considering any modification of the present Class I price. Deferring action on the Class I price for a period of 18 months will allow sufficient time to accumulate data on supply-demand conditions in the expanded area on which to establish the Class I price level. Consideration could then be given to the need for automatically adjusting the Class I price as supplies vary in relation to demand as well as to the problem of intermarket price alignment. The Class I price herein recommended will provide appropriate price alignment in portions of the expanded market until appropriate review of the price structure can be considered at a subsequent hearing."

Similarly, in an amendment to the Fort Wayne, Indiana, order effective June 1, 1963, and based upon a hearing held at Fort Wayne, Indiana, March 5, 1963, it was concluded by the Secretary, in part, as follows:

"The present Class I price of $1.20 over the basic formula price should be continued through December 31, 1964. This will insure proper alignment of the Fort Wayne Class I price with that of Indianapolis and other nearby markets until it can be reviewed at a future hearing." It was concluded further that: "The present Fort Wayne Class I price, therefore, should be extended for an additional 21-month period. Such an extension will permit review of the Fort Wayne Class I price at approximately the same time as that of the Indianapolis market in the third or fourth quarter of 1964."[1]

Producer cooperatives, representing a large majority of producers supplying both the Indianapolis, and Fort Wayne, Indiana, markets, join currently in proposing continuance of the present Class I price differentials ($1.27 and $1.20, respectively) under the two orders. The associations also suggest a formula for the supply-demand adjustment of prices under each of the orders based upon the Class I sales and producer receipts of the two markets in combination in the event of a determination that such automatic adjustment of future prices is appropriate.

Proponent producers testified that the respective stated differentials in the Indianapolis and Fort Wayne orders are reasonable minimums (over the basic formula price) both from the point of view of maintaining an adequate supply for the market and in recognition of the close competitive relationships which exist not only between handlers in the two markets but also between such handlers of both markets and handlers in the nearby Louisville-Lexington-Evansville, Dayton-Springfield, and Greater Cincinnati markets. Producers alleged that the 7-cent difference in stated Class I differentials of the two orders has had no disturbing influence in the markets, and that under such relationship of Class I prices producers under both orders had retained their Class I sales outlets. They contended further that the history of both markets justifies continuation of the present differentials since the supply of milk in each market is not excessive.

Handlers also generally supported continuation of the present levels and spread in the Class I stated differentials but generally objected to any increase in such differentials by means of a supply-demand adjustor. Their testimony was offered primarily in support of the proposition that current supplies for these markets are adequate. However, one handler operating a plant located in Howard County, Indiana, one of the northern tier of counties in the Indianapolis marketing area, also proposed that: (1) The pricing structure in the Indianapolis order and Fort Wayne order be the same, and (2) the Class I price be such that it will help dairy farmers in this area maintain their own markets and be "competitive." He contended that several Indianapolis handlers located on the fringe of the Indianapolis marketing area adjacent to the boundary of the Fort Wayne marketing are are disadvantaged in their resale competition with Fort Wayne handlers because of the 7-cent difference in Class I prices under the two orders. He further contended that Chicago milk has started to move into the area and cited, as an example, the case of an operator of a small chain of grocery stores in north central Indiana who recently contracted to purchase packaged milk from a Chicago handler.

The production of milk for the two markets in combination are in reasonable balance with Class I sales. Class I sales and producer receipts both have increased in the Indianapolis and Fort

[1] Official notice is taken of the respective decisions (28 F.R. 4901, F.R. Doc. 63–5247 and 28 F.R. 4305, F.R. Doc. 63–4603.

Wayne markets in 1962 and 1963. The percentage of producer milk utilized as Class I milk, however, has remained about the same in the Indianapolis market over this two-year period, averaging on an annual basis, 75.38 percent and 75.53 percent, respectively.[2] With respect to the Fort Wayne market, for which market data are available for the three-year period, 1961–1963, the percentage of producer milk utilized as Class I has varied one year to the next over a wider range (71.4, 78.4 and 74.2 percent in 1961, 1962 and 1963, respectively) and has averaged 74.66 percent for the three-year period.

Both Indianapolis and Fort Wayne have operated, therefore, on an annual average reserve supply of about 25 percent of producer receipts which, as testified by both producers and handlers, does not indicate oversupply under present-day conditions particularly with respect to intraweek bottling and distribution patterns. Current supplies are utilized primarily to cover local needs since there are no substantial bulk fluid milk shipments from these markets to neighboring or more distant markets.

Moreover, there is no evidence on the record that fluid milk from the Chicago or any other market has come into the Indianapolis order market at a price f.o.b. market below the minimum Class I price which handlers under the latter order are required to pay. Several tank loads of milk were received in the Indianapolis market from a Chicago order plant during September this year. The indicated cost of such milk was well in excess of the September minimum Class I price of $4.42 per hundredweight under the Indianapolis order. In this connection official notice is taken of the September 1964 market administrator's price report for the Indianapolis market.

The present stated Class I differentials of the two orders are presently at an appropriate level and are reasonably aligned one market with the other and with nearby markets. There was no evidence which would show that unstable marketing conditions have resulted from the difference of 7 cents in price which has prevailed. The Class I differentials in the two orders should not be changed, therefore, other than as may be appropriate because of significant future changes in supplies in relation to market requirements. The continuation of these differentials, together with the adoption of a supply-demand factor in the pricing mechanism (discussed later), in conjunction with Class II prices, should result in returns to producers in each market sufficient to maintain an adequate but not excessive supply of milk to meet the fluid requirements of the respective markets, including the necessary market reserve.

2. *Supply-demand adjustor to Class I prices.* A common supply-demand formula based upon the sales-receipts relationship of the two markets in combination should be employed as the method of adjusting Class I prices in both markets to changing conditions of supply and demand.

Producers suggested a type of supply-demand formula for common use in both markets in the event of a determination that such a method of adjusting prices should be adopted. They gave recognition to the validity of providing an automatic adjustor to the Class I price differential to maintain a proper balance between producer receipts and Class I requirements, but expressed concern that a supply-demand adjustment provision, if not carefully constructed, might result in erratic pricing and in an unwarranted disturbance of intermarket price alignment.

A handler witness speaking for seven handlers regulated under the Indianapolis order expressed opposition to the inclusion of a supply-demand factor in the Class I pricing provisions of such order. These handlers jointly proposed a separate supply-demand adjustment provision for consideration, however, in the event of a finding that such an adjustor should be adopted.

The purpose of a supply-demand adjustment provision is to adjust promptly the minimum Class I price upward or downward as the supply of producer milk changes in relation to Class I sales. This purpose is consistent with the criteria of the Agricultural Marketing Agreement Act, as amended, which provides that the prices to be fixed under the authority of such act shall be those which are reasonable in view of market supply and demand conditions and which will assure a sufficient quantity of pure and wholesome milk and be in the public interest. The automatic adjustment of Class I prices in response to changes in the relation between supplies and Class I sales will assist to carry out in these markets the purposes of the act through stabilization of supplies at the levels required. Failure to adjust the Class I price promptly in response to market supply and demand conditions could produce price levels which would encourage either inadequate or excessive supplies of milk in relation to demand. Supply-demand formula provisions have not been employed previously in these markets because of lack of data on which such a pricing mechanism could be constructed. Adequate data regarding production and sales in each of the two markets are now available.

Producers proposed a supply-demand formula which would:

(1) Provide a formula for measuring changes in supply-demand relationships of the two markets which employs the Class I sales and producer receipts of both markets.

(2) Provide for identical Class I price adjustments based upon comparison of the ratio of combined sales to combined receipts for a period covering the second and third (or, alternatively, the second, third and fourth) months preceding the pricing month (current utilization percentage) with a standard utilization percentage (four-point range) or "norm" applicable for the pricing month. The individual monthly ranges of norms would reflect on an annual basis 70–74 percent Class I utilization.

(3) Provide for a price adjustment, upward or downward, at the rate of two cents for each percentage point of deviation of the current utilization percentage above or below the norm.

(4) Limit the maximum amount of adjustment to 20 cents per hundredweight.

In suggesting use of a common formula, producers stressed the importance of Class I price changes taking place at the same time and by the same amount in each market. They stated that this is necessary to avoid erratic pricing and to maintain proper Class I price alignment between the two markets and in relationship to adjacent markets. They contended that small changes in the relative prices of the two market orders could cause unwarranted shifting of milk supplies. In this connection, they pointed out that: (1) Bulk milk handling, together with recent improvements in highway systems, make such movements between the markets relatively easy; (2) The transfer of producers from one market to the other is not impeded by differences in health requirements of the markets; and (3) The procurement areas of handlers regulated under the two orders overlap in several counties.

The supply-demand formula suggested by handlers was generally the same as proposed by producer groups, the principal differences being in the level at which the norms were established and the maximum amount by which the adjustor may affect the Class I price. Although handlers proposed that consideration be given to the use of either a recent two or three-month period for computing the current utilization percentage (mover), they expressed a preference for the three-month mover in that it would minimize any erratic price adjustments which might otherwise be brought about by the action of the adjustor.

The supply-demand formula adopted herein to be applicable under both orders provides for:

(1) The following schedule of standard utilization percentages (norms) which average 73.5 percent (midpoint of range) of producer milk in Class I to producer receipts on an annual basis:

Month for which pricing is being computed	Preceding months used in computation	Standard utilization percentages	
		Minimum	Maximum
Jan.	Sept., Oct., Nov.	78	81
Feb.	Oct., Nov., Dec.	77	80
Mar.	Nov., Dec., Jan.	76	79
Apr.	Dec., Jan., Feb.	76	79
May	Jan., Feb., Mar.	76	79
June	Feb., Mar., Apr.	73	76
July	Mar., Apr., May	69	72
Aug.	Apr., May, June	65	68
Sept.	May, June, July	63	66
Oct.	June, July, Aug.	65	68
Nov.	July, Aug., Sept.	71	74
Dec.	Aug., Sept., Oct.	75	78

(2) "Current utilization percentages" to be based upon aggregate producer receipts in the two markets and producer milk classified as Class I milk therein for a three-month period ending with the second month preceding the pricing month;

[2] The order became fully effective March 1961 which does not permit this comparison over a three-calendar-year period.

(3) Adjustments to the Class I price for each market at the rate of two cents for each full percentage point of deviation of the applicable current utilization percentage for the month from the norm (range) for such month;

(4) A maximum of plus or minus 38 cents on the amount of supply-demand adjustment.

These two markets are in close competition in both milk procurement and milk distribution. The procurement areas of handlers regulated under the two orders overlap in several counties. Transferring producers from one market to the other is not impeded by differences in health requirements of the markets. The high degree of bulk milk handling and good highway conditions make intermarket movements relatively easy. At the present time, however, available milk supplies are reasonably allocated in relation to the sales levels of the two markets.

Also, there is close competition for Class I sales between handlers under the two orders. At present there are five Indianapolis handlers who regularly sell milk on routes in the Fort Wayne marketing area and four Fort Wayne handlers who sell in the Indianapolis marketing area. The shift of a large account, such as a chain of food markets or dairy stores, from a handler in one market to a handler in the other, may cause the handler to be regulated by one order in a given month and by the other order the next month since the regulation applicable to him is determined on the basis of his relative proportion of Class I sales in each marketing area. Such shifts in suppliers can occur readily under today's distribution conditions. When shifts in suppliers are made across individual market lines or retail routes are established in one market by a handler from the other, a significant change in the production-sales relationship of each market can be effected without any basic change in the aggregate supplies or sales associated with such markets.

In view of the foregoing, it is highly important, therefore, to avoid erratic price movements between these two markets. Relatively small changes in the prices of these markets if in opposite directions could cause unwarranted shifting of producer milk supplies or provide price advantage in sales competition. The adoption of a common supply-demand adjustor which will provide for identical monthly Class I price adjustments for the two markets will insure against diverse movements in prices in these markets and maintain an appropriate Class I price alignment between the two and in relationship to adjacent markets.

Under the formula proposed for adoption herein the respective Class I price differentials for the two markets would be adjusted for significant changes in the relationship of current utilization percentage outside the applicable monthly norms as shown in the above schedule. The norms, or individual monthly ranges, are derived from experience in both markets for the period of March 1961 (the fully effective date of the inception of the Indianapolis order) through August 1964. They vary seasonally in recognition of the seasonality in the relationship of milk production to Class I sales in the two markets.

The current utilization percentage would be constructed on the receipts and disposition of the three months preceding the pricing month. For example, the percentage applicable for the month of January would be based on the percentage of Class I utilization for the preceding September, October and November period. These months would be the latest for which data are available to permit announcement of the price adjustment early in the month for which it is effective.

Use of data for a three-month period, rather than for a two-month period will minimize sporadic changes in the Class I price which otherwise might be induced simply by variation in the number of heavy bottling days in the period used to compute the mover. The heaviest purchases of fluid milk by consumers in these markets tend to occur on Thursdays, Fridays and Saturdays. As a consequence, plants have their heaviest needs for raw milk supplies on Tuesday through Friday of each week. One handler regulated under the Indianapolis order, for example, bottles 80 percent of his weekly Class I sales during the four-day period Tuesday-Friday and 20 percent of the remaining weekly sales on Mondays and Saturdays based on March 1964 figures. No milk is bottled on Sundays at the plant of this handler. Using data for a three-month period reduces the effect of variations in the number of heavy bottling days from one month to the next on the utilization percentages in the formula as compared with data based on a two-month period. The three-month mover also will tend to minimize other unwarranted changes in the Class I price resulting from such occurrences as holidays and abnormal weather conditions of a short-run nature.

The producers' formula would include fluid milk products disposed of in the respective marketing areas from all nonpool plants, except plants of producer-handlers. It would include also the pounds of Class I milk in inventory and "overages". The inclusion in the supply-demand formula of sales in these markets from nonpool plants would not contribute, however, to the accuracy with which the supply-demand adjustor reflects meaningful changes in the supply-demand situation at plants which utilize the milk which it is designed to price. Sales of nonpool milk in the market as Class I are not necessarily reflective of the regular demand for, or the regular supply of, producer milk associated with these two markets. Producers stated they had no important objection to the exclusion of "other source receipts" from the current utilization percentages provided the norms likewise were constructed on this basis. The considerable variation, month to month, which occurs in these markets with respect to inventory and overage also warrants the exclusion of these data from use in the formula at this time. The receipts of producer milk and the pounds of producer milk disposed of as Class I by handlers regulated in the two markets will provide a reasonable measure of changes in the supply-demand situation.

The use of a range in the monthly norms tends to act as a "dampener" on random price changes which, at times, might otherwise be possible. The four-point percentage range in the monthly norms suggested by both handlers and producers, together with a provision to compute a current utilization percentage to the nearest full percentage point, would provide a "corridor" of five percentage points within which no price adjustment would be called for.

Although it is desirable to avoid random movements to whatever extent practicable, it is not, however, appropriate in avoiding these movements to minimize the effectiveness of the adjustor in responding to real changes in the supply-demand situation. Provision is made in the schedule of standard utilization percentages for monthly ranges having a width of three percentage points. Price adjustments resulting from deviations of the current utilization percentage outside the monthly range would be computed on the basis of full percentage points of such deviation. The three-point range, therefore, together with provision for rounding the current utilization percentage to the nearest full percentage point, in effect provides a "corridor" of four percentage points by which the current utilization percentage may deviate from the norms without effecting a price adjustment. Such a range will permit adjustment of the Class I price more promptly and accurately in response to significant changes in the combined supply-demand relationship in the two markets.

Although Class I utilization in the two markets on an aggregate sales-receipts basis has averaged approximately 75 percent for the two-year period 1962–1963, the trend in recent months indicates some tendency toward an increase in supplies in relation to sales of fluid milk products. For example, during the first seven months of 1964 (January–July) Class I utilization on a combined market basis averaged 70.1 percent of producer receipts. During the same period in 1963 and 1962 the Class I utilization averaged 72.7 and 73.7, respectively. The importation of milk supplies into the two markets by one of the proponent producer associations during recent months, although not of substantial volume, would indicate, however, that irrespective of the slight increase in market reserves during recent months such markets are not oversupplied.

The formula adopted herein provides a seasonal schedule of norms which average, on an annual basis, 73.5 percent Class I utilization (range 72–75 percent). As compared to producer and handler proposals, the norms for certain months have been modified slightly also to lessen the possibility of contraseasonal adjustments which might occur as a result of random shifts in the relationship of receipts and Class I disposition.

Adjustments in the Class I price resulting from the formula should be at the rate of two cents for each percentage

point that the current utilization percentage deviates from the applicable norm. Thus, the Class I price would be increased two cents for each full percentage point that the current utilization percentage is above the maximum standard percentage range and would be decreased two cents for each full percentage point that the current utilization is below the minimum standard percentage range for the month. The rate of two cents per percentage point upward and downward is reasonable in relation to the general level of the Class I prices in this area and in relation to nearby market prices.

The maximum monthly adjustment should be limited to not more than 38 cents, plus or minus. In this connection producers proposed a maximum limit on any plus or minus adjustment of 20 cents per hundredweight. They suggested that a tie with Class I prices of a neighboring market also might provide a satisfactory basis for establishing such a limit.

Handlers, on the other hand, proposed a limitation on the adjustor which would allow no plus adjustment to the price during any month in which other factors of the Class I price (basic formula and stated differential) would provide for a Class I price of 35 cents or more over the Chicago order Class I price. Handlers cited as their reason for a ceiling of 35 cents over the Chicago Class I price the availability of milk which can move into the Indianapolis and Fort Wayne markets from the Chicago area at an alleged 35 cents per hundredweight transportation cost.

Although, as noted earlier, several shipments of milk were imported into the Indianapolis market from the Chicago market area in months just preceding the hearing because of temporary shortage, there is no evidence that the levels of price in the Indianapolis and Fort Wayne orders have encouraged regular, or significant, movements of milk into the two markets from this alternative source.

Some limit, however, should be placed on the price movements to result from the supply-demand adjustor in order that the basis for any tendency of prices to make unusually wide swings may be given further consideration in hearing. It would not be reasonable to permit the Indianapolis and Fort Wayne prices to decrease below the level of the South Bend-LaPorte-Elkhart market which serves, to some extent, as an alternative outlet for milk associated with the Indianapolis and Fort Wayne markets. A pricing range of 38 cents minus to 38 cents plus will provide for flexibility in pricing under the formula but will tend to maintain Indianapolis and Fort Wayne prices in reasonable alignment with the South Bend-LaPorte-Elkhart and other markets.

The producers' formula, using a three-month mover, would have increased the Class I price in both markets by two cents per hundredweight, on the average, during 1963 and for the 10-month period, January-October 1964, would have increased the Class I price by approximately a cent per hundredweight. Their formula would have effected 10 monthly adjustments to the Class I price during the 22-month period ranging from plus two cents to plus six cents in amount. On the other hand, the handlers' formula with a three-month mover would have provided no adjustment to the Class I price for any month of the period November 1963 through October 1964, the period for which they provided data in the record.

By comparison, the supply-demand adjustor adopted herein would have had a negligible effect upon the level of Class I price in the two markets during 1963 and the first ten months of 1964. The formula would have increased the Class I price in both markets by an average one-half cent per hundredweight in 1963 and would have had no effect upon the average level of the Class I price over the 10-month period of January through October 1964. During the entire 22-month period the adjustor would have effected only five monthly adjustments none of which would have exceeded two cents per hundredweight.

It is concluded that the supply-demand adjustor formula herein adopted will provide an appropriate basis for adjustments of the Class I price in the two markets as supply and demand conditions change in such markets.

3. *Class I butterfat differential.* The butterfat differential used in adjusting Class I prices under the Fort Wayne order should be reduced. The Indianapolis Class I butterfat differential should remain unchanged.

At present the Class I price in the Fort Wayne market is adjusted for the butterfat content of Class I milk by a butterfat differential per point (1/10 percent of butterfat) determined by multiplying the monthly Chicago 92-score butter price by 0.125. It was proposed by a cooperative association, representing a substantial number of producers in the Fort Wayne market, that the Class I butterfat differential be reduced to 0.120 times the price of Chicago butter, the same as the Class I butterfat differential under the Indianapolis order. No opposition to this proposal was expressed by handlers or by other producers regulated under the Fort Wayne order.

The average butterfat test of Class I milk in the Fort Wayne market has declined from 3.57 percent in 1961 to 3.49 percent in 1963. The average test of producer milk, on the other hand, has not changed appreciably during the three-year period, averaging 3.75, 3.77 and 3.74 percent, respectively, for these years.

The Class I butterfat differential in the Fort Wayne market averaged $0.073 and $0.072 in 1962 and 1963, respectively. For the Indianapolis market the Class I differential averaged $0.071 and $0.070 for the comparable periods. The proposed reduction in the Class I butterfat differential for Fort Wayne will contribute to the general alignment of Class I prices between the Fort Wayne and Indianapolis markets consistent with the other terms of the Class I pricing provisions of both orders and will tend to place butterfat in fluid milk products in the Fort Wayne market on a more competitive basis with other nearby markets. Indianapolis handlers and producers testified in support of the current butterfat differential under the Indianapolis order stating that it was in reasonable alignment with other nearby markets. In view of this testimony and because there was no testimony to support a revision, it is, therefore, left unchanged.

The Fort Wayne Class I butterfat differential should be placed on the same basis as that in the Indianapolis order. In view of the prevailing butterfat test of Class I milk at close to 3.5 percent, overall returns to producers for Class I milk should be little affected by this change.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders as amended regulating the handling of milk in the Indianapolis, Indiana, and Fort Wayne, Indiana, marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are

not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Amendment to the Indianapolis, Indiana, milk order:

In § 1049.51, the introductory text and paragraph (a) are revised to read as follows:

§ 1049.51 Class prices.

Subject to the provisions of §§ 1049.52 and 1049.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.27, and plus or minus a "supply-demand adjustment" of not more than 38 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I (excluding inventory and "overage" and adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and under Part 1047 of this chapter (Fort Wayne, Indiana, order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiplying the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage";

(2) For each full percentage point that the current utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by two cents; and for each full percentage point that the current utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by two cents.

Month for which pricing is being computed	Preceding months used in computation	Standard utilization percentages	
		Minimum	Maximum
Jan.	Sept., Oct., Nov.	78	81
Feb.	Oct., Nov., Dec.	77	80
Mar.	Nov., Dec., Jan.	76	79
Apr.	Dec., Jan., Feb.	76	79
May	Jan., Feb., Mar.	76	79
June	Feb., Mar., Apr.	73	76
July	Mar., Apr., May	69	72
Aug.	Apr., May, June	65	68
Sept.	May, June, July	63	66
Oct.	June, July, Aug.	65	68
Nov.	July, Aug., Sept.	71	74
Dec.	Aug., Sept., Oct.	75	78

* * * * *

Amendments to the Fort Wayne, Indiana, milk order: 1. In § 1047.51, the introductory text and paragraph (a) are revised to read as follows:

§ 1047.51 Class prices.

Subject to the provisions of §§ 1047.52 and 1047.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.20, and plus or minus a "supply-demand adjustment" of not more than 38 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (excluding inventory and "overage" and adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and under Part 1049 of this chapter (Indianapolis, Indiana, order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiplying the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage";

(2) For each full percentage point that the current utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by two cents; and for each full percentage point that the current utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by two cents.

Month for which pricing is being computed	Preceding months used in computation	Standard utilization percentages	
		Minimum	Maximum
Jan.	Sept., Oct., Nov.	78	81
Feb.	Oct., Nov., Dec.	77	80
Mar.	Nov., Dec., Jan.	76	79
Apr.	Dec., Jan., Feb.	76	79
May	Jan., Feb., Mar.	76	79
June	Feb., Mar., Apr.	73	76
July	Mar., Apr., May	69	72
Aug.	Apr., May, June	65	68
Sept.	May, June, July	63	66
Oct.	June, July, Aug.	65	68
Nov.	July, Aug., Sept.	71	74
Dec.	Aug., Sept., Oct.	75	78

§ 1047.52 [Amended]

2. In section 1047.52(a) the figure "0.125" is changed to "0.120".

Signed at Washington, D.C., on November 17, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64-11908; Filed, Nov. 20, 1964; 8:45 a.m.]

[7 CFR Part 1061]

[Docket No. AO 327-A7]

MILK IN ST. JOSEPH, MISSOURI, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Market Administrator's office, 7939 Floyd Avenue, Overland Park, Kans., beginning at 9:30 a.m., local time, on December 3, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the St. Joseph, Mo., marketing area.

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

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by New Model Dairy, Inc.:

Proposal No. 1. Delete the period at the end of §1061.60 and add "or to a handler operating a plant from which an average of less than 600 pounds of Class I milk is distributed per day in the marketing area."

Proposed by the Nemaha Cooperative Creamery Association:

Proposal No. 2. Amend § 1061.12(a) (2) (ii) and (iii) to read as follows:

(ii) January, February, July and August, 35 percent; and

(iii) March through June, 25 percent.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, U. Grant Grayson, Post Office Box 4336, Overland Park, Kans., 66204, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on November 17, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64-11909; Filed, Nov. 20, 1964; 8:46 a.m.]

[7 CFR Part 1098]

[Docket No. AO-184-A20]

MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Nashville, Tenn., marketing area. Interested parties may file written excep-

tions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Nashville, Tenn., on July 28–30, 1964, pursuant to notice thereof which was issued June 19, 1964 (29 F.R. 8106).

The material issues on the record of this hearing relate to:

1. Expansion of the marketing area;
2. Location differentials to handlers and producers;
3. Providing a Class II classification for certain designated outlets;
4. Requiring a handler to settle with the market administrator for all producer milk delivered to his pool plant; and
5. Computing the producer butterfat differential to the nearest fifth of a cent.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The Nashville, Tenn., marketing area, which now contains 17 Tennessee counties, three Kentucky counties and the Fort Campbell military reservation, should be expanded by adding the 18 Tennessee counties of Cannon, Clay, Coffee, DeKalb, Fentress, Giles, Jackson, Lawrence, Lewis, Maury, Marshall, Overton, Perry, Pickett, Putnam, Warren, Wayne and White; and the three Kentucky counties of Barren, Metcalf and Monroe. The expanded marketing area will comprise a contiguous area in which both wholesale and retail routes of milk handlers doing business in the area are interspersed. The handling of milk in this proposed marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The minimum sanitary requirements applicable to Grade A milk throughout the present and proposed marketing area are those of the States of Tennessee and Kentucky, which are patterned after the U.S. Public Health Ordinance and Code. In the case of some local health authorities, there may be minor variations. Such variations, however, do not materially affect the procurement or distribution of milk within the area.

With the advent of new and better highways, improved and larger transportation equipment, better refrigeration facilities for storing and moving milk, and the shifting by consumers from home delivery to store purchases of fluid milk products, the area serviced by handlers has been expanded. The present marketing area does not constitute the proper marketing area under current marketing conditions. For this reason several Nashville regulated handlers and the principal cooperative association of producers in the market proposed that the present marketing area be expanded by adding the 21 counties enumerated above and Hardin County, Tenn.

One plant in each of the Tennessee counties of Coffee, Giles, Maury, and Warren would become fully regulated because of the marketing area expansion. The plants of two other unregulated distributors with sales in some counties proposed to be added to the marketing area are in Lincoln County, Tenn., and Wayne County, Ky. It was indicated that the Wayne County handler would become fully regulated under the Louisville-Lexington-Evansville order if the marketing area of that order were expanded as proposed at a recent hearing. It is not clear from the record, however, whether or not the Lincoln County handler would become fully regulated under the Nashville order as a result of this marketing area expansion.

More than half the Class I distribution in the 13 counties of Cannon, DeKalb, Jackson, Lawrence, Lewis, Marshall, Overton, Perry, Putnam, Wayne, and White in Tennessee and Barren and Metcalf in Kentucky is made by presently regulated Nashville order handlers. In two of these counties, Lewis and Perry, all milk sold is now regulated under the Nashville order. In the Tennessee counties of Jackson, Overton and Putnam and in the Kentucky counties of Barren and Metcalf, all milk sold is regulated under either the Nashville, Louisville-Lexington-Evansville (assuming the Wayne County, Ky., plant would be regulated under that order) or the Knoxville order. In the six remaining counties mentioned above, one or more presently unregulated handlers also sell fluid milk products.

The addition of Clay, Fentress, and Pickett Counties, Tenn., and Monroe County, Ky., to the marketing area will not subject any additional handlers to regulation under the Nashville order. Practically all Class I distribution in these counties is from the plants of handlers subject to the Nashville, Louisville-Lexington-Evansville and Knoxville orders. Presently, the only unregulated distribution in these counties is the relatively limited sales by the Wayne County, Ky., handler. As indicated above, this handler would become subject to the Louisville-Lexington-Evansville order if the marketing area of that order is expanded as proposed in a recent hearing.

Distributors operating unregulated plants in the Tennessee counties of Coffee, Giles, Maury, and Warren claimed they have the major proportion of the sales of fluid milk products in their respective counties. The cooperative association serving the Nashville market and the regulated handlers, however, presented statistical data showing that in Coffee and Maury Counties, Nashville handlers have about 70 and 65 percent, respectively, of the sales. The operator of the unregulated plant in Coffee County estimated he has slightly over 50 percent of the total sales in that county. The operator of the unregulated plant in Giles County estimated his firm has about two-thirds of the total sales in the county and that his major Nashville competitor had 20 percent of the sales. The operator of the unregulated plant in Maury County estimated he has 60 percent of the wholesale business and 75 percent of the retail business in the county. The operator of the unregulated plant in Warren County estimated he has about 80 percent of the sales in the county. Although there was a conflict in the testimony as to whether Nashville regulated handlers or the unregulated distributors had the major proportion of the sales in these counties, the information presented by the regulated handlers and the cooperative association serving the Nashville market contained detailed statistical data for each county of the sales by all competing handlers. No such detailed summary was presented by these four distributors and, accordingly, greater reliability must be placed upon the testimony presented by the Nashville regulated handlers and the cooperative association.

A substantial proportion of the sales of the three presently unregulated distributors in Coffee, Giles, and Warren Counties is in these counties. Since these handlers would be subject to full regulation because of their sales in other counties in the proposed marketing area, it would be inappropriate to exclude these three counties from the marketing area. Even though the Maury County handler might not become subject to full regulation if that county is not added to the marketing area, the county should nevertheless be added because Nashville regulated handlers have the majority of the sales in this county as well as in most adjacent counties and it is an integral part of their sales area. Adding this county to the marketing area will maintain contiguity with the other counties herein to be added. Its omission would create a hiatus in the geographic expanse of the marketing area. By including these four counties in the marketing area, the major portion of the fluid milk sales of these four handlers would be within the proposed area and their inclusion would not regulate either wholly or partially any other handler.

Hardin County, Tenn., should not be added to the marketing area at this time. Presently, there is only one handler subject to the Nashville order distributing milk in this county. Of the two other regulated handlers with Class I sales in this county, one is subject to the Memphis order and the other to the Paducah order. Together, these three handlers distribute about 65 percent of the fluid milk products sold in the county. There are two unregulated handlers who also distribute milk in this county. These two handlers, however, have their principal sales in competition with handlers who would not be required to pay the specified minimum prices or account for the use of their milk under the Nashville order.

Five presently unregulated distributors testified at the hearing in opposition to extension of the marketing area. They maintained that regulated handlers are not at a competitive disadvantage when distributing milk in these unregulated

counties because the unregulated distributors pay their producers a price that is competitive with the Nashville market price. The dairy farmers delivering milk to the distributors who would become regulated by the Nashville order under this proposal, except the distributor whose plant is located in Giles County, receive payment for their milk without regard to its use. These distributors pay their producers a price based on the Nashville order blend price. In most cases, these distributors use a larger percentage of their milk receipts in Class I than is reflected by the blend price for the Nashville market. To the extent that such distributors have a higher Class I utilization and do not purchase milk on a class-use basis, they do have a competitive advantage over the Nashville handlers who are required to pay class prices according to the use value of their milk.

The dairy farmers who deliver milk to the Giles County distributor sell their milk under a pricing plan described as similar to the plan prescribed by the Nashville order. There is no agency, however, to supervise and enforce this plan. These producers have no means for obtaining an impartial audit of the handler's records to determine whether they are, in fact, receiving the full class utilization value of milk as it would be computed under the Federal order.

These unregulated handlers gave as one of their reasons for opposing regulation that the dairy companies in Nashville would force them out of business. Federal milk orders give assurance to all regulated handlers that their competitors in the marketing area are purchasing their milk supplies at the same prices and upon the same class-use basis. There is no basis for the charge that the proposed extension of the marketing area would force these unregulated handlers out of business.

These same unregulated handlers also argued that the expense of keeping the extra records that would be required by the order would be prohibitive. They did admit, however, that the only extra records involved would be records which show their utilization of milk in Class I and II outlets and that the maintenance of such records would not be burdensome.

A further argument presented by these unregulated handlers was that if they became regulated, they would lose their producers to the producer association in the market and thereby lose control over them. One handler, who operates a Grade A fluid milk plant and a cheese plant at which he received ungraded milk presented an additional argument. At the present time, all the milk of Grade A producers is picked up in cans and is transported to his plant on the same truck with the milk from ungraded milk producers. This milk is transported on the same truck because it would not be economically feasible to haul the ungraded milk on a separate truck since the ungraded milk producers average about 60 pounds of milk per pickup. This handler maintained that if his fluid milk plant became regulated under the order, his Grade A producers would install bulk tanks. This would make it necessary for him to give up over 250 ungraded producers who are presently having their milk delivered on the same trucks as the Grade A producers. Federal milk orders may neither require producers to join cooperative associations nor force producers to deliver their milk in either bulk tanks or cans. Also, there are no restrictions placed on handlers as to where or from whom they may purchase their milk.

Three dairy farmers who produce milk for two of the unregulated handlers also testified against the expansion of the marketing area. These dairy farmers claimed that if they came under the order, they would receive less for their milk.

The prices received by these three dairy farmers for their milk are based upon the Nashville blend prices. The handlers to whom they deliver stated on the record that the price they pay their producers is about the same price as Nashville producers receive for their milk and is not based upon the handler's utilization of their milk. The Class I utilization of the handlers to whom they deliver is somewhat higher than the average for the Nashville market; therefore, regulating these handlers will have a tendency to increase the Nashville blend price and to that extent these producers would realize an increase in the price they receive for their milk.

The representative of the producers' association also claimed that the great majority of dairy farmers in the counties proposed to be added to the marketing area desire the same protection and pricing arrangements as producers delivering to Nashville. Dairy farmers in those counties, it was further stated, want the same checking procedure on weights and tests that are afforded producers who have the benefit of Federal regulation.

It would not be practicable to consider including in the marketing area all territory wherein handlers who would be regulated because of their sales in the expanded marketing area have Class I sales. Neither would it be feasible under this order to attempt to differentiate for the purpose of regulation between Class I sales by such handlers inside and outside the marketing area. It is necessary that all producer milk be fully regulated regardless of where it is sold. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" milk is subject to classification, pricing and pooling, a handler with sales outside the marketing area could assign any value he chose to such sales and thereby reduce the average cost of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such handler is fully regulated, he would not, in fact, be subject to effective price regulation at all. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and lead to a complete breakdown of the order.

As noted in three decisions issued June 19, 1964 (29 F.R. 9001, 9109 and 9213, official notice of which is taken) regarding amendments to 75 Federal milk orders, there is no way to treat unregulated milk equally with regulated milk other than to regulate it fully. In the case of plants having insufficient association with the market to meet pool plant requirements, it was concluded that the inequalities resulting from pricing only the small percentage of the milk at such plants which was disposed of in the marketing area would not be serious enough to jeopardize the marketing conditions within the regulated marketing area.

However, in the case of plants which have sufficient association with the market to meet the pool plant requirements, permitting them to dispose of a portion of their receipts outside the marketing area completely free of regulation would, because of the volume of milk they dispose of in the marketing area, disrupt orderly marketing processes within the regulated market and render ineffective the classification and pricing provisions of the order. With a handler free to value a portion of his milk at any price he chose (zero if he desired) it would be impossible to enforce uniform prices to all regulated handlers or a uniform basis of payments to the producers who supply the market.

It is absolutely essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

The marketing area expansion herein proposed requires no change in the maximum administrative assessment of 4 cents per hundredweight now provided in the order. Although, as a result of this decision, about four or five additional distributors would become subject to regulation, the additional quantities of milk involved should not materially alter the maintenance and functioning of the market administrator's office. If it appears at any time that a lower rate will cover administration expenses, the Secretary may set the actual rate at a lower level without the necessity of amending the order.

2. *Location differentials to handlers and producers.* The location differential provisions of the order should not be changed at this time.

For plants located outside the State of Tennessee and more than 50 miles from the State Capitol in Nashville, the order now provides for the Class I price and the blend price paid to producers (except for excess milk) to be reduced by 10 cents with an additional reduction of 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 70 miles.

The two proposals at the hearing to revise the location differential provisions were concerned only with the basing point from which the mileages from the plant where milk was received from producers would be determined. No proposals were made to change the location adjustment rates. A cooperative association proposal would replace Nashville as the basing point with the nearest of the cities of Nashville, Clarksville, Tenn., and Bowling Green, Ky. A proposal

made by four Nashville based handlers would establish "the nearest point in the boundary of the marketing area" as the basing point.

Three Nashville regulated handlers whose plants are in Kentucky and more than 50 miles from Nashville, are subject to a location adjustment on milk they receive from producers. A location differential of 10 cents is applicable to the milk received at the plants of two handlers in Bowling Green, which is 65 miles from Nashville. The plant of the third handler, in Hiseville, Ky., is between 100–110 miles from Nashville and the location differential credit of 16 cents is applicable to milk received from producers there.

The Nashville based handlers claim that they are at a disadvantage in competing for sales with these three handlers because of the location adjustment credit that the latter received. They contend that marketing conditions in the area have changed significantly since the present location differential provisions were incorporated in the order in November 1960. Although the express purpose of the proposals is to require these handlers to pay the same price for Class I milk as Nashville handlers, proponents neither showed that these Kentucky handlers have any cost advantage on Class I milk nor justified the proposed new basing points.

These three handlers in the northern fringe of the present marketing area have their principal distribution in the Kentucky portion of the marketing area. They compete for Class I sales with Louisville-Lexington-Evansville order (Order 46) regulated handlers. No location adjustment is applicable under Order 46 on milk received at plants in Bowling Green, Hiseville, or in the area where these handlers have their principal distribution. On an annual basis, the Order 46 Class I price (before adjustment for supply-demand) is 9 cents below the Nashville order Class I price. However, when the Nashville price is adjusted by the present applicable location differential for plants in the Bowling Green vicinity, it approximates the Order 46 price at that location. Hence, if the Nashville order location differential adjustments now applicable in the Bowling Green area were removed as proposed, these three Nashville regulated handlers would be at a disadvantage in competing with Order 46 handlers for Class I sales in the area where they have their principal distribution.

The three Kentucky based handlers are located in an outlying part of the marketing area north from Nashville. They are nearer to their sources of supply than Nashville handlers and it hence costs farmers less to deliver milk to these locations than the average cost of delivering milk to Nashville. Moreover, because these handlers are located north of Nashville, they are generally closer to alternative sources of supply at lower prices than handlers whose plants are located in Nashville. These factors should be reflected in the location pricing for the plants in the Kentucky area and it appears the present location differentials contained in the Nashville order appropriately reflect these conditions.

The purpose of establishing location differentials is to achieve uniformity in prices to all handlers for milk which is received from producers at plants located at varying distances from the principal consumption area. Nashville is the principal city in the marketing area and is centrally located with respect to the overall marketing area. It is the point where the major portion of producer milk for the market is received and from which milk is distributed to consumers throughout the marketing area. Accordingly, it is appropriate that the mileages for determining location differential adjustments continue to be measured from Nashville, and the proposals to establish other basing points for determining location differential adjustments are denied.

3. *Providing a Class II classification for certain designated outlets.* (a) Skim milk and butterfat in fluid milk products dumped should be classified as Class II. Presently, only the skim milk portion of fluid milk products dumped may be so classified.

Nashville handlers have certain amounts of fluid milk products that they are unable to dispose of for Class I uses. Allowing a Class II classification for both the skim milk and butterfat contained in dumped fluid milk products will recognize the impracticability of Nashville handlers' recovering the butterfat in route returns and other fluid milk products that are not salable as Class I.

The order now provides as a condition for obtaining a Class II classification for fluid milk products dumped that the market administrator be notified prior to such disposition and afforded the opportunity for verification. Retaining this condition will insure the practical application of the dump provision.

(b) The proposal to classify as Class II sour cream mixtures to which cheese or any food substance other than a milk product has been added which are not labeled Grade A should be adopted. Products that are blends of cultured sour milk and cream with cheese and nondairy food ingredients are known as dip speciality products. These products are not labeled Grade A and compete with similar products distributed in the marketing area that are not subject to the Nashville order.

Since Class I milk should include products which are required to be made from Grade A milk, sour cream mixtures which are labeled Grade A should remain in Class I. Sour cream mixtures sold in the marketing area as Grade A products must be made from Grade A milk. However, if they are not labeled Grade A, they may be made from non-Grade A milk. Since such dip speciality products may be, and are, sold in the marketing area as non-Grade A products, they should not be included in Class I unless labeled Grade A.

(c) Class II classification should be provided for skim milk and butterfat disposed of in bulk fluid milk products to bakeries, candy factories, soup factories and similar establishments at which the fluid milk products are used in the manufacture of food products other than milk products. A Class II classification of such fluid milk products will price them competitively with alternative supplies, such as nonfat dried milk and condensed milk, which are available for the manufacture of food products. Such classification should be limited to disposition of milk products in bulk form, however, to minimize the administrative burden of verifying its ultimate utilization. This limitation is appropriate under the circumstances where packaged fluid milk products sold to bakeries and similar establishments easily may be retailed in this same form to consumers for fluid consumption either on or off the premises.

4. *Requiring a handler to settle with the market administrator for all producer milk delivered to his pool plant.* Pool plant operators should be required to pay the market administrator at the applicable class prices for all producer milk delivered to their plants including the bulk tank deliveries from producers' farms for which a cooperative association is the handler.

The order now specifies that a handler shall pay the market administrator the class prices for milk delivered to his pool plant by producers. The market administrator then pays the uniform price to each producer either directly or through a cooperative association of which the producer is a member.

There is one exception to the above procedure. This involves bulk tank milk that is received at pool plants from a cooperative which elects to be the handler on its producer members' milk that is delivered from the farm to the pool plant of another handler in a tank truck. This milk is considered to be received by the cooperative at the pool plant. Under this arrangement, each handler pays the cooperative the class prices on this milk and the cooperative transmits these payments directly to the market administrator. The cooperative then receives payment from the market administrator at the uniform price on this milk and producer-member milk for which the cooperative is not the handler. This procedure results in extra handling of the money and does not serve any useful purpose.

The cooperative proposed that handlers receiving bulk tank milk from the cooperative in its capacity as a handler on such milk pay the classified value directly to the market administrator. It was claimed that this would expedite payments to producers and simplify the reporting and bookkeeping for all handlers, the cooperative and the market administrator.

Requiring handlers to make payments at the class prices directly to the market administrator on this milk will eliminate the unnecessary involvement of the cooperative in transactions which involve only the market administrator and the pool plant handlers. Handlers who operate the pool plants at which this milk is received are the persons who maintain records which show the quantities of milk utilized in Class I and Class II and report this utilization to the market administrator.

5. *Computing the producer butterfat differential to the nearest fifth of a cent.* The computation of the producer butterfat differential should specify that the differential be rounded to the nearest one-fifth cent.

Presently, the producer butterfat differential is rounded to the nearest one-tenth cent. Also, producers' butterfat tests are adjusted to half-points. It was claimed that when the butterfat differential ends with an odd number (e.g., 7.1 cents) and a producer's average butterfat test contains a half-point (e.g., 3.65 percent) the adjusted price in computing the payment due the producer yields a series of fractions. To prevent the computing of this series of fractions, it was proposed at the hearing that the butterfat differential be rounded to the nearest even mill, i.e., one-fifth cent. There was no opposition to this proposal.

In the interest of marketing efficiency and convenience to the cooperative association and handlers in the market, it is appropriate that the order provide for the rounding of the producer butterfat differential to the nearest one-fifth cent.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe with respect to receipts during the month of (1) Producer milk (including such handler's own farm production), (2) Other source milk allocated to Class I pursuant to § 1098.46(a) (3) and (7) and the corresponding steps of § 1098.46 (b), and (3) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Nashville, Tenn., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1098.6 is revised to read as follows:

§ 1098.6 Nashville, Tennessee, marketing area.

"Nashville, Tennessee, marketing area" hereinafter called the "marketing area" means all the territory within the boundaries of the counties of Bedford, Cannon, Cheatham, Clay, Coffee, Davidson, DeKalb, Dickson, Fentress, Giles, Hickman, Houston, Humphreys, Jackson, Lawrence, Lewis, Macon, Marshall, Maury, Montgomery, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Warren, Wayne, White, Williamson and Wilson in Tennessee; Allen, Barren, Metcalf, Monroe, Simpson, and Warren in Kentucky; and the Fort Campbell military reservation.

2. Section 1098.8(c) is revised to read as follows:

§ 1098.8 Handler.

* * * * *

(c) A cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant(s) of another handler in a tank truck owned, operated by or under contract to, such cooperative association for the account of the cooperative association if the cooperative association has notified in writing, prior to delivery, both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received at the location of the plant to which it was delivered;

* * * * *

3. Section 1098.13 is revised to read as follows:

§ 1098.13 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk:

(a) Received at a pool plant directly from a dairy farmer or a handler pursuant to § 1098.8(c); or

(b) Diverted from a pool plant to any other milk plant (except a plant at which such milk is fully subject to the pricing provisions of another order issued pursuant to the Act) in accordance with the provisions of § 1098.7.

4. Section 1098.15 is revised to read as follows:

§ 1098.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream (sweet and sour), or any mixture in fluid form of skim milk and butterfat components of milk (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix, aerated cream and sour cream mixtures to which cheese or any food substance other than a milk product has been added and which is not disposed of under a Grade A label).

§ 1098.30 [Amended]

5. In the introductory text of § 1098.30, the reference "§ 1098.8(e) is revised to read "§ 1098.8 (c) or (e)".

6. The introductory text in § 1098.31 (a) is revised to read as follows:

§ 1098.31 Payroll reports.

(a) Each handler pursuant to § 1098.8 (a), (b), or (c) shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

* * * * *

7. Section 1098.32 is revised to read as follows:

§ 1098.32 Other reports.

(a) On or before the 6th day after the end of each month, each handler pursuant to § 1098.8(c) shall report to the market administrator, in detail and on forms prescribed by him, the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

(b) Each producer-handler and each handler exempt pursuant to § 1098.91 shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 1098.35 [Amended]

8. In § 1098.35, the language, ", except that milk for which the association is the handler," is revoked.

9. Section 1098.41 (a)(1)(ii) and (b)(3) is revised and a new paragraph (b)(3–a) is added to read as follows:

§ 1098.41 Classes of utilization.

* * * * *

(a) * * *
(1) * * *
(ii) Products classified pursuant to paragraphs (b)(3) or (3–a) of this section;

* * * * *

(b) * * *
(3) Disposed of and used for livestock feed or dumped after prior notification to, and opportunity for vertification by, the market administrator;
(3–a) Disposed of in bulk fluid milk products to bakeries, candy factories, soup factories and similar establishments at which the fluid milk products were used in the manufacture of food products other than milk products;

* * * * *

§ 1098.44 [Amended]

10. In the introductory text of § 1098.44(a), the language "or a cooperative association as a handler pursuant to § 1098.8(c)" is revoked.

§ 1098.46 [Amended]

11. In § 1098.46(a), subparagraph (4)(i)(b), the language "and from a cooperative association as a handler pursuant to § 1098.8(c)" is revoked and in subparagraph (9), the language "and from a cooperative association in its capacity as a handler pursuant to § 1098.8(c)" is revoked.

§ 1098.70 [Amended]

12. In the introductory text of § 1098.70, the reference "§ 1098.8 (a), (b), and (c)" is revised to read "§ 1098.8 (a) and (b)".
13. Section 1098.81(a) is revised to read as follows:

§ 1098.81 Payments to market administrator.

(a) On or before the 25th day of each month, each handler receiving milk from producers or from a handler pursuant to § 1098.8(c) shall pay to the market administrator for deposit into the producer-settlement fund an amount of money calculated by multiplying the hundredweight of producer milk received by him during the first 15 days of such month by the Class II price for the preceding month;

* * * * *

14. In § 1098.82, paragraph (d) is revoked and paragraph (c) is revised to read as follows:

§ 1098.82 Payments to producers.

* * * * *

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator shall pay, on or before the second day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payments has been received, a total amount equal to the sum of the individual payments otherwise payable to such producers pursuant to this section.
15. Section 1098.83(a) is revised to read as follows:

§ 1098.83 Butterfat and location differentials to producers and on nonpool milk.

(a) The applicable uniform price to be paid each producer shall be increased or decreased for each one-tenth percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at a rate, rounded to the nearest one-fifth cent, determined by multiplying by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department during the previous month.

* * * * *

16. Section 1098.85 is revised to read as follows:

§ 1098.85 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts during the month of:
(a) Producer milk (including such handler's own production);
(b) Other source milk allocated to Class I pursuant to § 1098.46(a) (3) and (7) and the corresponding steps of § 1098.46(b); and
(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

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

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64–11939; Filed, Nov. 20, 1964; 8:48 a.m.]

[7 CFR Part 1135]

[Docket No. AO–300–A8]

MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Palmer House Motel, 3030 North Chestnut, Colorado Springs, Colo., beginning at 9:00 a.m., local time, on December 2, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Colorado Springs-Pueblo marketing area.

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

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Inter-Mountain Dairymen, Inc.:

Proposal No. 1. In § 1135.51(a), delete the words "During the period of August 1, 1963, through January 31, 1965, the Class I price shall be".

Proposed by the Dairy Division, Agricultural Marketing Service:

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

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

Signed at Washington, D.C., on November 17, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64–11910; Filed, Nov. 20, 1964; 8:46 a.m.]

[7 CFR Part 1137]

[Docket No. AO–326–A6]

MILK IN EASTERN COLORADO MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Heart O'Denver Motel, East Colfax at Downing, Denver, Colo., beginning at 10:00 a.m., local time, on December 1, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Eastern Colorado marketing area.

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

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Denver Milk Producers, Inc.:

Proposal No. 1. In § 1137.51(a), delete the words "During the period of Au-

gust 1, 1963, through January 31, 1965, the Class I price shall be".

Proposed by the Dairy Division, Agricultural Marketing Service:

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

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

Signed at Washington, D.C., on November 17, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64–11911; Filed, Nov. 20, 1964; 8:46 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 813]

1965 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

Notice of Hearing on Proposed Allotment of 1965 Quota

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information available to me, I do hereby find that the allotment of the sugar quota established for the Domestic Beet Sugar Area for the calendar year 1965 is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held beginning at 10:00 a.m., e.s.t., December 4, 1964 in Room 6764 South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

The purpose of this hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1965 among persons who process and market sugar produced from sugar beets in the Domestic Sugar Beet Area. The finding made above is based on the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or revoke such finding and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include (1) the manner in which consideration should be given to the statutory factors as provided in section 205(a) of the Act, and (2) the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugar beets or molasses to be sold to and processed for the account of one allottee by another.

This notice of hearing also constitutes notice that at such hearing it will be appropriate to present evidence on the basis of which the allotment of the quota or proration thereof may be revised or amended by the Secretary for the purposes of (1) allotting any increase or decrease in the quota; (2) prorating any deficit in the allotment for any allottee; and (3) substituting revised estimates or final actual data for estimates of such data whenever estimates are used in the formulation of an allotment of the quota.

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

Issued at Washington, D.C., this 18th day of November 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64–11940; Filed, Nov. 20, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 146a, 146c, 146e]

CERTIFIABLE ANTIBIOTIC DRUGS

Troches Containing Antibiotic Drugs; Denial of Additional Time for Comment

There was published in the FEDERAL REGISTER of June 17, 1964 (29 F.R. 7728), a proposal to discontinue certification of a number of specified antibiotic troches on the ground that there is a lack of substantial evidence that the drugs are efficacious for the purposes claimed in the labeling. Ninety days' comment time was provided.

Following publication of the proposal, there were a number of requests for additional time for comment. The Commissioner of Food and Drugs has concluded that such requests were not supported by sufficiently detailed information to enable him to determine whether the granting of such requests was in the public interest. Persons submitting such requests were invited to furnish more detailed grounds for consideration. However, the Food and Drug Administration has not received any further supporting details; and, consequently, no additional time for comment will be granted.

Dated: November 17, 1964.

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

[F.R. Doc. 64–11925; Filed, Nov. 20, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 208]

[Economic Regs. Docket No. 13984]

TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Proposed Liability Insurance Requirements

NOVEMBER 18, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments of Part 208 of the Economic Regulations which would relieve supplemental air carriers of the excessive costs of maintaining "open-end" and worldwide liability insurance coverage and which will facilitate administration of the regulation. These amendments are proposed under authority of sections 204(a), 401, and 417 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 76 Stat. 144, 145; 49 U.S.C. 1324, 1371, 1387) and sections 7 and 9 of P.L. 87–528 (76 Stat. 146, 148).

Although these proposed amendments were developed through discussions of the Board's staff with the supplemental air carriers, aviation insurance underwriters, and representatives of the Federal Aviation Agency, the Board believes that interested persons should be afforded an opportunity to comment on the proposed regulation in order to reveal any further problems before a final regulation is adopted. Those persons desiring to participate in the proposed rule making may submit ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, on or before December 21, 1964. Copies of such communications will be available for examination by interested persons upon receipt in the Docket Section, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In Part 208, the Board requires that liability insurance carried by the supplemental air carriers apply to all flights conducted by the insured air carrier "irrespective of whether the aircraft involved in such liability are specifically described in the policy," and does not authorize any geographical limitation on such coverage. Because of the excessive costs and the difficulty in obtaining such "open-end" coverage, the supplemental carriers asked the Board to explore other methods of assuring that all after-acquired aircraft are properly covered by liability insurance. By Order E–19075, dated December 7, 1962, the Board conditionally permitted the supplemental carriers to

limit coverage to declared aircraft while a permanent solution to the problem was being considered.

The proposed amendment makes five principal changes: (1) It permits the exclusion from insurance coverage of aircraft not disclosed to the insurer (i.e., not declared or listed in the policy); (2) it prohibits a supplemental carrier from operating in air transportation aircraft to which its liability insurance coverage does not apply; (3) it prohibits operations within any geographical area to which insurance coverage does not apply; (4) it permits the exclusion from insurance coverage of operations within countries of the Sino-Soviet bloc and Cuba, and operations conducted in connection with Distant Early Warning System (DEWline) and Ballistic Missile Early Warning System (BMEWS); and (5) it provides that, as evidence of compliance with the insurance requirements of Part 208, a certificate of insurance and standard endorsement prescribed by the Board will be filed in lieu of the policy itself.

The whole insurance regulation, rather than the amended paragraphs only, is set out so that the proposed certificate and endorsement forms can be understood more readily.

Minor editorial changes have been made to conform the language to insurance usage or to statutory language, but no substantive change is intended thereby. The proposed forms for the certificate of insurance, standard endorsement, amendatory endorsement, and notice of cancellation are attached hereto as Exhibits A, B, C, and D,[1] respectively.

Proposed rule. The Board proposes to amend the liability insurance requirements of Part 208 of the Economic Regulations (14 CFR Part 208) as follows:

1. Amend § 208.10 by deleting the interim provisions and otherwise revising the section to read as follows:

§ 208.10 Applicability of liability insurance requirements.

(a) No supplemental air carrier shall engage in air transportation unless such carrier has and maintains in effect liability insurance coverage evidenced by a currently effective certificate of liability insurance filed with and accepted by the Board as complying with the requirements of this part; and no supplemental carrier shall operate in air transportation any aircraft, or perform services within any geographical area, to which such insurance does not apply. "Insurance certificate", as used herein, means one or more than one certificate (CAB Form ——),[2] evidencing one or more than one policy of aircraft liability insurance, issued by one or more than one insurer, which alone or in combination provides the minimum liability insurance coverage prescribed in § 208.11.

(b) The insurance policy and certificate required by this part shall be issued by a reputable and financially responsible insurance company which is legally authorized to issue aircraft liability policies in any state of the United States or in the District of Columbia.

2. Amend § 208.11, by editorial changes and reference to multiple insurers to read:

§ 208.11 Minimum limits of liability.

(a) The minimum limits of liability insurance coverage maintained by a supplemental air carrier shall be as follows:

(1) Liability for bodily injury to or death of aircraft passengers: A limit for any one passenger of at least fifty thousand dollars ($50,000), and a limit for each accident, in any one aircraft, of at least an amount equal to the sum produced by multiplying the fifty thousand dollars ($50,000) for one passenger by seventy-five percent (75%) of the total number of seats in the aircraft.

(2) Liability for bodily injury to or death of persons (excluding passengers): A limit of at least fifty thousand dollars ($50,000) for any one person in any one accident, and a limit of at least five hundred thousand dollars ($500,000) for each accident.

(3) Liability for loss of or damage to property: A limit of at least five hundred thousand dollars ($500,000) for each accident.

(b) When more than one insurer is involved in providing the minimum limits of liability specified herein, the amounts and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance.

3. Amend § 208.12, by revising paragraphs (a) and (b) to delete the reference to declared aircraft and clarify other provisions, and by adding new paragraph (e) so that the section reads as follows:

§ 208.12 Terms and conditions of insurance coverage.

With respect to insurance required by this regulation—

(a) Insurance contracts shall provide for payment by the insurer on behalf of the insured supplemental air carrier, within the specified limits of liability, of all sums which the insured carrier shall become legally obligated to pay for bodily injury to or death of any person, or for loss of or damage to property of others, resulting from the negligent operation, maintenance or use of aircraft in air transportation by the insured carrier.

(b) The liability of the insurer shall apply to all operations by the insured carrier in air transportation. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the insured carrier, of any applicable safety or economic provision of the Federal Aviation Act of 1958, as amended, or Public Law 87-528; or of any applicable safety or economic rule, regulation, order, or other legally imposed requirement prescribed thereunder by the Federal Aviation Agency or the Civil Aeronautics Board, respectively.

(c) The liability of the insurer shall not be contingent upon the financial condition, solvency or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each accident, and any payment under the policy because of any one accident shall not reduce the liability of the insurer for payment of other damages resulting from any other accident.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition in the policy or any endorsement thereon, or violation thereof by the insured air carrier, other than the exclusions set forth in § 208.13, or such other exclusions as may be individually approved by the Board. Such policy shall not be subject to cancellation upon less than 30 days' notice to the Civil Aeronautics Board in accordance with the provisions of § 208.14.

(e) Except for the geographical exclusions authorized in § 208.13 (h) and (i), the coverage shall be world-wide. For good cause shown, however, the Board may waive this requirement or amend the certificate or other operating authority to describe the geographical areas actually served by the supplemental air carrier. Authority for any general restriction (e.g., North American continent, Western Hemisphere, etc.) shall be recited in any certificate of insurance containing a general restriction.

4. Amend § 208.13, by rearranging the exclusions in the order used in the standard military endorsement, and by adding three new exclusions relating to undeclared aircraft, Sino-Soviet areas, and DEWline and BMEWS operations, to read as follows:

§ 208.13 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this regulation shall contain any exclusion other than the following authorized exclusions:

The insurance afforded under this policy shall not apply to:

(a) Any loss against which the Named Insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be excess of the limits provided by such other valid and collectible insurance up to the limits certified in a Certificate of Insurance dated ----------, issued to the Civil Aeronautics Board in Washington, D.C., but in no event exceeding the limits of liability expressed elsewhere in this policy;

(b) Any loss arising from the ownership, maintenance or use of any aircraft not declared to the Insurer in accordance with the terms and conditions of this policy;

NOTE: Supplemental carriers shall file with the Board endorsements extending coverage to additional or replacement aircraft, or removing listed aircraft from coverage, before listing or deleting such aircraft in carrier operations specifications with the Federal Aviation Agency.

(c) Liability assumed by the Named Insured under any contract or agreement, unless such liability would have attached to the Insured even in the absence of such contract or agreement;

(d) Bodily injury, sickness, disease, mental anguish or death of any employee of the Named Insured while engaged in the duties of his employment, or any obligation for which the Insured or any company as his insurer may be held liable under any workmen's compensation or occupational disease law;

(e) Loss of or damage to property owned, rented, occupied, or used by the Named In-

[1] Filed as part of the original document.
[2] Available from the Publications Section.

sured and/or property in the care, custody or control of the Insured otherwise than for transportation pursuant to tariffs filed with the Civil Aeronautics Board;

(f) Personal injuries or death, or damage to or destruction of property, caused directly or indirectly, by hostile or warlike action, including action in hindering, combating or defending against an actual, impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radio-active materials; insurrection, rebellion, revolution, civil war or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority.

(g) Loss of or damage to passengers' baggage and/or personal belongings.

(h) Any loss arising from operations by the Named Insured within any country of the Sino-Soviet bloc or Cuba: *Provided,* That a loss caused by mere misadventure in flying over or landing in such territory shall not be excluded. The Sino-Soviet bloc is presently defined as including Lithuania, Latvia, Estonia, Czechoslovakia, Bulgaria, Rumania, Hungary, Poland, Albania, East Germany (Soviet zone of Germany and Soviet sector of Berlin), Communist China, North Korea, North Viet-Nam, Outer Mongolia, and the Union of Soviet Socialist Republics;

(i) Any loss arising from operations by the Named Insured to or from installations of the Distant Early Warning System (DEWline) or the Ballistic Missile Early Warning System (BMEWS).

5. Amend § 208.14 by revising all paragraphs, requiring among other things, approved CAB forms for certificates, endorsements, and cancellation notices filed with the Board, as follows:

§ 208.14 Filing of certificates, endorsements and cancellation notices.

(a) Certificates of insurance, endorsements, and notices of cancellation shall be filed in duplicate on forms prescribed and approved by the Board.

(b) Endorsements that provide coverage for previously unlisted aircraft, or indefinitely suspend or delete coverage for previously listed aircraft, or make material changes in the limits of liability or terms and conditions of coverage shall be filed not less than thirty (30) days prior to the effective date of the endorsement.

(c) A supplemental carrier which intends to operate a charter flight to or from a country of the Sino-Soviet bloc or Cuba or to or from a DEWline or BMEWS installation and whose approved insurance coverage excludes operations within such areas shall file an endorsement waiving the applicable exclusion, or a separate certificate of insurance expressly applicable to such flight, at least 30 days before the proposed flight date.

(d) Certificates of insurance approved by the Board shall not be canceled or suspended at the election of either the insurer or the insured carrier upon less than thirty (30) days' notice to the other party and to the Board by registered or certified mail. If an insured air carrier elects to cancel an approved policy, the notice of cancellation filed with the Board shall be accompanied by a replacement certificate of insurance, complying in all respects with this regulation and effective upon the date of cancellation of the approved policy, or by a notice that the carrier has suspended operations for a specified period and the reasons therefor.

(e) If any certificate of insurance, endorsement, notice of cancellation or other document relating to liability insurance required to be filed with the Board does not comply with these regulations, the Board will notify the air carrier and the insurer by registered or certified mail, stating the deficiencies. If the carrier is not notified of objections by the Board within 20 days after filing of any document, such document shall be deemed approved by the Board as complying with the requirements of this part.

(f) All documents required to be filed with respect to liability insurance shall be filed with the Office of Carrier Accounts and Statistics, Civil Aeronautics Board, Washington, D.C., 20428.

[F.R. Doc. 64-11926; Filed, Nov. 20, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. No. 11]

CONSOLIDATED INSURANCE CO.

Surety Company Acceptable on Federal Bonds

NOVEMBER 18, 1964.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $165,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in Which Incorporated, Name of Company, and Location of Principal Executive Office

INDIANA

Consolidated Insurance Company, Indianapolis, Indiana.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 64–11917; Filed, Nov. 20, 1964; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SWISS CREDIT BANK AND MINA ROLLI-BRAUN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Swiss Credit Bank, Zurich, Switzerland, for the benefit of: Mrs. Mina Rolli-Braun, Mittlere Strasse 10, Basel, Switzerland; Claim No. 62111; Vesting Order No. 17977; $9,294.57 in the Treasury of the United States.

Executed at Washington, D.C., on November 13, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64–11894; Filed, Nov. 20, 1964; 8:45 a.m.]

GUSTI HILFER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gusti Hilfer, 14 Dehaas Street, Tel Aviv, Israel; Claim No. 67028; Vesting Order No. 6398; $1,980.85 in the Treasury of the United States.

Executed at Washington, D.C., on November 16, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64–11895; Filed, Nov. 20, 1964; 8:45 a.m.]

POST OFFICE DEPARTMENT

SECOND-, THIRD-, AND FOURTH-CLASS MAILINGS, IN EVENT THAT NATIONWIDE RAIL STRIKE OCCURS

Temporary Suspension

This is notice that in the event of a nationwide rail strike starting 6:00 a.m. (local time) Monday, November 23, all post offices will be prepared to restrict the acceptance of domestic and international mail matter of the second, third, and fourth classes.

All post offices will be prepared to suspend acceptance of domestic second-, third-, and fourth-class mail for delivery beyond the second parcel post zone area. This temporary suspension includes international mail, except airmail and letter mail, where the distance from the domestic mailing office to the exit point exceeds the second parcel post zone.

Fully prepaid articles for domestic airmail and first-class services and international air and letter services will continue to be accepted.

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

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64–12025; Filed, Nov. 20, 1964; 10:38 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 93]

CALIFORNIA RANCHERIAS

Redelegation of Authority

NOVEMBER 10, 1964.

The title of section 334 and section 334(a) of Order 551 (an order by which the Commissioner of Indian Affairs delegates authority to Bureau Area Directors) is amended to read as follows:

SEC. 334. *Authority under the Rancheria Act (72 Stat. 619), (P.L. 85–671 dated August 18, 1958), as amended by the Act of August 11, 1964 (78 Stat. 390).* (a) All of the authority contained in the act, as amended, except as provided in paragraph (b) of this section.

GEORGE W. MATHIS,
Acting Commissioner.

[F.R. Doc. 64–11903; Filed, Nov. 20, 1964; 8:45 a.m.]

National Park Service

[Order 31]

STEPHEN T. MATHER TRAINING CENTER, WEST VIRGINIA

Supervisor; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

The Supervisor may execute and approve contracts and purchase orders not in excess of $2,500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

(205 DM 11.1; 26 F.R. 11748)

C. P. MONTGOMERY,
Assistant Director.

NOVEMBER 16, 1964.

[F.R. Doc. 64–11905; Filed, Nov. 20, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15630; Order E–21512]

CITY OF SPRINGFIELD, OHIO

Petition for Amendments to Certificates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of November 1964.

Petition of the City of Springfield, Ohio, Docket 15630, for amendments to the certificates of American Airlines, Inc. for Route 4, Delta Air Lines, Inc. for Route 54, Lake Central Airlines, Inc. for Route 88, Trans World Airlines, Inc. for Route 2, and United Air Lines, Inc. for Route 1 so as to redesignate the point Dayton, Ohio, as Dayton-Springfield Ohio.

On October 15, 1964, the City of Springfield, Ohio (Springfield), filed a petition with the Board pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended (the Act), for an order to show cause why the certificates of public convenience and necessity of American Airlines, Inc. (American), Delta Air Lines, Inc. (Delta), Lake Central Airlines, Inc. (Lake Central), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United), for routes 4, 54, 88, 2 and 1 respectively, should not be amended so as to redesignate the certificated point Dayton, Ohio, as Dayton-Springfield, Ohio.

In support thereof, Springfield alleges inter alia, that it ranks ninth among Ohio cities in population, having 134,440 inhabitants in its metropolitan area; that driving time between downtown Springfield and the Dayton airport is approximately 30 minutes; that Springfield generates about 11 percent of the total air traffic (38,400 passengers a year) using the Dayton airport; that joint designation of Springfield and Dayton in the certificates of air carriers would tend to familiarize the public with the fact that Springfield is located close to the Dayton airport, and would permit the carriers to include Springfield in their passenger and freight tariffs, enabling them to exploit more fully Springfield's air traffic potential; and that the soundness of joint designation of Springfield and Dayton was recognized in the Lake Central Airlines, Inc. Temporary Intermediate Points Case, Renewal Proceeding, 34 CAB 10 (1961).

Springfield has been advised by representatives of United, TWA, Delta and Lake Central that they have no objection to the redesignation of Dayton as Dayton-Springfield, in their respective certificates.

The Board has decided to institute a proceeding under section 401(g) of the Act to determine whether it is in the public interest to amend American's certificate of public convenience and necessity for route 4, Delta's certificate for route 54, Lake Central's certificate for route 88, TWA's certificate for route 2, and United's certificate for route 1 so as to redesignate the present point Dayton as Dayton-Springfield.

Because of the proximity of Springfield to Dayton, and of the Dayton Airport to both communities, service to Dayton can be considered as service to Springfield. Traffic figures submitted by the applicant show that a substantial number of Springfield passengers are using Dayton. Hence, redesignation would reflect much of the service which actually is being provided. It would also permit the carriers to show Springfield in their advertising and schedules, with resulting benefit to both carriers and the traveling public. No additional subsidy to Lake Central would be involved. In addition, most of the carriers involved have indicated support of Springfield's application.

Upon consideration of the foregoing, the Board tentatively finds and concludes that the public convenience and necessity require that the certificates held by American for route 4, Delta for route 54, Lake Central for route 88, TWA for route 2, and United for route 1 be amended so as to redesignate the present point Dayton, as Dayton-Springfield.

Accordingly, it is ordered:

1. That a proceeding be and it hereby is instituted in Docket 15630 pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require, and the Board should order, the amendment of the certificates of public convenience and necessity held by American for route 4, Delta for route 54, Lake Central for route 88, TWA for route 2, and United for route 1 so as to redesignate the present point Dayton, Ohio as Dayton-Springfield, Ohio to be served through a single airport.

2. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue at an appropriate time to American an amended certificate of public convenience and necessity for route 4, to Delta an amended certificate of public convenience and necessity for route 54, to Lake Central an amended certificate of public convenience and necessity for route 88, to TWA an amended certificate of public convenience and necessity for route 2, and to United an amended certificate of public convenience and necessity for route 1, redesignating the present point, Dayton, as Dayton-Springfield.

3. That any interested persons having objection to the issuance of an order making final the proposed findings, conclusions and certificate amendments set forth herein shall, within fifteen days of service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, such statement to conform to the Board's Rules of Practice in Economic Proceedings; [1]

4. That, if timely objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

5. That, in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. That copies of this order shall be served upon the following persons who are hereby made parties to this proceeding: American Airlines, Inc., Delta Air Lines, Inc., Lake Central Airlines, Inc., Trans World Airlines, Inc., and United Airlines, Inc., the City of Dayton, Ohio; the City of Springfield, Ohio, the Ohio Department of Commerce, Division of Aviation, and the Postmaster General of the United States.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-11927; Filed, Nov. 20, 1964; 8:47 a.m.]

[Docket No. 14945; Order E-21507]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of November 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum JT12/Rates 3222, names the following additional specific commodity rates:

Item	Agreement CAB 17868	IATA Memorandum	From	To	Rates in cents per Kg.	Minimum weight in Kgs.
[1] 1049	R-15	3222	New York	Athens	107	200
			do	Cairo	123	200
			do	Tripoli	103	200

[1] Calves, less than one month old, in containers.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement C.A.B. 17868, R-15, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section.

[1] No petition for reconsideration of this order will be entertained.

The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-11928; Filed, Nov. 20, 1964; 8:47 a.m.]

[Docket No. 15377]

SUDFLUG, SUDDEUTSCHE FLUGGESELLSCHAFT, MBH

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on December 17, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 18, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-11929; Filed, Nov. 20, 1964; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

WEST COAST OF ITALY, SICILIAN, AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE (W.I.N.A.C.)

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the Federal Register. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of proposed amendments to the dual rate contract form filed by:

Burton H. White, Esq.,
Burlingham Underwood Barron Wright and White,
26 Broadway,
New York, N.Y. 10004.

There has been filed on behalf of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference a request to amend certain of the provisions of the form of dual rate contract approved by the Commission's order of March 27, 1964, in Docket No. 1046. The principal amendments require language changes in certain of these provisions, and the elimination of other provisions, as follows:

1. Elimination from Article 1(b) of the parenthetical phrase "as distinguished from the possession of the power to exercise such direction and control". is proposed.

2. With respect to Article 4(a), it is proposed to (1) eliminate therefrom the language which specifically refers to the rules of the Federal Maritime Commission; (2) specify that freight rates under the agreement are subject to increase from time to time where they have been in effect 90 days, and (3) provide that the carriers, insofar as such increases are under their control, will give advance notice thereof in the Conference tariff of not less than 30 calendar days in lieu of the 90 days' notice presently stipulated.

3. It is proposed to eliminate from Article 4(c), which deals with the effective date of rate filings, any reference to the Federal Maritime Commission, and to provide that such rates shall be deemed to have become effective with their original, lawfully effective filing date.

4. Article 7 modified to exclude from the contract, cargo carried in merchant-owned or in merchant-chartered vessels where term of charter is six months or longer, only when such cargo is owned by the merchant.

5. The definition of a natural transportation route has been eliminated from Article 8 of the contract, but the provisions of this Article otherwise remain unchanged.

6. Article 11(c) proposes to increase from 30 to 90 days the time in which the Conference may request arbitration of the Merchant's disputed claim.

7. Article 11(e) provides that in addition to the payment of damages, any costs assessed must be paid to automatically terminate suspension of the contract.

8. Article 13(a) has been revised to provide (1) that the Conference may investigate to determine whether the Merchant has violated any of the contract provisions, and is not limited in its investigation to shipments moving on nonconference vessels, and (2) at the Carrier's option rather than the Merchant's the Merchant shall furnish the Conference Chairman, Secretary or duly authorized representative, information or copies of documents which relate to such shipments and are in his possession or reasonably available to him, or allow such persons to examine these documents on the premises of the Merchant in the place where they are regularly kept.

9. In Article 14(a) the Conference specifically retains the right to suspend the effectiveness of the contract upon the occurrence of certain events and/or conditions listed therein. To these stated conditions are added port congestion or labor disputes.

11. The jurisdictional clause set forth in the sixth paragraph of Article 17 has been deleted, and Articles 18 and 19 have been eliminated.

Dated November 19, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-11973; Filed, Nov. 20, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-10139 etc.]

CITIES SERVICE OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 12, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 7, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–10139 C 11–2–64	Cities Service Oil Co.	Tennessee Gas Transmission Co. Grand Isle Block 43 Area, Offshore Louisiana.	19.0	15.025
G–14953 [1] D 12–16–63	Hughes Seewald (Operator), et al.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	(2)	
G–17015 C 11–4–64	Texaco Inc.	Cimarron Transmission Co., Southwest Enville Field, Love County, Okla.	16.3	14.65
CI60–371 E 9–25–64	Burnt House Oil & Gas Co. (successor to John R. Robinson, et al.).	Hope Natural Gas Co., DeKalb District, Gilmer County, W. Va.	25.0	15.325
CI60–737 E 9–25–64	do	do	25.0	15.325
CI61–290 D 10–29–64	Socony Mobil Oil Co., Inc. (partial abandonment).	Southern Natural Gas Co., St. Gabriel Field, Iberville and Ascension Parishes, La.	(3)	
CI61–446 E 9–25–64	Burnt House Oil & Gas Co. (successor to John R. Robinson, et al.),	Hope Natural Gas Co., DeKalb District, Gilmer County, W. Va.	25.0	15.325
CI61–975 C 11–2–64 D 11–2–64 [4]	The Shamrock Oil and Gas Corp.	Panhandle Eastern Pipe Line Co., acreage in Meade and Seward Counties, Kans.	16.0	14.65
CI61–1440 E 9–25–64	A. R. Jackson, et al. d/b/a Matella Cooper No. 1 (successor to John R. Robinson, et al. d/b/a Matella Cooper No. 1).	Hope Natural Gas Co., DeKalb District, Gilmer County, W. Va.	25.0	15.325
CI61–1469 C 10–12–64 [5]	Ocean Drilling & Exploration Co. (Operator), et al.	Transcontinental Gas Pipe Line Corp., Block 113 Unit, Ship Shoal Area, Offshore Louisiana.	20.625	15.025
CI62–474 E 9–25–64	A. R. Jackson, et al. d/b/a Russell H. McQuain No. 1 (successor to John R. Robinson, et al. d/b/a Russell H. McQuain No. 1).	Hope Natural Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
CI62–917 E 9–25–64	A. R. Jackson, et al. d/b/a Rosa Langford No. 1 (successor to John R. Robinson, et al. d/b/a Rosa Langford No. 1).	do	25.0	15.325
CI63–273 E 11–3–64	Frank Bateman (successor to Bateman & Whitsitt, Inc.).	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	9.0	14.65
CI63–689 C 11–5–64	Humble Oil & Refining Co.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	18.2430	14.65
CI63–831 E 9–25–64	Burnt House Oil & Gas Co. (successor to John R. Robinson, et al.)	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI63–1547 C 11–2–64	Pioneer Production Corp.	Panhandle Eastern Pipe Line Co., Mocane Field, Beaver County, Okla.	17.0	14.65
CI64–214 C 10–1–64 (replaces filing of 9–4–64)	Rock Castle Gas Co.	United Fuel Gas Co., Appalachian Field, Martin County, Ky.	23.0	15.325
CI65–44 C 11–2–64	Cabot Corp.	Panhandle Eastern Pipe Line Co., Acreage in Texas County, Okla.	17.0	14.65
CI65–297 A 9–28–64 [6] 11–3–64 [7]	Penrose Production Co. (Operator), et al.	El Paso Natural Gas Co., Howse-San Andres Field, Lea County, N. Mex.	5.5	14.65
CI65–409 A 10–30–64	Gulf Oil Corp.	Valley Gas Transmission, Inc., East Hackberry Field, Cameron Parish, La.	15.0	15.025
CI65–410 B 10–30–64	Edwin L. Cox, et al.	Texas Eastern Transmission Corp., Rhode Ranch Field, McMullen County, Tex.	Depleted	
CI65–411 A 11–2–64	Pan American Petroleum Corp.	El Paso Natural Gas Co., Payton (Simpson) Field, Pecos County, Tex.	15.2025	14.65
CI65–412 A 11–2–64	Apache Corp., et al.	Natural Gas Pipeline Co. of America, Southeast Woodward Field, Woodward County, Okla.	17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per cf	Pressure base
CI65–413 A 11–4–64	Kerr-McGee Oil Industries, Inc. [8]	Michigan Wisconsin Pipe Line Co., North Oakdale Field, Woods County, Okla.	[9] 20.495	14.65
CI65–414 A 11–2–64	El Paso Natural Gas Products Co.	Arkansas Louisiana Gas Co. North Enid Area, Garfield County, Okla.	12.0	14.65
CI65–415 A 11–2–64	The Fluor Corp., Ltd.	El Paso Natural Gas Co., Acreage in Pecos County, Tex.	15.2025	14.65
CI65–416 A 11–2–64	Goff Oil Co. and Allen T. Leeper.	Panhandle Eastern Pipe Line Co., South Teagarden Field, Woods County, Okla.	17.0	14.65
CI65–417 A 11–2–64	J. C. Trahan, Drilling Contractor, Inc.	United Gas Pipe Line Co., Liberty Hill Field, Bienville Parish, La.	13.0	15.025
CI65–418 A 11–2–64	Tex-Star Oil & Gas Corp.	Cities Service Gas Co., South Bishop Field, Ellis County, Okla.	17.0	14.65
CI65–419 A 11–4–64	Dan R. Wager and Diane Oil Co.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer, LeFlore, and Pittsburg Counties, Okla.	15.0	14.65
CI65–420 B 11–4–64	Vesta Fuel Company, Well No. 10.	Hope Natural Gas Co., Union District, Ritchie County, W. Va.	Uneconomical	
CI65–421 A 11–3–64	Sinclair Oil & Gas Co.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Area, Hamilton County, Kans.	12.5	14.65
CI65–422 B 11–3–64	Socony Mobil Oil Co., Inc.	Natural Gas Pipeline Company of America, Alvord Field, Wise County, Tex.	Depleted	
CI65–423 A 11–4–64	C. F. Raymond	El Paso Natural Gas Co., acreage in La Plata County, Colo.	13.0	15.025
CI65–424 A 11–4–64	Pan American Petroleum Corp.	Transcontinental Gas Pipe Line Corp., Johnson's Bayou Field, Cameron Parish, La.	18.575	15.025
CI65–425 A 11–5–64	Sierra Petroleum Co., Inc.	Cities Service Gas Co., Rhodes Northeast Field, Barber County, Kans.	14.0	14.65
CI65–426 A 11–5–64	John H. Hill	Cities Service Gas Co., South Bishop Area, Ellis County, Okla.	17.0	14.65
CI65–427 A 11–4–64	Sun Oil Co. (Southwest Division).	Lone Star Gas Co., Delaware Bend (Oil Creek) Field, Cooke County, Tex.	[10] 14.49	14.65
CI65–428 B 11–5–64	Central Gas Co., et al.	Hope Natural Gas Co., Freemans Creek District, Lewis County, W. Va.	Uneconomical	

[1] Presently consolidated with Docket Nos. G–4281, et al., Sunray DX Oil Co., et al.
[2] Deletes 160 acres from basic contract which was erroneously dedicated to Colorado Interstate.
[3] Well does not have sufficient pressure to meet delivery obligation.
[4] Deletes leases from contract which have expired by their own terms.
[5] Adds acreage acquired from Socony Mobil Oil Co., Inc.
[6] Application previously noticed Oct. 8, 1964 in Docket Nos. G–3913, et al. at a rate of 7.94 cents per Mcf.
[7] Amendment to application filed to reflect an initial rate of 5.5 cents per Mcf.
[8] Applicant states its willingness to accept permanent certificate subject to the same conditions contained in Commission's Opinion No. 353.
[9] Includes 0.995 cents per Mcf tax reimbursement.
[10] A 1.0 cent per Mcf deduction for low pressure gas.

[F.R. Doc. 64–11789; Filed, Nov. 20, 1964; 8:45 a.m.]

[Docket No. CP62–243 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Order Granting Motion To Withdraw Application

NOVEMBER 16, 1964.

On July 6, 1962, Midwest Missouri Gas Company (Midwest Missouri) filed an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Mississippi River Fuel Corporation to establish physical connection of its facilities with the proposed facilities of Midwest Missouri and to sell natural gas to the latter for resale in a suburban St. Louis area in Jefferson County, Missouri. Notice of the application was issued on September 26, 1962. Subsequently, it was consolidated with the applications in Natural Gas Pipeline Company of America, et al., Docket Nos. CP62–243, et

al.[1], and hearings held thereon were concluded on October 15, 1963.

By letter dated August 4, 1964, Laclede Gas Company (Laclede) and Missouri Natural Gas Company (Missouri Natural) advised the Presiding Examiner and the Commission of their intent to acquire all of the capital stock of Midwest Missouri. They further indicated that once the negotiations were concluded, a motion would be filed seeking withdrawal of Midwest Missouri's application. The Examiner, in issuing an initial decision in Docket Nos. CP62-243, et al., on September 10, 1964, accordingly, did not pass on the merits of the presentation made on behalf of Midwest Missouri stating that the proposal before him "would appear to be moot".

On October 22, 1964, the aforementioned acquisition having been consummated, Midwest Missouri filed a motion for withdrawal of its application in Docket No. CP63-6.

The Commission orders: The motion for withdrawal of its application in Docket No. CP63-6, filed by Midwest Missouri, is hereby granted.

By the Commission.

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

[F.R. Doc. 64-11901; Filed, Nov. 20, 1964; 8:45 a.m.]

[Docket No. E-7038]

SOUTHWESTERN PUBLIC SERVICE CO.

Notice Fixing Oral Argument

NOVEMBER 16, 1964.

Upon consideration of the Presiding Examiner's Decision issued September 1, 1964, exceptions thereto, and the motion filed on October 30, 1964 for oral argument;

Take notice that an oral argument is hereby scheduled to be heard at 10:00 a.m. on January 6, 1965 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

Parties desiring to participate in the oral argument shall notify the Secretary in writing on or before December 15, 1964 and state the time desired for the presentation of their argument.

By direction of the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11902; Filed, Nov. 20, 1964; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCIAL BANCORP, INC.

Order Approving Application

In the matter of the application of Commercial Bancorp, Inc. for permission to become a bank holding company through acquisition of stock of three banks in Florida.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)) and § 222.4(a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application on behalf of Commercial Bancorp, Inc., Miami, Fa., for the Board's approval of action whereby Applicant would become a bank holding company through the acquisition of a minimum of 80 percent of the voting shares of each of the following banks located in Florida: Commercial Bank of Miami, Miami; Merchants Bank of Miami, West Miami; and Bank of Kendall, Kendall.

As required by section 3(b) of the Act, the Board notified the Florida State Commissioner of Banking of the receipt of the application and requested his views and recommendation. The Commissioner recommended approval. Notice of receipt of the application was published in the FEDERAL REGISTER on April 24, 1964 (29 F.R. 5522), which provided an opportunity for submission of comments and views regarding the proposed transaction. Time for filing such views and comments has expired and all comments and views filed with the Board have been considered by it.

It is ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 16th day of November 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64-11896; Filed, Nov. 20, 1964; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

IMPORTS OF COTTON TEXTILES AND COTTON TEXTILE PRODUCTS FROM KOREA

Notice of Release From Embargo of Certain Categories

NOVEMBER 18, 1964.

Imports of cotton textiles and cotton textile products in Categories 22, 42, 43, 46, 50, 51, 54, and 60 from Korea.

In furtherance of the objectives of, and under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, the United States and Korea, during the course of consultations on a bilateral cotton textile agreement, have agreed to an arrangement for the release from embargo of certain cotton textiles and cotton textile products from Korea. The United States has received satisfactory assurances from Korea regarding compensation for these entries. This authorization covers only those goods which were reported by interested persons as being in bonded warehouse, general order warehouse, or foreign trade zone, in accordance with the notice published in the FEDERAL REGISTER on September 22, 1964 (29 F.R. 13154).

On November 16, 1964, the Chairman, President's Cabinet Textile Advisory Committee authorized the Commissioner of Customs to permit entry of certain listed shipments of cotton textiles and cotton textile products produced or manufactured in Korea.

Persons having reported in accordance with the above notice should contact the appropriate customs officers as soon as possible concerning the admissibility of their merchandise.

JAMES S. LOVE, Jr., *Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.*

[F.R. Doc. 64-11918; Filed, Nov. 20, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 17, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 18, 1964, through November 27, 1964, both dates inclusive.

By the Commission.

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

[F.R. Doc. 64-11897; Filed, Nov. 20, 1964; 8:45 a.m.]

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[1] Order issued November 30, 1962.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Unanimous, with all members present.

[File No. 812-1730]

M. A. HANNA CO. AND HANNA DIVERSIFIED INVESTMENTS, INC.

Notice of Filing of Application for Order Exempting Proposed Transactions

NOVEMBER 16, 1964.

Notice is hereby given that The M. A. Hanna Co. ("Hanna"), 1300 Leader Building, Cleveland 14, Ohio, an Ohio corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end, nondiversified investment company, and Hanna Diversified Investments, Inc. ("Hanna Diversified"), 140 Federal Street, Boston 10, Mass., a Delaware corporation registered under the Act as an open-end, diversified investment company, have filed a joint application pursuant to section 17(b) and section 6(c) of the Act for an order of the Commission exempting from section 17(a) and section 12(d)(1) of the Act the proposed transfer by Hanna of cash and certain of its portfolio securities in exchange for all of Hanna Diversified's capital stock in connection with the formation of Hanna Diversified as a wholly-owned subsidiary of Hanna. All interested persons are referred to the application on file with the Commission for a complete statement of applicants' representations, which are summarized below.

Hanna considers that its long-range objectives should be to achieve a better balance in investment portfolio between (a) its three basic holdings in National Steel Corp. ("National"), Consolidation Coal Co. ("Consolidation") and Hanna Mining Co. ("Hanna Mining") and (b) a broader list of securities representing other segments of the economy. In furtherance of these objectives, Hanna has reduced its holdings in National and Consolidation and to facilitate the management and supervision of the diversified portion of its portfolio, Hanna has formed Hanna Diversified and has caused it to register under the Act as an open-end diversified investment company.

Hanna Diversified has a total authorized capital stock of 1,000,000 shares of common stock, par value $1 per share. Hanna Diversified proposes to issue to Hanna 500,000 shares of such capital stock in exchange for $44,000,000 in cash and government securities, and public utility stocks drawn from the diversified portion of Hanna's present portfolio with a market value at August 31, 1964 of approximately $6,000,000. Such cash and securities, with an aggregate value of about $50,000,000, constituted about 8 percent of Hanna's total assets, based on market values as of August 31, 1964. From time to time Hanna may transfer additional assets to Hanna Diversified for investment, including any proceeds realized from possible future sales of Hanna's concentrated holdings.

Hanna Diversified will employ State Street Research & Management Co. ("State Street") of Boston, Mass., as its investment adviser under arrangements similar to those under which State Street acts as investment adviser to other investment companies. The management fee would amount to ½ of 1 percent per annum of net assets up to $200,000,000 and ⅜ of 1 percent of net assets in excess thereof, payable quarterly on the basis of the average of the asset value of Hanna Diversified's net assets at the end of each month. State Street will also pay the reasonable salaries and fees of the officers of Hanna Diversified and will furnish Hanna Diversified with office space and facilities. The existing employment of State Street by Hanna on a limited basis to render consultative, statistical and research services will be terminated. Hanna will submit to its shareholders for specific approval by them the proposed investment advisory contract under which State Street will serve as investment adviser to Hanna Diversified.

The Board of Directors of Hanna Diversified consists of five members, all of whom presently serve as directors of Hanna. Two of the present directors of Hanna and Hanna Diversified and all of the officers of Hanna Diversified are partners of State Street.

As conditions to the granting of the order of exemption requested in the application, it is proposed that:

(a) Without the approval of a vote of a majority of the then outstanding shares of voting stock of Hanna and modification of the requested order expressly to permit the transaction in question, no debt or equity security will be issued by Hanna Diversified except to Hanna, and Hanna will not dispose of any security of Hanna Diversified which it acquires except to Hanna Diversified; and

(b) The shareholders of Hanna shall be considered by Hanna Diversified as shareholders of Hanna Diversified for purposes of compliance by Hanna Diversified with the provisions of the Act and the rules and regulations promulgated thereunder, subject to the following:

(i) In lieu of a requirement that the directors of Hanna Diversified be elected by the shareholders of Hanna, a person may serve as a director of Hanna Diversified if his election to such position is specifically authorized by the shareholders of Hanna; and

(ii) Hanna Diversified shall be deemed to have complied with any requirements imposed by paragraph (b) above for reporting to the shareholders of Hanna if the information which it might otherwise be required to forward to the shareholders of Hanna is included in material distributed by Hanna to its shareholders.

Under existing federal tax laws, the formation and operation of Hanna Diversified should have no adverse federal income tax consequences for Hanna or its shareholders. Upon the formation of Hanna Diversified, it is expected that it will be able to avail itself of the provisions of subchapter M of the Internal Revenue Code of 1954 but at the present time no decision has been reached as to whether an election will be made to take advantage of such provisions.

Hanna's management will devote its attention primarily to the supervision of Hanna's concentrated investments.

Notice is further given that any interested person may, not later than December 7, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the addresses set forth above. Proof of such 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, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in such application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-11898; Filed, Nov. 20, 1964; 8:45 a.m.]

[File No. 7-2411]

OCCIDENTAL PETROLEUM CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 17, 1964.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934, and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Occidental Petroleum Corporation, File 7-2411.

Upon receipt of a request, on or before December 2, 1964, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of

the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-11899; Filed, Nov. 20, 1964; 8:45 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Suspending Trading

NOVEMBER 17, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 18, 1964 through November 27, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-11900; Filed, Nov. 20, 1964; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-III, Amdt. 4]

PHILADELPHIA REGIONAL AREA

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority (Revision 9) 29 F.R. 11777, as amended, 29 F.R. 12570, 13354 and 14093; Delegation of Authority No. 30-III, 29 F.R. 13125, as amended, 29 F.R. 13415, 13989 and 14556, is hereby further amended by revising Item I.L. to read as follows:

L. The following authority is hereby redelegated to the Branch Manager at Newark, N.J.

1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Simplified Bank Participation loans not exceeding $250,000.

d. Simplified Early Maturities Participation loans not exceeding $250,000.

e. Direct disaster loans not exceeding $100,000.

f. Participation disaster loans not exceeding $150,000.

2. To decline as follows:

a. Business loans not exceeding $200,000.

b. Disaster loans in any amount.

3. To disburse unsecured disaster loans.

4. Items I.C. 6 through 11.

5. Item I.C. 12—only the authority for servicing, administration and collection, including subitems a. and b., but not c.

6. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance; and (d) purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

7. Item I.A. (size determinations for financial assistance only).

8. Item I.B. (eligibility determinations for financial assistance only).

Effective date: November 9, 1964.

EDWARD N. ROSA,
Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 64-11919; Filed, Nov. 20, 1964; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Arrow Company, a division of Cluett, Peabody & Co., Inc., Carbon Hill, Pa.; effective 10-15-64 to 10-14-65 (boys' shirts).

Michael Berkowitz Co., Inc., Barton Mill Road, Uniontown, Pa.; effective 11-4-64 to 11-3-65 (men's, ladies' and children's pajamas).

Blue Ridge Manufacturers, Inc., Christiansburg, Va.; effective 10-31-64 to 10-30-65 (men's and boys' denim jeans).

Blue Ridge Shirt Manufacturing Co., Box 801, Fayetteville, Tenn.; effective 10-31-64 to 10-30-65 (men's and boys' sport shirts).

J. H. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La.; effective 10-31-64 to 10-30-65 (men's sport shirts).

Carbondale Children's Dress Co., 30 7th Avenue, Carbondale, Pa.; effective 11-1-64 to 10-31-65 (children's and girls' dresses and playsuits).

The Carthage Corp., Carthage, Miss.; effective 11-1-64 to 10-31-65 (men's and boys' pants).

Cowden Manufacturing Co., 124 Apperson Heights, Mount Sterling, Ky.; effective 10-23-64 to 10-22-65 (men's denim work shirts and coats).

Crystal Springs Shirt Corp., Crystal Springs, Miss.; effective 10-21-64 to 10-20-65 (boys' shirts).

Dantan Co., Inc., Rankin Street, Dumas, Ark.; effective 10-18-64 to 10-17-65 (ladies' sportswear-slim jims, jamaicas, etc.).

Eureka Pants Manufacturing Co., Madison Street, Shelbyville, Tenn.; effective 10-27-64 to 10-26-65 (work pants, work shirts).

Fly Manufacturing Co., 204 South Main Street, Shelbyville, Tenn.; effective 10-27-64 to 10-26-65 (work pants, overalls, dungarees and jackets).

Form-O-Uth Brassiere Co., d.b.a. Marie Foundations Branch, Pampa, Tex.; effective 10-14-64 to 10-13-65 (women's brassieres and girdles).

Freeland Shirt Co., 1015 Dewey Street, Freeland, Pa.; effective 11-4-64 to 11-3-65 (men's and children's jackets and vests).

Gibson Garment Co., Inc., Gibson, Ga.; effective 10-31-64 to 10-30-65 (boys' and men's trousers).

Harrisburg Children's Dress Co., 1380 Howard Street, Harrisburg, Pa.; effective 10-26-64 to 10-25-65 (children's and girls' dresses and playsuits).

Heavy Duty Manufacturing Co., Gainesboro, Tenn.; effective 10-28-64 to 10-27-65 (men's and boys' sport shirts).

Joyner-Fields, Inc., Sherman, Miss.; effective 10-15-64 to 10-14-65 (men's and boys' sport shirts).

Key Work Clothes, Inc., Fort Scott, Kansas; effective 10-31-64 to 10-30-65 (men's and boys' bib overalls, work jackets, coveralls).

Key Work Clothes of Missouri, Nevada, Mo.; effective 11-1-64 to 10-31-65 (men's work pants, work shirts).

Lansford Apparel Co., West Patterson Street, Lansford, Pa.; effective 10-31-64 to 10-30-65 (children's dresses).

Luverne Slacks Corp., Luverne, Ala.; effective 10-19-64 to 10-18-65 (men's cotton and synthetic slacks).

McPenn Manufacturing Co., Washington and Walnut Streets, Nanticoke, Pa.; effective 10-25-64 to 10-24-65 (men's and boys' sport shirts).

Samuel Meltzer d.b.a. The Liberty Co., Royalty Manufacturing Co., Inc., East Front Street, Dyer, Tenn.; effective 10-22-64 to 10-21-65 (men's and boys' pajamas).

Charles Meyers & Co., First and Harrison Streets, Belleville, Ill.; effective 11-1-64 to 10-31-65 (men's trousers-semi-dress slacks).

Newport News Children's Dress Co., 824 39th Street, Newport News, Va.; effective 10-12-64 to 10-11-65 (children and girls' dresses and playsuits).

Penn Childrens Dress Co., 831 Lackawanna Avenue, Mayfield, Pa.; effective 10–26–64 to 10–25–65 (children's and girls' dresses and playsuits).

Press Dress and Uniform Co., Hummelstown, Pa.; effective 10–29–64 to 10–28–65 (maids' and nurses' uniforms and cotton dresses).

Quality Sewn Products, Inc., Post Office Box 126, Royston, Ga.; effective 10–15–64 to 10–14–65 (men's sport shirts, ladies' blouses).

S & S Manufacturing Co., Inc., 200 West Main Street, Spartanburg, S.C.; effective 11–1–64 to 10–31–65 (ladies' and children's blouses).

Shelburne Shirt Co., Inc., 69 Alden Street, Fall River, Mass.; effective 11–1–64 to 10–31–65 (men's dress shirts).

Smith & Company, 102 West Kaskaskia, Paola, Kans.; effective 10–12–64 to 10–11–65 (robes and loungewear).

Sparta Garment Co., Inc., Sparta, Ga.; effective 10–31–64 to 10–30–65 (boys' and men's trousers).

Warner Brothers Company, Post Office Box 682, Aiken, S.C.; effective 10–20–64 to 10–19–65 (corsets and brassieres).

Washington Overall Manufacturing Co., South Court Street, Scottsville, Ky.; effective 10–26–64 to 10–25–65 (men's and boys' trousers).

Weldon Manufacturing Co. of Pennsylvania, 1307 Park Avenue, Williamsport, Pa.; effective 10–29–64 to 10–28–65 (men's, women's, boys' pajamas).

Wilgree Manufacturing Co., North Harney Street, Camilla, Ga.; effective 10–21–64 to 10–20–65 (men's sport and dress shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Anderson Brothers Consolidated Co's., Inc., Floyd and High Streets, Danville, Va.; effective 10–31–64 to 10–30–65; 10 learners (men's work clothes).

Athens Garment Co., 208 North Marion Street, Athens, Ala.; effective 10–24–64 to 10–23–65; 10 learners (work shirts).

Burgaw Manufacturing Co., Burgaw, N.C.; effective 10–12–64 to 10–11–65; 10 learners (women's dresses).

C & M Sportswear Manufacturing Corp., Meshoppen, Pa.; effective 10–14–64 to 10–13–65; 10 learners. Learners may not be employed at special minimum wage rates in the production of jackets of suit type construction (girls' jackets, men's ski jackets).

Boonville Manufacturing Corp., 302–316 North Second Street, Boonville, Ind.; effective 11–1–64 to 10–31–65; 10 learners (men's woven pajamas).

Dunmore Sewing Co., 105 Corner Street, Dunmore, Pa.; effective 10–29–64 to 10–28–65; 5 learners (children's dresses).

Good-I-Kin Sportswear Corp., 331 Main Street, Lilly, Pa.; effective 10–14–64 to 10–13–65; 10 learners (children's skirts, blouses and jumpers).

Eileen Hope, Inc., 209 Market Street, Halifax, Pa.; effective 10–19–64 to 10–18–65; 10 learners (women's dresses).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 10–16–64 to 10–15–65; 5 learners in the production of outerwear jackets (men's and boys' outerwear jackets).

Marshall Clothing Manufacturing Co., Inc., 115 East Main Street—118–122 Broadway, Butler, Ind., effective 10–19–64 to 10–18–65; 10 learners (insulated garments, jackets, uniforms, etc.).

Oswego Foundations, Inc., 185 East Seneca Street, Oswego, N.Y.; effective 11–1–64 to 10–31–65; 10 learners (girdles and corsets).

Roanoke Manufacturing Co., Anniston, Ala.; effective 10–12–64 to 10–11–65; 10 learners (men's sport shirts).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn.; effective 10–14–64 to 10–13–65; 10 learners (men's and boys' dungarees).

Washington Garment Co., Inc., Washington, N.C.; effective 10–24–64 to 10–23–65; 10 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners are indicated.

Michael Berkowitz Co., Inc., Route No. 2, Waynesburg, Pa.; effective 10–15–64 to 4–14–65; 15 learners (ladies' and men's pajamas).

Blue Bell, Inc., Homer, Ga.; effective 10–14–64 to 4–13–65; 25 learners (dungarees).

Burgaw Manufacturing Co., Burgaw, N.C.; effective 10–20–64 to 4–19–65; 65 learners (women's cotton dresses).

Collinwood Manufacturing Co., Collinwood, Tenn.; effective 10–19–64 to 4–18–65; 50 learners (women's washable cotton service uniforms).

The Dantan Co., Inc., Rankin Street, Dumas, Ark.; effective 10–23–64 to 4–22–65; 35 learners (ladies' sportswear-slim jeans, jamaicas, etc.).

Form-O-Uth Brassiere Co., d.b.a. Marie Foundations Branch, Pampa, Tex.; effective 10–14–64 to 4–13–65; 45 learners (women's brassieres and girdles).

H. D. Lee Co., Inc., Jasper, Ga.; effective 10–15–64 to 4–14–65; 75 learners (men's casual pants).

Oswego Foundations, Inc., 185 East Seneca Street, Oswego, N.Y.; effective 10–26–64 to 4–25–65; 15 learners (women's girdles and corsets).

Tracy City Manufacturing Co., Tracy City, Tenn.; effective 10–16–64 to 4–15–65; 100 learners (men's and boys' sport shirts).

Warner Brothers Co., Post Office Box 682, Aiken, S.C.; effective 10–20–64 to 4–19–65; 30 learners (corsets and brassieres).

Washington Garment Co., 2020 Main Street Extension, Washington, Pa.; effective 10–24–64 to 4–23–65; 80 learners. Learners may not be employed at special minimum wages in the production of skirts (ladies' sportswear pants and shorts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Carbondale, Ill.; effective 10–30–64 to 10–29–65; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton, jersey and leather combination).

Granet Glove Corp., Box 188, South Royalton, Vt.; effective 10–15–64 to 10–14–65; 5 learners for normal labor turnover purposes (work gloves).

Richmond Glove Corp., 601 North D Street, Richmond, Ind.; effective 10–10–64 to 4–9–65; 10 learners for plant expansion purposes (work gloves).

Richmond Glove Corp., 601 North D Street, Richmond, Ind.; effective 10–10–64 to 10–9–65; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Beaver Hosiery Co., Hickory, N.C.; effective 10–23–64 to 10–22–65; 5 learners for normal labor turnover purposes (seamless).

Burlington Balfour Mills, Post Office Box 610, Asheboro, N.C.; effective 10–19–64 to 10–18–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Danville Knitting Mills, Inc., Danville, Va.; effective 10–15–64 to 10–14–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

C. D. Jessup & Co., Claremont, N.C.; effective 10–15–64 to 10–14–65; 5 learners for normal labor turnover purposes (seamless).

Union Manufacturing Co., 500 Sibley Avenue, Union Point, Ga.; effective 10–21–64 to 10–20–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wayne Knitting Mills, Humboldt, Tenn.; effective 10–24–64 to 10–23–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Wyatt Knitting Co., 1006 Goldsboro Avenue, Sanford, N.C.; effective 11–1–64 to 10–31–65; 5 learners for normal labor turnover purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Boonville Manufacturing Corp., 302–316 North Second Street, Boonville, Ind.; effective 11–1–64 to 10–31–65; 5 learners for normal labor turnover purposes in the manufacture of men's woven underwear (men's woven underwear).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 10–16–64 to 10–15–65; 10 learners for normal labor turnover purposes (men's and boys' swim trunks).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 10–16–64 to 4–15–65; 10 learners for plant expansion purposes (men's and boys' swim trunks).

Rockwell Manufacturing Corp., St. Paul, Va.; effective 10–23–64 to 10–22–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' sleepwear, lingerie).

Sherman Underwear Mills, Inc., Hawley, Pa.; effective 10–23–64 to 10–22–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's panties).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Atlantic Union College, Main Street, South Lancaster, Mass.; effective 10–13–64 to 8–31–65; authorizing the employment of: (1) 15 student-workers in the printing industry in the occupations of compositor, pressman and related skilled and semiskilled occupations for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 35 student-workers in the bookbinding industry in the occupations of bookbinder, bindery workers, and related skilled and semiskilled occupations for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; and (3) 40 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semiskilled occupations for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 6th day of November 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-11904; Filed, Nov. 20, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I.C.C. Order 176]

MIDLAND VALLEY RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, the Midland Valley Railroad Co., due to bridge damage near Arkansas City, Kans., is unable to transport traffic routed over its lines.

It is ordered, That:

(a) Rerouting traffic: The Midland Valley Railroad Co. and its connections, being unable to transport traffic in accordance with shippers routing because of bridge damage, near Arkansas City, Kans., is hereby authorized to divert or reroute such traffic moving over its line over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall received the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is diverted or rerouted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:00 a.m., November 17, 1964.

(g) Expiration date: This order shall expire at 11:59 p.m., December 17, 1964, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C. November 17, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-11913; Filed, Nov. 20, 1964; 8:46 a.m.]

[Notice 1080]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 18, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67239. By order of November 13, 1964, the Transfer Board approved the transfer to L. F. Berry, Easton, Md., of a portion of the operating rights issued by the Commission August 24, 1964, under Certificate No. MC 29969, to Rex "N" Don Van Lines, Inc., Charleston, Ill., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between points in Macon County, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; between points in Clark, Coles, Cumberland, Douglas, Edgar, Moultrie, and Shelby Counties, Ill., on the one hand, and, on the other, points in Arkansas, Indiana, Kansas, Kentucky, Missouri, Oklahoma, and Texas. Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006, attorney for applicants.

No. MC-FC-67329. By order of November 16, 1964, the Transfer Board approved the transfer to Moritz O. Gochenour, doing business as Gochenour Bus Service, Woodstock, Va., of Certificate in No. MC 116234, issued June 6, 1957, in the name of Alston Richard La Follette, doing business as L. & M. Transportation Service, Winchester, Va., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over regular routes, between Winchester, Va., and Charles Town, W. Va., serving all intermediate points except points on U.S. Highway 11; and between Charles Town, W. Va., and junction U.S. Highway 340 and private road owned by the Charles Town Turf Club (formerly the Charles Town Jockey Club, Inc.), during the authorized racing season of the Charles Town Race Track, W. Va., serving no intermediate points. Linwood C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036, attorney for applicants.

No. MC-FC 67347. By order of November 17, 1964, the Transfer Board approved the transfer and substitution of Louis L. Grimm, Inc., as applicant in the pending "grandfather-proviso" proceeding, No. MC 54826 Sub 1, in lieu of Louis L. Grimm, seeking a Certificate of Registration under the provisions of section 206(a)(7) of the Act, covering the transportation of property between points in Pennsylvania. Edward M. Larkin, 2508 Grant Building, Pittsburgh, Pa., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-11915; Filed, Nov. 20, 1964; 8:46 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 18, 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.

AGGREGATE-OF-INTERMEDIATES

FSA No. 39407: *Liquid caustic soda from Port Neches, Tex.* Filed by Texas-Louisiana Freight Bureau, agent (No. 522), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Port Neches, Tex., to Dallas, Fort Worth and Sherman, Tex.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 21 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-11914; Filed, Nov. 20, 1964; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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