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FEDERAL REGISTER

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Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Table Grapes [1] (European or Vinifera Type)

CARDINAL VARIETY; MINIMUM SOLUBLE SOLIDS REQUIREMENT

On May 29, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 7096) regarding a proposed amendment of United States Standards for grades of Table Grapes (European or Vinifera Type) (7 CFR 51.880–51.911).

Statement of considerations leading to the amendment of the grade standards. The purpose of the amendment is to provide a minimum soluble solids requirement for table grapes of the Cardinal variety grown in the desert area of California which is comparable to the requirement for Cardinal grapes grown in Arizona and with the requirement contained in the California Agricultural Code.

The notice afforded interested persons an opportunity to file written data, views, and arguments on the proposal. None were received opposing the proposal.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, § 51.907 of the United States Standards for Grades of Table Grapes (European or Vinifera Type) is hereby amended pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

As amended § 51.907 reads as follows:

§ 51.907 Mature.

"Mature" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the varieties Emperor, Gros Colman, Pierce Isabella, Olivette Blanche, Rish Baba, Red Malaga, Cardinal, Ribier, Khalili, Dizmar, and varieties similar to or synonymous with the above, shall test not less than 16 percent, and except that Muscat varieties shall test not less than 18 percent: *Provided,* That grapes of the Cardinal, Exotic and Robbins varieties when grown in Arizona, and grapes of the Cardinal variety when grown in California south and east of San Gorgonio Pass, shall test not less than 15 percent.

(Secs. 203, 205, 60 Stat. 1087 as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

It is hereby found that good cause exists for not postponing the effective date of this amendment beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that: (1) The 1964 packing season for Cardinal grapes is underway and it is in the interest of the public and the industry that this amendment be placed in effect at the earliest possible date; and, (2) no special preparation is required for compliance with this amendment on the part of members of the table grape industry or of others.

Accordingly the amendment to the United States Standards for Grades of Table Grapes (European or Vinifera Type) set forth herein shall become effective upon publication in the FEDERAL REGISTER.

Dated: June 16, 1964.

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

[F.R. Doc. 64–6094; Filed, June 17, 1964; 8:51 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Almonds in the Shell [1]

On July 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9211) regarding a proposed revision of United States Standards for Almonds in the Shell (7 CFR 51.2075–51.2090).

Statement of considerations leading to the revision of the grade standards. Present day practices of growing and grading almonds for in-shell marketing have made it possible to improve the quality. A study of the U.S. standards indicated the need for slightly higher specifications to bring them in line with the potential of the packers and to make them more attractive to buyers and consumers. The changes adopted in the accompanying standards are intended to serve those purposes.

The tolerance which may be applied to almonds containing live insects has been reduced from 5 percent to one-half of 1 percent. Generally speaking, modern methods of fumigation are effective in controlling insects, and the small tolerance will be adequate.

A new category of serious damage by shriveling has been added. Formerly a kernel which was seriously shriveled with very little food value left was placed in the same class as one which was slightly more than one-fourth shriveled. With this change a kernel more than three-fourths shriveled is classed as seriously damaged and scored among other highly objectionable defects.

A previously considered change designed to classify kernels as seriously defective if largely coated with gum was dropped because gum was determined to be not a serious defect. The old definition remains in effect classifying gum as "damage" if it covers more than one-eighth of the surface, but under no circumstances classifying it as "serious damage".

Minor changes in wording have been made in a number of places for clarification without changing the requirements.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Almonds in the Shell are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.2075 U.S. No. 1.

"U.S. No. 1" consists of almonds in the shell which are of similar varietal char-

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

acteristics and free from loose extraneous and foreign material. The shells are clean, fairly bright, fairly uniform in color, and free from damage caused by discoloration, adhering hulls, broken shells or other means. The kernels are well dried, free from decay, rancidity, and free from damage caused by insects, mold, gum, skin discoloration, shriveling, brown spot or other means.

(a) Unless otherwise specified, the almonds are of a size not less than $^{28}/_{64}$ of an inch in thickness.

(b) In order to allow for variations incident to proper grading and handling, the following tolerances are provided as specified:

(1) *For external (shell) defects.* 10 percent, by count, for almonds which fail to meet the requirements of this grade other than for variety and size;

(2) *For dissimilar varieties.* 5 percent, by count, including therein not more than 1 percent for bitter almonds mixed with sweet almonds;

(3) *For size.* 5 percent, by count, for almonds which are smaller than the specified minimum thickness;

(4) *For loose extraneous and foreign material.* 2 percent, by weight, including therein not more than 1 percent which can pass through a round opening $^{24}/_{64}$ inch in diameter: *Provided,* That such material is practically free from insect infestation; and,

(5) *For internal (kernel) defects.* 10 percent, by count, for almonds with kernels failing to meet the requirements of this grade: *Provided,* That not more than one-half of this tolerance or 5 percent shall be allowed for kernels affected by decay or rancidity, damaged by insects or mold or seriously damaged by shriveling, including not more than one-half of 1 percent for almonds with live insects inside the shell.

§ 51.2076 U.S. No. 1 Mixed.

"U.S. No. 1 Mixed" consists of almonds in the shell which meet the requirements of U.S. No. 1 grade, except that two or more varieties of sweet almonds are mixed.

§ 51.2077 U.S. No. 2.

"U.S. No. 2" consists of almonds in the shell which meet the requirements of U.S. No. 1 grade, except that an additional tolerance of 20 percent shall be allowed for almonds with shells damaged by discoloration.

§ 51.2078 U.S. No. 2 Mixed.

"U.S. No. 2 Mixed" consists of almonds in the shell which meet the requirements of U.S. No. 2 grade, except that two or more varieties of sweet almonds are mixed.

UNCLASSIFIED

§ 51.2079 Unclassified.

"Unclassified" consists of almonds in the shell which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2080 Application of tolerances.

The tolerances for the foregoing grades are applied to the entire lot of almonds, based upon a composite sample drawn from containers throughout the lot.

DETERMINATION OF GRADE

§ 51.2081 Determination of grade.

In grading the inspection sample, the percentage of loose hulls, pieces of shell, chaff and foreign material is determined on the basis of weight. Next, the percentages of nuts which are of dissimilar varieties, undersize or have adhering hulls or defective shells are determined by count, using an adequate portion of the total sample. Finally, the nuts in that portion of the sample are cracked, and the percentage having internal defects is determined on the basis of count.

DEFINITIONS

§ 51.2082 Similar varietal characteristics.

"Similar varietal characteristics" means that the almonds are similar in shape, and are reasonably uniform in degree of hardness of the shells, and that bitter almonds are not mixed with sweet almonds. For example, hard-shelled varieties, semisoft shelled varieties, soft-shelled varieties and paper-shelled varieties are not mixed together, nor are any two of these types mixed under this definition.

§ 51.2083 Loose extraneous and foreign material.

"Loose extraneous and foreign material" means loose hulls, empty broken shells, pieces of shells, external insect infestation and any substance other than almonds in the shell or almond kernels.

§ 51.2084 Clean.

"Clean" means that the shell is practically free from dirt and other adhering foreign material.

§ 51.2085 Fairly bright.

"Fairly bright" means that the shells show good characteristic color.

§ 51.2086 Fairly uniform color.

"Fairly uniform color" means that the shells do not show excessive variation in color.

§ 51.2087 Well dried.

"Well dried" means that the kernel is firm and brittle, not pliable or leathery.

§ 51.2088 Decay.

"Decay" means that part or all of the kernel has become decomposed.

§ 51.2089 Rancidity.

"Rancidity" means that the kernel is noticeably rancid to the taste.

§ 51.2090 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects which materially detracts from the appearance or the edible or shipping quality of the almond or of the lot. The following defects shall be considered as damage:

(a) Discoloration of the shell which is medium gray to black and affects more than one-eighth of the surface in the aggregate. Normal variations of a reddish or brownish color shall not be considered discoloration;

(b) Adhering hulls which cover more than 5 percent of the shell surface in the aggregate;

(c) Broken shells when a portion of the shell is missing, or the shell is broken or fractured to the extent that moderate pressure will permit the kernel to become dislodged;

(d) Insects when an insect or insect fragment, web or frass is present inside the shell, or the kernel shows distinct evidence of insect feeding;

(e) Mold when attached to the kernel and conspicuous; or when inconspicuous white or gray mold affects a total of more than one-eighth of the surface of the kernel;

(f) Gum which is shiny and resinous and covers more than one-eighth of the surface of the kernel;

(g) Skin discoloration when more than one-half of the surface of the kernel is affected by very dark or black stains contrasting with the natural color of the skin;

(h) Shriveling when the kernel is excessively thin or when less than three-fourths of the pellicle is filled with meat. An almond containing two kernels shall not be classed as damaged if either kernel has more than three-fourths of the pellicle filled with meat; and,

(i) Brown spot which affects an aggregate area on the kernel greater than the area of a circle one-eighth inch in diameter.

§ 51.2091 Serious damage.

"Serious damage" means the specific defect described in this section; or an equally objectionable variation of this defect, or any other defect, or any combination of defects which seriously detracts from the appearance or the edible or shipping quality of the almond. The following defect shall be considered as serious damage:

(a) Shriveling when less than one-fourth of the pellicle is filled with meat. An almond containing two kernels shall not be classed as seriously damaged if either kernel has more than one-fourth of the pellicle filled with meat.

§ 51.2092 Thickness.

"Thickness" means the greatest dimension between the two semi-flat surfaces of the shell measured at right angles to a plane extending between the seams of the shell.

The United States Standards for Grades of Almonds in the Shell contained in this subpart shall become effective July 15, 1964, and will thereupon supersede the United States Standards for Almonds in the Shell which have been in effect since August 23, 1951 (7 CFR 51.2075–51.2090).

Dated: June 15, 1964.

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

[F.R. Doc. 64-6047; Filed, June 17, 1964; 8:50 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years

RATE OF PENALTY

Correction

In F.R. Doc. 64–5899, appearing at page 7588 of the issue for Saturday, June 13, 1964, the following correction is made in the tabular matter of § 724.92(b): The "cents per pound" entry for Burley should read "58.5" instead of "98.5".

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

[Cherry Reg. 3, Amdt. 1]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington, 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 Washington Cherry Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments regulation, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of sweet cherries grown in Washington.

Order. In § 923.303 (Cherry Regulation 3, 29 F.R. 7375) delete subdivision (iii) of subparagraph (1) of paragraph (b) and substitute in lieu thereof new subdivision (iii) as set forth below:

§ 923.303 Cherry Regulation 3.

* * * * *

(b) *Order.* (1) * * *

(iii) *Faced packs and any packs of twenty pounds, net weight, and larger.* At least 90 percent, by count, shall measure not less than $^{5}/_{64}$ inch in diameter.

* * * * *

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

Dated: June 12, 1964, to be effective on and after 12:01 a.m., P.s.t., June 13, 1964.

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

[F.R. Doc. 64–6020; Filed, June 17, 1964; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C.—Grain Price Support Reseal Loan Regs., Extension 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1962-Crop Reseal Loan Programs for Corn, Barley, Grain Sorghum, Oats and Wheat

A reseal loan program has been announced for the 1962 crops of corn, barley, grain sorghum, oats, and wheat for the 1964–65 storage period. The program provides under certain conditions for the extension of 1962-crop farm-storage loans. The 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) containing the general requirements with respect to price support operations for grains and related commodities produced in 1962, as supplemented by bulletins containing the specific requirements for the 1962 crop price support programs for corn, barley, grain sorghum, oats, and wheat are hereby further supplemented as follows:

Sec.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 101, 105, 401, 63 Stat. 1051, 1054, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.3201 Applicable sections of 1962 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.

The following sections of the 1962 C.C.C. Grain Price Support Bulletin 1 as amended, published in 27 F.R. 4411 shall be applicable to the reseal loan program for the 1962 crops of barley, grain sorghum, oats, and wheat; §§ 1421.1101, 1421.1104, 1421.1109, 1421.1111 to 1421.1118 inclusive, 1421.1120 to 1421.1126 inclusive, and 1421.1128 to 1421.1132 inclusive. Applicable sections of the individual commodity supplements are as follows: For corn, §§ 1421.1303, 1421.1305, 1421.1306, 1421.1307, and 1421.1312 (27 F.R. 8473, 10203); for barley, §§ 1421.1243, 1421.1245, 1421.1246, 1421.1247, and 1421.1252 (27 F.R. 6463); for grain sorghum, §§ 1421.1403, 1421.1405 and 1421.1406, 1421.1407 and 1421.1412 (27 F.R. 6459, 8169); for oats, §§ 1421.1453, 1421.1455, 1421.1456, 1421.1457, and 1421.1462 (27 F.R. 6075, 8163), and for wheat, §§ 1421.1203, 1421.1205, 1421.1206, 1421.1207, and 1421.1212 (27 F.R. 5243). Other sections of the 1962 CCC Grain Price Support Bulletin 1 and supplements thereto for corn, barley grain sorghum, oats and wheat shall be applicable to the extent indicated in this subpart. Any reference in this subpart to a section of another bulletin shall be deemed to refer to the section and any amendments thereto.

§ 1421.3416 Availability.

(a) *Area and scope.* The reseal loan program will be available in the following areas where ASC State committees determine that the commodity can be safely stored on the farm for the period of the reseal loan and that it will be advantageous to producers and CCC to permit producers to obtain reseal loans:

NAME OF COMMODITY AND AREA

Corn: All States, except that in angoumois moth areas designated by the ASC State committee, reseal loans may be approved only if (1) authorized by the ASC State committee on an individual basis (2) such corn is shelled, and (3) the producer has satisfactory storage facilities and is adequately equipped to properly care for the corn.

Barley, Grain sorghum, Oats and Wheat: All States except Alaska, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

(b) *When to apply.* The producer must make application on or before June 30, 1964, for barley, grain sorghum, oats, and wheat, and on or before October 31, 1964 for corn.

§ 1421.3417 Eligible commodity.

To be eligible for an extension of a reseal loan the commodity must be under a farm-storage reseal loan and meet the applicable requirements listed below:

(a) *Corn.* The corn (1) must meet the requirements set forth in § 1421.1304 (a), (b), (e), and (g); (2) must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better; (3) must not contain in excess of 16 percent moisture in the case of ear corn or in excess of 14 percent moisture in the case of shelled corn; and (4) must not grade weevily.

(b) *Barley.* The barley (1) must meet the requirements set forth in

§ 1421.1244 (a), (c), and (f); (2) must be of any class grading No. 4 or better, except that Western Barley shall have a test weight of not less than 40 pounds per bushel; (3) may have the special grade designation, "Garlicky", and (4) must not grade Tough, Weevily, Stained if Western Barley, Blighted, Bleached, Ergoty, or Smutty.

(c) *Grain sorghum.* The grain sorghum (1) must meet the requirements set forth in § 1421.1404 (a), (c), and (f); (2) must be of any class grading No. 4 or better or No. 4 Smutty or better; (3) must not grade "Weevily"; and (4) must not be in excess of 13 percent moisture.

(d) *Oats.* The oats (1) must meet the requirements set forth in § 1421.1454 (a), (c), and (f); (2) must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better; (3) may have the special grade designation "Garlicky"; and (4) must not grade "Tough", "Weevily", "Smutty", "Ergoty", "Bleached", "Thin", or otherwise of distinctly low quality.

(e) *Wheat.* The wheat (1) must meet the eligibility requirements set forth in § 1421.1204 (a), (c), (d), and (g); (2) must grade No. 3 or better except that it may grade No. 5 or better on the factor of test weight and because of containing Durum and Red Durum; (3) may be wheat of any class except Durum, but if the wheat is of the class Mixed Wheat it must consist of mixtures of grades of eligible wheat which are the natural products of the field; and (4) must not grade Tough, Weevily, Ergoty, or Treated.

(f) An inspection of the commodity shall be made by a representative of the county committee prior to approval of the commodity for a reseal loan.

§ 1421.3418 Storage requirements.

(a) *Approved storage.* The commodity must be stored in structures which meet the requirements for farm storage loans as provided in § 1421.1107(a)(1).

(b) *Identity-preserved storage.* Hard wheat on which sedimentation premium has been paid, shall be stored separately from any other wheat on the farm.

(c) *Consent for storage.* The producer shall make appropriate arrangements so that the mortgaged commodity may remain in the structures in which it is stored until 60 days after the maturity date of the reseal loan, without any cost to CCC other than the storage payments provided in § 1421.3422.

§ 1421.3419 Commingling.

(a) *When authorized.* If authorized by the State committee, a county committee may permit a producer to commingle quantities of a commodity which are under more than one loan and which are deemed safe for commingling by the county committee, subject to the following conditions: (1) Hard wheat which is subject to a sedimentation premium or discount shall not be commingled; (2) a commodity of not more than three crop years may be commingled; (3) the commodity to be commingled must be of the same class and meet the applicable eligibility requirements before being commingled; and (4) commodities owned by more than one producer may be commingled only if each original loan was made jointly to the same producers and the other requirements of this section are complied with.

(b) *Special conditions.* Notwithstanding any other provision of the regulations of this subpart, the following provisions shall apply if quantities of a commodity covered by more than one loan are commingled:

(1) Partial deliveries of the commingled commodity shall not be permitted.

(2) If partial redemptions are made in accordance with other provisions of the regulations of this subpart, the quantity redeemed shall be prorated to each loan on the basis of the ratio of the quantity on which the loan was made to the total quantity on which all the loans secured by the commingled commodities were made; and the dollar amount to be credited to each loan shall be based on the amount of the loan represented by the quantity determined to have been redeemed from the loan.

(3) Producers whose commodities are commingled shall be jointly and severally responsible for the amount of each loan secured by the commingled commodity.

(4) For settlement purposes, if a commodity of more than one crop year has been commingled, the quantity delivered shall be prorated to each loan based on the ratio that the quantity on which the loan was made bears to the quantity covered by all the loans on the commingled commodity; and if less than the total quantity of the commingled commodity covered by the loans is delivered, the quantity delivered shall be applied first to the loan having the commodity with the lowest basic support rate up to the total amount on which the loan was made, and the balance, if any, shall be applied to the other loans proceeding successively in the order of the loans having increasingly higher basic support rates.

(5) In the case of 1962-crop grain sorghum commingled with grain sorghum of other crop years, if any grain sorghum delivered to CCC grades No. 1, the quantity of No. 1 grade to be credited as a delivery under the 1962-crop loan shall be obtained by prorating to each loan a portion of the quantity of No. 1 grade grain sorghum delivered in the same manner as the total quantity of grain sorghum delivered was prorated pursuant to subparagraph (4) of this paragraph. In other cases where a commodity of different grades and qualities is delivered, the quantity of each grade and quality to be credited to each loan shall be as determined by the county office, provided that the total quantity credited to the loan shall equal the amount determined under subparagraph (4) of this paragraph.

§ 1421.3420 Approved forms.

(a) *Forms requirements.* The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of Producer's Note and Supplemental Loan Agreement secured by a Commodity Chattel Mortgage, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

(b) *New forms.* Where required by State law, or when two or more loans are commingled under the provisions of § 1421.3419, a new Producer's Note and a new Chattel Mortgage shall be completed when a farm-storage loan is extended. Where new forms are not completed, extension of farm-storage loans shall not affect the rights of CCC, including its right to accelerate the maturity date of the note, and the rights and responsibilities of the producer as set forth in this subpart and in the original approved forms completed by the producer.

§ 1421.3421 Quantity eligible for reseal-ing.

The quantity of the commodity under loan eligible for reseal shall be the quantity shown on the original note and chattel mortgage less (a) any quantity delivered not including the quantity for which overrun payment is made and (b) the quantity redeemed: *Provided, however,* That such quantity shall, in the case of barley, corn and grain sorghums not exceed the maximum quantity specified in § 1421.1126 of the 1962 CCC Grain Price Support Bulletin.

§ 1421.3422 Storage payments.

(a) *Storage payment for 1963–64 reseal period.* (1) A producer who extends his reseal loan for the 1964–65 period will at the time of such extension receive a payment for storage earned during the 1963–64 reseal period. This payment will be disbursed by the ASCS county office and will be 14 cents per bushel for corn, barley, and wheat, 10 cents per bushel for oats and 24 cents per hundredweight for grain sorghum less any storage payment previously received by the producer from CCC for the 1963–64 reseal period.

(2) Upon delivery of the 1962 crop commodity the actual quantity of such commodity will be determined by weighing. The storage payment earned by the producer covering the 1963–64 reseal period will be recomputed on the basis of the actual quantity determined to have been covered by the extended reseal loan. Any amount due the producer for such storage on the quantity of the eligible commodity delivered in excess of the quantity stated in the extended loan documents will be credited to the producer's account in settlement of the loan. The amount of any overpayment which is determined to have been made to the producer shall be collected from the producer.

(3) No storage payment will be made for the 1963–64 reseal period (i) where the producer has made any false representations in the loan documents or in obtaining the loan, or in deliveries or settlement under the loan (ii) where during the 1963–64 reseal period the commodity has been abandoned or the commodity was damaged or otherwise impaired due to negligence on the part of the producer, or (iii) where during or prior to the 1963–64 reseal period the commodity was converted by the producer or at any time subsequent thereto there is conversion

of the commodity by the producer with intent to defraud CCC.

(b) *Full storage payments.* A storage payment of 14 cents per bushel for corn, barley, and wheat, 10 cents per bushel for oats, and 24 cents per hundredweight for grain sorghum will be made to the producer if he redeems or delivers the commodity from loan on or after July 31, 1965, for corn, April 30, 1965, for barley and oats (March 10, 1965, for barley in Arizona and California) and March 31, 1965, for grain sorghum and wheat. Such dates are referred to in this section as "The maturity dates for full storage payments."

(c) *Prorated storage payment*—(1) *Early deliveries and CCC assumed losses.* (i) In the case of deliveries earlier than the maturity date for full storage payments, a storage payment will be computed beginning 60 days subsequent to the latest maturity date applicable to the loan prior to the extension and ending on the earlier of the date delivery is completed or the date specified for delivery by the county office.

(ii) In case of losses assumed by CCC the storage payment will be computed for the period beginning on the date as set forth in subdivision (i) of this subparagraph and ending on the date the loss occurs.

(iii) The daily rates for these computations shall be $0.00046 per bushel for corn, barley and wheat; $0.00033 per bushel for oats and $0.00079 per hundredweight for grain sorghum but shall not exceed in the aggregate the applicable amount as specified in paragraph (b) of this section.

(2) *Redemptions prior to maturity.* On redemptions prior to the maturity date for full storage payments, a storage payment will be made to the producer. Such storage payment will be determined according to the length of time the commodity was in store for the period beginning on the day following the latest maturity date applicable to the loan prior to the extension and ending on the date of repayment. The prorated payment will be computed at the daily rate of $0.00038 for corn, barley and wheat, of $0.00027 for oats and of $0.00066 per cwt. for grain sorghum but not to exceed in the aggregate the applicable amount specified in paragraph (b) of this section.

(d) *Quantity eligible.* Except in the case of partial loans the quantity eligible for storage payment under paragraphs (a) and (b) of this section shall be (1) in the case of delivery to CCC, or losses assumed by CCC the entire quantity in the bin, (2) in the case of redemptions, the quantity in the bin but not to exceed the measured quantity adjusted for test weight. The quantity eligible for a storage payment in the case of a partial loan shall not exceed the quantity under loan.

(e) *No storage payments.* Notwithstanding the provisions of this section, in no case will any storage payment be made for the 1964–65 reseal period (1) where the producer has made any false representation in the loan documents, in obtaining the loan, or in settlement of the loan; (2) where the commodity has been abandoned, (3) where there has been conversion on the part of the producer, or (4) where the commodity was damaged or otherwise impaired due to negligence on the part of the producer. If a producer receives payment of any amount to which he is not entitled, he shall refund such amount plus interest thereon promptly upon demand.

§ 1421.3423 Maturity.

Loans will mature on demand but not later than July 31, 1965, for corn; April 30, 1965, for barley and oats (March 10, 1965, for barley in Arizona and California); March 31, 1965, for grain sorghum and wheat.

§ 1421.3424 Settlement.

The provisions of § 1421.1119 (a) and (d) shall be applicable to all commodities. The settlement provisions of farm-storage loans shall apply as follows: For corn, § 1421.1311 except (a) (1), (f), and (g) shall be aplicable in settlement of reseal loans; for barley, § 1421.1251 except paragraph (a) (1), (f), and (g); for oats, § 1421.1461 except paragraph (a) (1), (f), and (g); and for wheat, § 1421.1211 except paragraph (a) (1), and (g) and (h); *Provided, however,* In the case of Hard Wheat on which a sedimentation premium has been paid, settlement for sedimentation value shall be on the basis of the sedimentation value initially entered on the chattel mortgage.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 12, 1964.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-6021; Filed, June 17, 1964; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3406]

[Montana 064865]

MONTANA

Partly Revoking Public Land Order No. 1843 of May 4, 1959

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1843 of May 4, 1959, so far as it withdrew the following described national forest lands in the Deer Lodge National Forest for use of the Forest Service, United States Department of Agriculture, as an experimental forest, is hereby revoked:

PRINCIPAL MERIDIAN

BERNICE EXPERIMENTAL FOREST

T. 6 N., R. 7 W.,
Sec. 6, lots 6, 7, 8, W½SE¼, and SW¼;
Sec. 27, S½;
Sec. 28, S½;
Secs. 33 and 34;
Sec. 35, lots 1, 2, 3, 4, 5, W½NE¼, W½, SE¼SE¼.

The areas described aggregate approximately 2,786 acres.

2. At 10:00 a.m. on July 18, 1964, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

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

JUNE 12, 1964.

[F.R. Doc. 64-6017; Filed, June 17, 1964; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

Revision

The regulations of the Post Office Department in Part 17 are amended and rearranged for the purpose of clarification to read as follows:

Sec.
17.1 Mailing preparation.
17.2 Conditions applicable to mail addressed to certain military post offices overseas.

AUTHORITY: The provisions of this Part 17 issued under R.S. 161, as amended; 5 U.S.C. 22, 39, U.S.C. 501.

§ 17.1 Mailing preparation.

(a) *Packaging requirements.* In addition to the packaging standards in Part 11 of this chapter and the specific requirements for items mailable under the special rules in Part 15 of this chapter, it is recommended that parcels addressed to overseas military post offices be packed in boxes or other containers of metal, wood, or good quality fiberboard (at least 275 pound test stock). Parcels containing mailable (nontoxic and nonflammable) liquids, oils, paint, and substances which easily liquefy, must have sufficient absorbent material around the containers to take up contents in case of breakage.

(b) *Addressing.* See § 13.8 of this chapter.

(c) *Weight and size.* See § 25.3 of this chapter for parcels sent by surface mail and § 26.3 of this chapter for parcels sent by air, if there is no exception to the size and weight limitations listed in § 17.2 of this chapter.

(d) *General prohibitions.* The following items are nonmailable to, from, and between military post offices:

(1) Matches of all kinds, lighter fluid, or lighters containing fluid.

(2) Magnetic material shipped by air having sufficient magnetic field to cause appreciable deviation to a compass sensing device of an aircraft. This does not apply to surface shipments.

(3) Radioactive matter, except that authorized in § 15.2 of this chapter.

Military post office number	Applicable footnote
2	A
6	A
7	A
8	A
9	A-B-H
10	A-B-C-E
11	A-B-C-E
12	A-B-C-D
13	A-B-C-D
15	A
16	A-B-I
17	A-B-C-E
18	A
19	A-B-I
20	A
22	A-B*-C
24	A
26	A-B-C-D
27	A
28	A-B-C-D
29	A-B-C-D
31	A
34	A-B-C-D
35	A-B-C-D
36	A-B-C-D
38	A
39	A-B-C-D
40	A
42	A-B-C-E
44	A-B-C-E
46	A-B-C-D
51	A
55	A-B-C-E
57	A-B-C-D
58	A-B-C-E
59	A
60	A
62	A-B-C-E
64	A
66	A-B-C-D
67	A-B
69	A-B-C-D
70	A-B
71	A
74	A-K
76	A
77	A-K
78	A-B-C-D
79	A-B-C-D
80	A-B-C-D
82	A-B-C-D
83	A-B-C-E
84	A-B-C-E
85	A
87	A-B-C-E
91	A
95	A
96	A
97	A
98	A-K
99	A-B
100	A-B
N100	A-B*-C-J
102	A
107	A-B-C-D
108	A-B-C-D
109	A-B-C-D
110	A-B-C-E
111	A-B-C-D
112	A-B-C-D
114	A-B-C-D
115	A-B-C-E
119	A-B-C-E
120	A-B*-C
N121	B
122	A-B-C-E
123	A-B-C-D
124	A-B*-C-J-I
125	A-B*-C
127	A-B*-C
128	A-B-C-E
129	A-B*-C
130	A-B-C-D
132	A-B-C-D
133	A-B-I
N133	A-B-C-E
135	A
136	A-B
137	A
139	A-B-C-D
143	A
147	A-B*-C
148	A-B
154	A-B-C-D
156	A-I
157	A
158	A
N161	A
162	A-B-C-D
163	A-B-C-E
164	A-B-C-D
165	A-B-C-D
166	A-B-C-D
167	A-B*-C
168	A-B-I
169	A-B-C-D
170	C-D
171	A-B-C-D
172	A-B-C-D
173	A-B-C-D
174	A-B-C-D
175	A-B-C-D
176	A-B-C-D
177	A-B-C-D
178	A-B-C-D
179	A-B*-C
180	A-B-C-D
181	A-B
185	A-B-C-D
N188	B
189	A-B-C-D
190	A-B*-C
191	A-B-C-D
192	A
193	A-B*-C
194	A-B*-C
195	A-B-C-D
197	A
199	A-B*-C-I-J
N200	A-B*-C-J
202	A-B*-C-I-J
205	A-B-F-I
207	A-B-C-D
210	A-B*-C
211	A-B-C-E
213	A-B-C-E
N214	A-B-C-E
215	A-B-C-E
216	A-B-C-E
218	A-B*-C
219	A-B-C-E
220	A-B-C-E
N220	A-B*-C-J
221	A-C-I
223	A
224	A-B-I
225	A-B-C-D
227	A-B-C-D
230	A-B-C-E
231	A
232	A-B*-C
238	A-B*-C
240	A-C-I
N240	A-C-I*
241	A-B*-C
243	A-B*-C
245	A-B-C-D
247	A-B-C-E
252	A-B-C-D
253	A-B-C-E
254	A-B-I
256	A-B-C-E
258	A-B-C-E
271	A-B-F
277	A-B-C-D
279	A-B-C-D
281	A-B-C-D
287	A-B-C-E
288	A-B-C-E
289	A-B-I
291	A
292	A-B
293	A-C-I
294	A-C-I
299	A
300	A
301	A
305	A-B-C-D
306	I
315	A-B
319	C-D-G
320	A-B-C-D
321	A-B-C-D
322	A-B-C-E
323	A-B
324	A-B-I
325	A-B-C-E
326	A-B-C-D
328	A-B
329	A-B-I
330	A-B-C-D
332	A-B-C-D
333	A-B-C-D
338	A-B-I
339	B-L
343	A-B
354	A-B
358	A
379	A-B*-C
380	A-B-I
403	A-B-C-D
405	A-B*-C
407	A-B-C-D
409	A-B-C-D
411	A-B-C-D
455	A
460	A
503	A-B
N510	A-C-I*
N513	A
N520	A-K
N522	A-B-H
N524	A-B*-C-I-J
N531	A-B-H-I
N535	A-K
N539	A-C-F
N540	A
N555	A-C-I*
N566	A-C-I
N570	A-B
N577	A
N580	A
N585	A-B*-C-J
N597	A-K
607	A-B*-C
611	A-C-D
612	A
616	A-B-F-I
633	A-B-C-D
659	A-B*-C
660	A-B
661	A-B-C-E
663	A-B-I
664	I-L
665	A-B-I
666	A-B-C-D
667	A-B*
668	B-F
669	A-B-D-F-I
670	A-B-C-D
671	A-I
672	A-B-F-I
673	A-B-D-F-I
674	A-B-D-F-I
675	A-B-D-F-I
678	A-B-I
679	A-B-C-E
681	A-B-C-E
682	A-B-C-E
683	A-B-D-F-I
684	A-B-C-D
685	A-B-C-E
687	A-B-D-F-I
688	A-B-I
689	A-C-I
690	A
692	A-C-B-D
694	A-B-I
695	A-B-F-I
696	A-B-C-D
697	A-B-F-I
699	A-B-C-D
N720	B
742	A-C-D
743	A-B-C-D
751	A-B-C-D
755	A-B*-C
757	A-B-C-D
777	A-B-C-E
794	A-C-I
800	A-B-C-D
807	A-B-C-D
815	A
817	A-L
825	B
826	B
827	B
829	B
N830	A-B
832	B
834	B
837	B
843	C-D
N850	A
872	A-B-C-D
900	A-B
N913	A-C-D
919	A-B
925	A-B
928	A-K
929	A-B
N955	A-B
N961	A-K
970	A
971	A
994	A-B
N3002	A-K
N3825	A-B
N3867	A
N3912	A-B
N3923	A-B

FOOTNOTES

A. No mail of any class may contain securities, precious metals, or currency, except when sent in official shipments.

B. Customs Declaration forms required. Official mail from government agencies or from contractors and addressed to a military organization for office use need not bear Customs Declaration if indorsed "Content for Official Use—Exempt from Customs Requirements."

*Articles will be liable for customs duty and/or purchase tax unless they are bona fide gifts, personal use intended for military personnel or their dependents. Where the contents of a parcel meets these requirements, the mailer should place a certificate similar to the following on the customs form under the heading—"Description of Contents" "Certified to be a bona fide gift, personal effects or items for personal use of military personnel and dependents thereto."

C. Cigarettes and other tobacco products prohibited. This prohibition does not apply to gift shipments of cigarettes, tobacco and tobacco products when addressed to Exchange or Special Service officers at APOs/NPOs when endorsed for military agency.

D. Coffee prohibited.

E. Mail may not contain: a. Medicines or vaccines not conforming to French laws. b. Nonauthorized publications, reprints, and publications prohibited on account of their political character or immoral contents.

F. Mail of all classes may not contain firearms of any type.

G. Mailable firearms may be shipped only by registered air parcel post (see 125.5 concerning concealable firearms). All other parcels may not contain firearms of any type.

H. Meats, including preserved meats, whether hermetically sealed or not, are prohibited.

I. Mail of all classes may not exceed the following dimensions:

Length	
42"	72" length and girth combined.
Over 42" to 44"	24" girth.
Over 44" to 46"	20" girth
Over 46" to 48"	16" girth

Maximum length 48".

Registered mail may exceed dimensions indicated in footnote "I".

J. Weight for other than Registered mail is restricted to 50 pounds.

K. Mail addressed to Dependent Mail Section may consist only of letter mail, newspapers, magazines, and books. No parcel of any class containing any other matter may be mailed to these sections.

L. All Official Mail prohibited.

NOTE: The corresponding Postal Manual part is 127.

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

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-5931; Filed, June 17, 1964; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 300—EMPLOYMENT (GENERAL)

Periods of Creditable Service

Section 300.604 is amended to give the same credit for civilian service in the government of the District of Columbia that is given Federal civilian service toward meeting the time-in-grade requirements of § 300.602 (a) and (b) and § 300.603(b). Paragraph (a) of § 300.604 is amended as set out below.

§ 300.604 Periods of creditable service.

(a) The periods of service required by § 300.602 (a) and (b) and § 300.603(b) include all service at the appropriate or higher grade or level in positions in the Federal or District of Columbia civilian service regardless of whether or not the positions were subject to the Classification Act.

(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. 64-6057; Filed June 17, 1964; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-LAX-11]

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

Federal Airways; Designations

On February 20, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 2607) stating that the Federal Aviation Agency proposed to realign and designate several VOR airways via the Pomona, Calif., VOR.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America (ATA) stated that the modification of the airway structures in the Los Angeles terminal area, as proposed, is acceptable, but recommended that the new airway structures between Ontario, Calif., and Fillmore, Calif., and between Pomona, Calif., and Palmdale, Calif., be incorporated into the two-layer plan.

In Airspace Docket No. 63-WA-74, the FAA proposed the establishment of a two-level airway/route structure. If this proposal is adopted as a final rule, the new airways referred to by the ATA will be incorporated into the new route structure. In addition, intermediate altitude

airways would be revoked under the two-layer plan. Therefore, the action proposed in the notice on Victors 1547, 1549, and V–1752 is withheld from this docket.

Subsequent to publication of the notice of proposed rule making the Daggett, Calif. radial forming the INT of Daggett and Hector, Calif. was determined to be 229° and not 228°. The change is reflected in the description of V–210, herein.

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

1. Section 71.123 (29 F.R. 1009) is amended as follows:

In V–8 N (29 F.R. 2337, 3001), from "including an N alternate from Long Beach to Mormon Mesa via INT of Long Beach 024°, Los Angeles 061° and Daggett, Calif., 234° radials (Hawkins INT);" through "INT of Las Vegas 045° and Mormon Mesa 227° radials;" is deleted and "including an N alternate from Long Beach, Calif., via Pomona, Calif., Daggett, Calif.; Las Vegas; to Mormon Mesa;" is substituted therefor.

In V–210 (29 F.R. 3225), all through "Hector;" is deleted and "From Los Angeles, Calif., via INT of Los Angeles 083° and Pomona, Calif., 240° radials; Pomona; INT of Daggett, Calif., 229° and Hector, Calif., 265° radials; Hector;" is substituted therefor.

Add V–186

From Ontario, Calif., via Pomona, Calif., to Fillmore, Calif.

Add V–197

From Pomona, Calif., to Palmdale, Calif.

2. In § 71.203 (29 F.R. 1211) "Pomona, Calif.: V–264 W bound." is deleted and "Pomona, Calif.: V–264 W bound, V–8N SW bound, V–210 SW bound." is substituted therefor.

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

Issued in Washington, D.C., on June 11, 1964.

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

[F.R. Doc. 64–6008; Filed, June 17, 1964; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6025; Amdt. 749]

PART 507—AIRWORTHINESS DIRECTIVES

Walter Kidde Co.

During recent demonstrations of inflatable escape slides and life rafts, certain Walter Kidde inflation valves did not provide adequate inflation and required excessive pull forces to actuate the valve. To correct this condition, an airworthiness directive is being issued to require modification of the Walter Kidde valves.

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

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

WALTER KIDDE. Applies to aircraft incorporating inflatable escape slides or life rafts utilizing Walter Kidde series I actuating valve P/N's 891771, 891178, 891178–01, 890881–01, 890683, and 890881 which have had their seat assemblies, Walter Kidde P/N 801906 replaced or modified with parts purchased since April 1, 1963 and all series 2 actuating valve P/N's 891771–01, 891178–02, 890881–02.

During recent demonstrations of inflatable escape slides and life rafts, certain Walter Kidde inflation valves did not provide adequate inflation and required excessive pull forces to actuate the valve. Effective July 1, 1964, all Walter Kidde valves specified herein which are used in escape slides or life rafts installed in civil aircraft shall be modified as follows or in accordance with an FAA Western Region, Aircraft Engineering Division, approved equivalent:

(a) Remove seat assembly Walter Kidde P/N 801906 and install a new nylon seat assembly Walter Kidde P/N 843045.

(b) Functionally test the valve by installing it, along with anti-recoil fitting Walter Kidde P/N 6531, on an appropriately charged bottle and discharging the bottle. During this functional check, the pull load required to actuate the valve is to be determined and is not to exceed 30 pounds. Do not install valves which require a pull in excess of 30 pounds. Note: If Walter Kidde P/N 6531 anti-recoil fitting is not available, the bottle should be adequately constrained.)

(c) Reidentify the reworked valves in accordance with Walter Kidde Service Bulletin No. 168 dated May 8, 1964.

(NOTE: Walter Kidde valve part number 891771, 891178, 891178–01, 890881–01, 890683 and 890881 which have not had seat assemblies replaced or modified with parts purchased since April 1, 1963 are not affected by the provisions of this AD.)

(Walter Kidde Company Service Bulletin No. 168 dated May 8, 1964, with Addendum No. 1 dated May 15, 1964, and Addendum No. 2 dated June 2, 1964, and Boeing Alert Service Bulletins Nos. 2000 dated May 11, 1964, and 2000A dated May 15, 1964, cover this same subject. Note that where the applicability specified in these Bulletins is not the same as that in the AD, the applicability specified in the AD applies.)

The amendment shall become effective June 18, 1964.

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

Issued in Washington, D.C., on June 11, 1964.

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

[F.R. Doc. 64–6009; Filed, June 17, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYOXYETHYLENE (20) SORBITAN TRISTEARATE; SORBITAN MONOSTEARATE; POLYSORBATE 60 (POLYOXYETHYLENE (20) SORBITAN MONOSTEARATE)

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1266) filed by Emery Industries, Inc., 4300 Carew Tower, Cincinnati 2, Ohio, and other relevant material, has concluded that amendments should issue to prescribe the safe use of the above-identified additives, alone or in combination, as emulsifiers in cakes, cake mixes, cake icings, and cake fillings. 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), §§ 121.1008, 121.1029, and 121.1030 of the food additive regulations are amended as follows:

1. Section 121.1008(c) is amended by changing subparagraph (2) to read as indicated below and by adding thereto a new subparagraph (5), as follows:

§ 121.1008 Polyoxyethylene (20) sorbitan tristearate.

* * * * * * *

(c) * * *

(2) As an emulsifier in cakes and cake mixes, with or without one or a combination of the following:

(i) Sorbitan monostearate.

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

When used alone, the maximum amount of polyoxyethylene (20) sorbitan tristearate shall not exceed 0.32 percent of the cake or cake mix, on a dry-weight basis. When used with sorbitan monostearate and/or polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), it shall not exceed 0.32 percent, nor shall the sorbitan monostearate exceed 0.61 percent or the polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) exceed 0.46 percent, and no combination of these emulsifiers shall exceed 0.66 percent of the cake or cake mix, all calculated on a dry-weight basis.

* * * * * * *

(5) As an emulsifier in cake icings and cake fillings, with or without one or a combination of the following:

(i) Sorbitan monostearate.

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

When used alone, the maximum amount of polyoxyethylene (20) sorbitan tri-

stearate shall not exceed 0.32 percent of the weight of the cake icing or cake filling. When used with sorbitan monostearate and/or polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), it shall not exceed 0.32 percent, nor shall the sorbitan monostearate exceed 0.70 percent, the polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) exceed 0.46 percent, and no combination of these emulsifiers shall exceed 1.0 percent of the weight of the cake icing or cake filling.

2. Section 121.1029(c) (2) and (4) are amended to read:

§ 121.1029 Sorbitan monostearate.

* * * * *

(c) * * *

(2) As an emulsifier in cakes and cake mixes, with or without one or a combination of the following:

(i) Polyoxyethylene (20) sorbitan tristearate.

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

When used alone, the maximum amount of sorbitan monostearate shall not exceed 0.61 percent of the cake or cake mix, on a dry-weight basis. When used with polyoxyethylene (20) sorbitan tristearate and/or polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), it shall not exceed 0.61 percent, nor shall the polyoxyethylene (20) sorbitan tristearate exceed 0.32 percent or the polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) exceed 0.46 percent, and no combination of the emulsifiers shall exceed 0.66 percent of the weight of the cake or cake mix, calculated on a dry-weight basis.

* * * * *

(4) As an emulsifier in cake icings and cake fillings, with or without one or a combination of the following:

(i) Polyoxyethylene (20) sorbitan tristearate.

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

When used alone, the maximum amount of sorbitan monostearate shall not exceed 0.70 percent of the weight of the cake icing or cake filling. When used with polyoxyethylene (20) sorbitan tristearate and/or polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), it shall not exceed 0.70 percent, nor shall the polyoxyethylene (20) sorbitan tristearate exceed 0.32 percent or the polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) exceed 0.46 percent, and no combination of these emulsifiers shall exceed 1.0 percent of the weight of the cake icing or cake filling.

3. Section 121.1030(c) is amended by changing subparagraphs (2) and (5) to read as set forth below and by deleting subparagraph (4).

§ 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

* * * * *

(c) * * *

(2) As an emulsifier in cakes and cake mixes, with or without one or a combination of the following:

(i) Polyoxyethylene (20) sorbitan tristearate.

(ii) Sorbitan monostearate.

When used alone, the maximum amount of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) shall not exceed 0.46 percent of the cake or cake mix, on a dry-weight basis. When used with polyoxyethylene (20) sorbitan tristearate and/or sorbitan monostearate, it shall not exceed 0.46 percent, nor shall the polyoxyethylene (20) sorbitan tristearate exceed 0.32 percent or the sorbitan monostearate exceed 0.61 percent, and no combination of these emulsifiers shall exceed 0.66 percent of the cake or cake mix, all calculated on a dry-weight basis.

* * * * *

(5) As an emulsifier in cake icings and cake fillings, with or without one or a combination of the following:

(i) Polyoxyethylene (20) sorbitan tristearate.

(ii) Sorbitan monostearate.

When used alone, the maximum amount of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) shall not exceed 0.46 percent of the weight of the cake icings and cake fillings. When used with polyoxyethylene (20) sorbitan tristearate and/or sorbitan monostearate, it shall not exceed 0.46 percent, nor shall the polyoxyethylene (20) sorbitan tristearate exceed 0.32 percent or the sorbitan monostearate exceed 0.70 percent, and no combination of these emulsifiers shall exceed 1.0 percent of the weight of the cake icing or cake filling.

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: June 12, 1964.

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

[F.R. Doc. 64-6005; Filed, June 17, 1964; 8:45 a.m.]

PART 121—FOOD ADDITIVES

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

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Polymer Industries, Inc., Viaduct Road, Springdale, Connecticut (FAP 1362, 1374), and The Goodyear Tire and Rubber Company, Akron 16, Ohio (FAP 1333), and other relevant material, has concluded that the food additive regulations (21 CFR 121.2520) should be amended to provide for the use of additional substances as components of food-packaging adhesives. 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), paragraph (c)(5) of § 121.2520 *Adhesives* is amended by inserting alphabetically in the list "Components of Adhesives" the following new items:

Alkylated (C_4 and/or C_8) phenols.
1,4-Butanediol.
Butylated, styrenated cresols.
Diaryl-*p*-phenylenediamine, where the aryl group may be phenyl, tolyl, or xylyl.
endo-cis-5-Norbornene-2,3-dicarboxylic anhydride.
Sodium dimethyldithiocarbamate.
Styrenated phenol.

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

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

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

Dated: June 12, 1964.

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

[F.R. Doc. 64-6006; Filed, June 17, 1964; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

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

EFFECTIVE DATES

In § 3.400(b), subparagraph (2) is amended to read as follows:

§ 3.400 General.

* * * * *

(b) *Disability benefits.* * * *

(2) *Disability compensation*—(i) *Direct service connection (§ 3.4(b)).* Day following separation from active service or date entitlement arose if claim is received within 1 year after separation from service; otherwise, date of receipt of claim, or date entitlement arose, whichever is later. Separation from service means separation under conditions other than dishonorable from continuous active service which extended from the date the disability was incurred or aggravated.

(ii) *Presumptive service connection (§§ 3.307, 3.308, 3.309).* Date entitlement arose, if claim is received within 1 year after separation from active duty; otherwise date of receipt of claim, or date entitlement arose, whichever is later. Where the requirements for service connection are met during service, the effective date will be the day following separation from service if there was continuous active service following the period of service on which the presumption is based and a claim is received within 1 year after separation from active duty.

* * * * *

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

This VA Regulation is effective the date of approval.

Approved: June 12, 1964.

By direction of the Administrator.

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

[F.R. Doc. 64-6027; Filed, June 17, 1964; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 89—PUBLIC SAFETY RADIO SERVICES

Operator Requirements

The Commission having under consideration amendment of Part 89 of the rules governing the Public Safety Radio Services to effect certain editorial changes;

It appearing, that the present operator requirements contained in § 89.163 are difficult to understand in their present form and that rewriting for the purpose of clarity would be in the public interest; and

It further appearing, that the changes ordered herein are editorial in nature, hence, the prior public notice and effective date provisions of the Administrative Procedure Act are not applicable; and

It further appearing, that the amendment adopted herein is issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and in § 0.261(a) of the Commission's rules.

It is ordered, This 12th day of June 1964, that effective June 22, 1964, Part 89 is amended as set forth below.

Released: June 15, 1964.

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

Section 89.163 is amended to read as follows:

§ 89.163 Operator requirements.

(a) *Operation during the course of normal rendition of service—radiotelephone.* (1) The following classes of stations transmitting on frequencies above 25 Mc/s may be operated by an unlicensed person, if authorized to do so by the station licensee:

(i) From a control point—a mobile, a base or fixed station.

(ii) From a dispatch point—a base or fixed station.

(2) Mobile stations transmitting on frequencies below 25 Mc/s may be operated by an unlicensed person when such station is associated with and under the operational control of a base station of the same licensee. Mobile stations not associated with such a base station must be operated by a person holding a commercial radio operator license or permit of any class issued by the Commission.

(3) Base stations and fixed stations transmitting on frequencies below 25 Mc/s shall be operated as follows:

(i) From a control point, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a base station or fixed station.

(ii) From a dispatch point, an unlicensed person may operate a base station or fixed station after being authorized to do so by the station licensee: *Provided, however,* That such operation shall be under the direct supervision and responsibility of a person who holds a commercial radio operator license or permit of any class issued by the Commission and who is on duty at a control point meeting the requirements of § 89.113.

(b) *Operation during the course of normal rendition of service—radiotelegraph.* Only a person holding a commerical radiotelegraph operator license or permit of any class issued by the Commission shall operate a station when transmitting radiotelegraphy by any type of the Morse Code.

(c) *Maintenance or test operations.* All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: *Provided, however,* That only persons holding a radiotelegraph first- or second-class operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

(d) *Unattended operation.* No person is required to be in attendance at a station when transmitting during normal rendition of service and when either:

(1) Transmitting for telemetering purposes or

(2) Retransmitting by self-actuating means a radio signal received from another radio station or stations.

(e) *Licensed operator required.* Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and unless the transmitter is so installed that all controls which may cause improper operation or radiation are not readily accessible to the person operating the transmitter, such transmitter shall be operated by a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used, issued by the Commission.

(f) *Licensee responsibility.* The provisions of this section authorizing certain unlicensed persons to operate certain stations, or authorizing unattended operation of stations in certain circumstances, shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. Subchap. I, III–VI)

[F.R. Doc. 64-6032; Filed, June 17, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

GREENHOUSE LEAF LETTUCE

Proposed U.S. Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of United States Standards for Greenhouse Leaf Lettuce pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same in duplicate, not later than July 10, 1964, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business. (Paragraph (b) of 7 CFR 1.27, as amended at 29 F.R. 7311.)

Statement of considerations leading to the proposed revision of the grade standards. The existing United States Standards for Greenhouse Leaf Lettuce have been in effect since October 1, 1934 and have not been codified.

In addition to such codification, a revision of the standards is designed to make the grades more applicable to current cultural and marketing practices. The proposed revision would include changes in all grades reflecting more precise definitions of "injury", "damage", and "serious damage". The proposal is not intended to tighten or loosen the scoring of any specific defect, but would assist materially in providing for uniform phraseology in line with current standards.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.3455 U.S. Fancy.
51.3456 U.S. No. 1.

UNCLASSIFIED

51.3457 Unclassified.

TOLERANCES

51.3458 Tolerances.

APPLICATION OF TOLERANCES

51.3459 Application of tolerances.

DEFINITIONS

51.3460 Similar varietal characteristics.
51.3461 Well grown.
51.3462 Well trimmed.
51.3463 Fairly well trimmed.
51.3464 Injury.
51.3465 Damage.
51.3466 Serious damage.

AUTHORITY: The provision of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.3455 U.S. Fancy.

"U.S. Fancy" consists of plants of leaf lettuce of similar varietal characteristics which are well grown, well trimmed and free from decay and which are free from injury caused by coarse stems, bleached or discolored leaves, sprayburn, dirt, wilting, freezing, disease, insects, or other means.

§ 51.3456 U.S. No. 1.

"U.S. No. 1" consists of plants of leaf lettuce of similar varietal characteristics which are well grown, fairly well trimmed and free from decay and which are free from damage caused by coarse stems, bleached or discolored leaves, sprayburn, dirt, wilting, freezing, disease, insects, or other means.

UNCLASSIFIED

§ 51.3457 Unclassified.

"Unclassified" consists of plants of leaf lettuce which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3458 Tolerances.

In order to allow for variations incident to proper grading and handling, the following tolerances by count, shall be permitted in any lot:

(a) *U.S. Fancy and U.S. No. 1 grades.* 10 percent for plants of leaf lettuce which fail to meet the requirements of the grade: *Provided,* That included in this amount not more than 5 percent shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for plants affected by decay.

APPLICATION OF TOLERANCES

§ 51.3459 Application of tolerances.

The contents of individual packages in the lot based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(a) For packages which contain more than 15 plants, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified.

(b) For packages which contain more than 15 plants and a tolerance of less than 10 percent is provided, and for packages which contain 15 plants or less, individual packages in any lot shall have not more than double the tolerance specified, except that at least 1 defective plant may be permitted in any package.

DEFINITIONS

§ 51.3460 Similar varietal characteristics.

"Similar varietal characteristics" means that the plants in any container are of the same general type.

§ 51.3461 Well grown.

"Well grown" means that the plant is not stunted or poorly developed.

§ 51.3462 Well trimmed.

"Well trimmed" means that the stem is trimmed off to within three-fourths inch of the point of attachment of the first whorl of leaves and that leaves which are more than slightly bleached or discolored have been removed.

§ 51.3463 Fairly well trimmed.

"Fairly well trimmed" means that the stem is trimmed off to within three-fourths inch of the point of attachment of the first whorl of leaves and that leaves which are materially bleached or discolored have been removed.

§ 51.3464 Injury.

"Injury" means any specific defect described in this section; or an equally objectionable variation of this defect, any other defect, or any combination of defects, which noticeably detracts from the appearance, or the edible or shipping quality of the lettuce. The following specific defect shall be considered as injury:

(a) Stems when more than 2½ inches in length, measured from the end of the butt to the point of attachment of the first whorl of leaves.

§ 51.3465 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of this defect, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the lettuce. The following specific defect shall be considered as damage:

(a) Stems when more than 3½ inches in length, measured from the end of the butt to the point of attachment of the first whorl of leaves.

§ 51.3466 Serious damage.

"Serious damage" means any defect, or any combination of defects, which seriously detracts from the appearance or the edible or shipping quality of the lettuce.

Dated: June 12, 1964.

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

[F.R. Doc. 64–6048; Filed, June 17, 1964; 8:50 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[7 CFR Part 52]

FROZEN CONCENTRATED ORANGE JUICE

U.S. Standards for Grades; Additional Time for Filing Written Data, Views and Arguments

A proposal to revise the United States Standards for Grades of Frozen Concentrated Orange Juice (7 CFR 52.1581–52.1592) was published in the FEDERAL REGISTER of May 9, 1964 (F.R. Doc. 64–4688; 29 F.R. 6156).

In consideration of comments and suggestions received indicating a need of further study by the producing industry, notice is hereby given of an additional period of 30 days after publication hereof in the FEDERAL REGISTER within which written data, views, or arguments may be submitted by interested parties for consideration in connection with the proposed revision of the United States Standards for Grades of Frozen Concentrated Orange Juice.

Statement of consideration leading to the allowing of additional time. Comments from packers and producer organizations who are concerned with the production and marketing of this product indicate a need for more time in which to study the proposed revision and possible effects on the marketing of this product. In addition, written requests have been received from packers and grower cooperatives for such additional time. It is deemed, therefore, to be in the best interest of all concerned to allow the additional time in which to evaluate the proposal and to submit written comments.

All persons who desire to submit written data, views, or arguments within the additional time for consideration in connection with the proposal should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, within 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 202–203, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: June 15, 1964.

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

[F.R. Doc. 64–6049; Filed, June, 17, 1964; 8:50 a.m.]

[7 CFR Part 989]

[Docket No. AO 198–A 5]

HANDLING OF RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fresno, California, on March 11 and 12, 1964, after notice thereof was published in the FEDERAL REGISTER (29 F.R. 2892) on proposals to amend the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and the amended order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 137, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing and the record thereof, the recommended decision in this proceeding was filed on May 19, 1964, with the Hearing Clerk, United States Department of Agriculture, and notice thereof, affording opportunity to file written exceptions thereto, was published May 23, 1964, in the FEDERAL REGISTER (F.R. Doc. 64–5198; 29 F.R. 6801, 7096). No exception was filed.

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 64–5198; 29 F.R. 6801, 7096) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and the amended order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown in California" and "Order Amending the Order, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown in California", which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period July 1, 1963, through May 30, 1964 (which period is hereby determined to be a representative period for the purpose of such referendum), have been engaged, in the State of California, in the production for market of grapes which were sun-dried or dehydrated by artificial means until they became raisins, to determine whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of raisins produced from grapes grown in California.

Charles Fuqua, Clyde E. Nef, and Joseph C. Genske of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (28 F.R. 6409).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, or a ballot, or other necessary information will be able to obtain the same from any of the County Directors of Agricultural Extension in the California Counties of Fresno, Kern, Kings, Madera, Merced, Stanislaus, and Tulare, or from Charles Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 3525 East Tulare Street, Fresno, California, 93702, or Dower T. Mohun, Berkeley Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 416, Mercantile Building, 2082 Center Street, Berkeley, California, 94704.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: June 15, 1964.

CHARLES S. MURPHY,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Raisins Produced From Grapes Grown in California

§ 989.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and each previously issued amendment thereof; and all of said prior findings and determinations are hereby ratified and affirmed except the finding as to the base period for the parity computation and insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 14 F.R. 5136; 20 F.R. 6435; 21 F.R. 8182; 25 F.R. 12814).

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, California, on March 11 and 12, 1964, on a proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended and as hereby further amended, regulates the handling of raisins produced from grapes grown in California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of raisins in the production area covered by the order, as amended and as hereby further amended, which require different terms applicable to different parts of such area;

(4) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of raisins produced from grapes grown in California is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of raisins produced from grapes grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. In § 989.13 the words "receives or" are inserted between "who" and "acquires".

2. In § 989.14 the provisos are revised to read as follows:

Provided, That no producer with respect to the raisins produced by him, and no group of producers with respect to raisins produced by the producers comprising the group, and not otherwise a packer shall be deemed a packer if he or it sorts or cleans (with or without water) such raisins in their unstemmed form: *Provided further,* That any dehydrator shall be deemed to be a packer, with respect to raisins dehydrated by him, only if he stems, cleans with water subsequent to such dehydration, seeds or packages them for market as raisins: *And provided further,* That the committee may, with the approval of the Secretary, restrict the exception as to permitted cleaning if necessary to cause delivery of sound raisins.

3. Paragraph (b) of § 989.15 is revised to read as follows:

(b) Any person who places, ships, or continues natural condition raisins in the current of commerce from within the area to any point outside thereof;

4. In § 989.15 the "or" immediately preceding paragraph (c) is deleted, paragraph (c) is redesignated as paragraph (d), and a new paragraph (c) is added reading as follows:

(c) Any person who delivers off-grade raisins or raisin residual material to other than a packer or other than into any eligible non-normal outlet; or

5. A new § 989.24a reading as follows is added immediately preceding § 989.25:

§ 989.24a Non-normal outlets.

"Non-normal outlets" means outlets other than those customarily used for commercial disposition of raisins meeting the then applicable minimum standards for natural condition raisins or packed raisins.

6. Paragraph (c) of § 989.52 is deleted.

7. In the first proviso of § 989.58(a) "eligible non-normal outlets" is substituted for "distillation, animal feed, or outlets other than for human consumption".

8. § 989.58(d)(1)(v) "in eligible non-normal outlets" is substituted for "to distillation, animal feed, or uses other than for human consumption".

9. In § 989.58(e)(1)(i) "in eligible non-normal outlets" is substituted for "for distillation, animal feed, or uses other than for human consumption".

10. In the last sentence of § 989.58(e)(1) "into eligible non-normal outlets" is substituted for "for distillation, animal feed, or uses other than for human consumption".

11. The last sentence of § 989.58(e)(4) is deleted.

12. Paragraph (f) of § 989.59 is revised to read as follows:

(f) *Disposition of off-grade raisins and raisin residual material in eligible non-normal outlets.* Any off-grade raisins, except those returned unstemmed to the tenderer or successfully reconditioned, and any raisin residual material (including defective raisins, stemmer waste, sweepings, and other residue) which may be received or acquired by a handler or accumulated by a handler from reconditioning raisins or from processing standard raisins, and any raisins acquired by a handler as standard raisins which subsequently fail to meet the applicable grade and condition standards for shipment or final disposition as raisins, shall be disposed of or marketed by the handler, without further inspection, in eligible non-normal outlets: *Provided,* That no packer shall be precluded from recovering raisins from such accumulations or acquisitions: *Provided further,* That whenever the Secretary concludes, on the basis of a recommendation of the committee, that to specify one or more non-normal outlets as ineligible for any class of such receipts, acquisitions, or accumulations will tend to effectuate the declared policy of the act, he shall specify such ineligible outlets and prohibit the shipment thereto or final disposition therein of such class by handlers as well as the receipt and use thereof by processors: *And provided further,* That no processor who is a distiller shall be precluded from receiving or using for distillation (i) the standard raisins which subsequently fail to meet the said applicable standards, (ii) the raisin residual material accumulated from processing standard raisins, or (iii) the raisin residual material referable to the standard raisin equivalent recovered in reconditioning; and any handler may ship such raisins and raisin residual material to such processor. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the off-grade raisins and raisin residual material subject to this paragraph. Such rules may include a requirement that the disposition and use of all or any class of off-grade raisins or raisin residual material be confined to the area. The provisions of this paragraph are not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal or other agencies having jurisdiction.

13. In § 989.60 "non-normal outlets" is substituted for "distillation, animal feed, or any use other than for human consumption".

14. The period at the end of the first sentence in § 989.79 is replaced by "and for such purposes as he may, pursuant to this subpart, determine to be appropriate".

15. The provisions of § 989.80 are revised to read as follows:

§ 989.80 Assessments.

(a) Each handler shall, with respect to free tonnage acquired by him, and reserve tonnage sold to him pursuant to § 989.67, pay to the committee, upon demand, his pro rata share of the expenses (exclusive of expenses for receiving, handling, holding or disposing of any quantity of reserve and surplus tonnage) which the Secretary finds will be incurred, as aforesaid, by the committee during each crop year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total free tonnage acquired by such handler, plus all reserve tonnage sold to him for use as free tonnage, during the applicable crop year and the total free tonnage acquired by all handlers, plus all reserve tonnage sold to all handlers for use as free tonnage, during the same crop year: *Provided,* That (1) in computing the total free tonnage acquired by a particular handler, there shall be excluded all standard raisins (recovered by the reconditioning of off-grade raisins) acquired by the handler and which comprise the assessable portion of another handler pursuant to paragraph (b) of this section, and (2) the computation of the total free tonnage acquired by all handlers shall not be similarly reduced.

(b) Each handler who reconditions off-grade raisins but does not acquire the standard raisins recovered therefrom shall, with respect to his assessable portion of all such standard raisins, pay to the committee, upon demand, his pro-rata share of the expenses which the Secretary finds will be incurred by the committee each crop year. Such handler's pro rata share of such expenses shall be equal to the ratio between the handler's assessable portion (which shall be a quantity equal to the free tonnage portions of such handler's standard raisins which are acquired by some other handler or handlers) during the applicable crop year and the total free tonnage acquired by all handlers, plus all reserve tonnage sold to all handlers for use as free tonnage, during the same crop year.

(c) During any crop year or any portion of a crop year for which volume percentages are not effective for a varietal type, all standard raisins of that varietal type acquired by handlers during such period shall be free tonnage for purposes of levying assessments pursuant to this section. The Secretary shall fix the rate of assessment to be paid by all handlers on the basis of a specified rate per ton. At any time during or after a crop year, the Secretary may increase the rate of assessment to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. In order to provide funds to carry out the functions of the committee and the board, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against such handler during the crop year. The payment of assessments for the maintenance and functioning of the committee, and for such purposes as the Secretary may pursuant to this subpart determine to be appropriate, may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

[F.R. Doc. 64-6050; Filed, June 17, 1964; 8:50 a.m.]

[7 CFR Part 1125]

[Docket No. AO-226-A10]

MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

Decision on Proposed Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Seattle, Washington, on May 6, 1964, pursuant to notice thereof issued on April 24, 1964 (29 F.R. 5763).

Upon the baiss of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 27, 1964 (29 F.R. 7246; F.R. Doc. 64-5466) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed.

The material issue on the record of the hearing relates to changing the location adjustment on Class I milk at plants located in District No. 2 (Whatcom County) and Kittitas County.

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

The location adjustment on Class I milk at plants in District No. 2 (Whatcom County) and in Kittitas County should be reduced from 25 cents to 20 cents per hundredweight. This would automatically result in a like reduction in the location adjustment applicable to the uniform price paid for base milk at plants located in these counties.

The location adjustments in this order are intended to reflect the actual transportation charges for moving milk in tank trucks from the country plants where received from producers to the fluid milk plants in the metropolitan areas. The amount of these adjustments has been changed from time to time as the rates charged by common carriers, which must be filed with the State Public Utilities Commission, have been altered. For the past several years the location adjustments applicable in Whatcom and Kittitas Counties have been 25 cents per hundredweight.

In July 1963 the transfer company which hauls most of the milk from Whatcom County plants to fluid milk plants in Seattle and its environs reduced its rate from 25 cents to 20 cents per hundredweight. On May 1, 1964, the filed rate for hauling milk from Kittitas County was likewise reduced to 20 cents. As a result, the operators of plants in Whatcom and Kittitas Counties are now receiving a credit of 25 cents for transporting Class I milk although the actual cost is only 20 cents. Likewise, producers shipping to plants in these counties are charged a location adjustment of 25 cents on their base milk, 5 cents more than it would cost to move their base milk to fluid milk plants in Seattle and its vicinity.

Accordingly, the rates of location adjustments should be amended to reflect the actual amounts charged by common carriers for hauling milk from Whatcom and Kittitas Counties. Since the producer location adjustments on base milk are directly related to the location adjustment on Class I milk, it will be necessary to amend only § 1125.53, *Location adjustments on Class I milk.*

Had the proposed rates been in effect in 1963 the announced uniform price for base milk would have been reduced an average of 0.6 cents per hundredweight, but the returns to producers in District No. 2 and in Kittitas County for base milk would have been increased 4.4 cents per hundredweight.

Rulings on proposed findings and conclusions. No briefs or proposed findings and conclusions were filed on behalf of interested parties.

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

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

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Puget Sound, Washington, marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk

for sale within the aforesaid marketing area.

Signed at Washington, D.C., on June 15, 1964.

CHARLES S. MURPHY,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area

§ 1125.0 Findings and determinations.

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

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

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

(2) The parity prices of 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 mlik in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Agricultural Marketing Service, on May 27, 1964, and published in the FEDERAL REGISTER on June 3, 1964 (29 F.R. 7246; F.R. Doc. 64–5466), shall be and are the terms and provisions of this order, and are set forth in full herein.

Amend the table in § 1125.53 to read as follows:

§ 1125.53 Location adjustments on Class I milk.

* * * * *

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

[F.R. Doc. 64–6051; Filed, June 17, 1964; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15501; FCC 64–522]

FM BROADCAST STATIONS

Table of Assignments; Carrollton and Rome, Ga.

In the matter of amendment of § 73.202 Table of Assignments, FM Broadcast Stations (Carrollton and Rome, Georgia); Docket No. 15501, RM–599.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition for rule making filed on April 30, 1964, by Rome Broadcasting Corporation, licensee of radio station WRGA, Rome, Georgia, proposing amendments in the FM Table of Assignments (§ 73.202 of the Commission's rules and regulations). Petitioner seeks reassignment of Channel 272A from Carrollton, Georgia, to Rome and also proposes that Channel 221A be substituted at Carrollton.

3. Rome, with a population of 32,226 is located in Floyd County, which has a population of 69,130. Carrollton which is approximately 45 miles south of Rome has a population of 10,973, and is in Carroll County, which has a population of 36,451 (1960 Census). Presently assigned to Rome is FM Channel 249A, for which petitioner herein is presently an applicant for a construction permit (BPH–4136—Docket 15261); assigned to Carrollton is Channel 272A, for which the Commission, on March 25, 1964, granted a construction permit (BPH–4304) to Faulkner Radio, Inc.[1]

4. Petitioner in explaining its request for the proposed amendments of the Table states that its application for Channel 249A has been designated for hearing in a consolidated proceeding with the application of Coosa Valley Radio Company, and "in the meantime, in the interest of achieving a desirable FM situation in Rome, (it) instructed its consulting radio engineer to determine the possibility of allocating a second FM channel to Rome."[2] Petitioner states that the requested allocation, besides meeting all of the engineering requirements of the Commission's rules and regulations, would serve the public interest by providing Rome with two FM outlets and that this would stimulate the acquisition of FM receiving sets in the area and would provide a larger audience and concomitant advertising support.

5. The Commission is of the opinion that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Rome, Ga.	249A	249A, 272A
Carrollton, Ga.	272A	221A

6. Inasmuch as Faulkner Radio, Inc., has a construction permit for Channel 272A it will be necessary to modify the authorization for this station to specify operation on Channel 221A in the event the proposed changes are adopted.

7. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303(r), and 307(b) and 316 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before June 30, 1964, and reply comments on or before July 7, 1964. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: June 10, 1964.

Released: June 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–6033; Filed, June 17, 1964; 8:48 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[1] Petitioner states that Faulkner Radio would have no objection to having its construction permit changed to specify Channel 221A, provided that such a change would not unduly prolong the commencement of broadcasting over its facility.

[2] A motion by petitioner for continuance of the consolidated hearing was granted by the Examiner by Order released March 24, 1964 (FCC 64M–245) continuing the hearing to June 22, 1964.

[3] Commissioner Bartley absent.

[47 CFR Part 73]

[Docket No. 15405]

EFFECTIVE RADIATED POWER OF AURAL TRANSMITTER

Order Extending Time for Filing Comments

In the matter of amendment of § 73.682 of the Commission rules and regulations to specify that the effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter, Docket No. 15405.

1. In a petition filed on June 10, 1964, by The Electronic Industries Association on behalf of its Consumer Products Division, it was requested that the time for filing comments in this rule making proceeding (June 10, 1964) be extended to July 10, 1964. The Association states as the basis for this request that it holds its annual meetings June 16–18, 1964, at which time the Consumer Products Division representing the majority of the television set manufacturers, and its engineering and Broadcast Television Systems committees will meet to discuss all parts of this docket and to coordinate the filing of comments herein wherever possible.

2. It appears that under the circumstances the extension of time is warranted. *Accordingly, it is ordered,* This 12th day of June 1964, that the request for extension of time filed by The Electronic Industries Association is granted; and that the time for filing comments is extended to July 10, 1964, and for reply comments to July 25, 1964 (from June 25, 1964).

3. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: June 12, 1964.

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

[F.R. Doc. 64–6034; Filed, June 17, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 7]

[Reg. Docket No. 6023; Notice 64–35]

30-MINUTE POWER FOR MULTIENGINE, TURBINE-POWERED HELICOPTERS

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 7 of the Civil Air Regulations to permit the use, for the type certification of multiengine, turbine-powered helicopters, of a power greater than maximum continuous in complying with the climb and en route performance requirements of § 7.115. Manufacturers and operators of transport category helicopters would be affected by the amendments.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Docket Section, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before August 18, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Docket Section for examination by interested persons.

The present provisions of § 7.115 of the Civil Air Regulations require that certain rotorcraft takeoff and en route climb performance determinations be made with one engine inoperative and the remaining engines operating at maximum continuous power. Representations from the industry have been made that a higher power could be used in making these determinations for helicopters without adversely affecting safety. It has been recommended that a higher power, if used within practical limits, could be used in place of maximum continuous power. The use of a higher power would permit operation at greater maximum takeoff weights and would be a significant relaxation of the present requirements of Part 7.

The Agency has, since 1961, authorized the use of takeoff power in lieu of maximum continuous power to meet the en route and climb requirements of Part 7 for multiengine turbine-powered rotorcraft in Categories A and B, and rotorcraft have been certificated under this authorization since that time. The service experience of these rotorcraft during the first six months of service operation was compiled and studied to determine whether any adverse effect on safety resulted from this authorization. A salient finding of the study was that rotorcraft, dispatched at the higher maximum certificated weight permitted by the potential availability of takeoff power for extended periods of operation, were operated at higher cruise power without evidence of an increase in engine failure rate. As a result of this, the Agency has concluded that it is appropriate to provide for the use of this higher power in Part 7.

This amendment has been made practicable by a recent amendment of Part 13 of the Civil Air Regulations (Amendment 13–5, effective February 12, 1963) which provides an engine power rating called 30-minute power for helicopter turbine engines. This power is defined as the maximum brake horsepower, developed under static conditions at specified altitudes and atmospheric temperatures, under the maximum conditions or rotor shaft rotational speed and gas temperature, and limited in use to periods of not over 30 minutes as shown on the engine data sheet. This rating provides a higher power which the Agency feels can be safely used complying with the helicopter performance requirements of § 7.115.

Sections 7.115(a) (2) and (3) of Part 7 are applicable to transport Category A rotorcraft and require certain rates of climb to be met or determined with one engine inoperative and the remaining engines operating at maximum continuous power. It is proposed to amend these requirements to permit the use of 30-minute power by multiengine turbine-powered helicopters in complying with these requirements.

A change to § 7.115(b)(2), similar to that proposed for § 7.115(a) (2) and (3), is proposed to permit the fullest practical use of multiengine turbine-powered helicopters which are certificated under Category B. In addition, corresponding changes to §§ 7.452 and 7.453, specifying the use of 30-minute power, are necessary to make cooling test requirements consistent with the climb performance revisions proposed herein.

A change to § 7.405 is proposed by adding a provision requiring operation at 30-minute power during the rotor drive system and control mechanism endurance test for those rotorcraft approved to use 30-minute power. In connection with this proposal, it is also proposed to amend § 7.405(a)(6) by reducing the time of operation required in the 60 percent maximum continuous run for rotorcraft approved to use 30-minute power. These changes will retain the original total endurance test duration and provide for substantiation of the rotor drive system for operation at 30-minute power.

In addition, since derated engines are frequently used in rotorcraft, and particularly multiengine rotorcraft, it is proposed to amend § 7.405(a)(1) to make it clear that the power levels used during the endurance test are to be determined on the basis of rotorcraft powerplant limitations and not rated engine power levels. It is also proposed to revise the policy that compliance with the endurance test will be accepted for helicopter engine certification in lieu of Part 13 endurance tests, by adding the provision that such testing will be accepted where the power levels used for the transmission tests are the same as the power levels used to substantiate the corresponding power ratings intended to be established for the engine.

Under § 7.405(a)(2), it is proposed to delete the provision that, in the absence of an engine takeoff rating, maximum continuous power and speed be substituted for takeoff power and speed. Whether or not the engine has a takeoff rating is immaterial to rotorcraft certification because, for rotorcraft certification purposes, the engines are required to be operated at some power which is defined as takeoff power regardless of engine ratings.

Since the industry representations leading to this proposal were confined to multiengine, turbine-powered helicopters, and no evidence was offered to justify the use of this rating by other rotorcraft to meet the performance requirements of Part 7, this proposal limits (in § 7.714) the use of 30-minute power to multiengine, turbine-powered

helicopters. It is also proposed to amend § 7.714 by providing criteria for the establishment of powerplant limitations for the use of 30-minute power. A requirement is included that the time limitation established for its use shall be 30 minutes. This is to insure that this power will be available for a full 30 minutes of operation, if required, and also that its use will not exceed the proven capabilities of the powerplant at this power level. Operation at 30-minute power would also be limited by the maximum rotational speed, the maximum gas temperature, the maximum torque and the maximum oil temperature.

This proposal is subject to the FAA Recodification Program announced in Draft Release 61–25 (26 F.R. 10698). The final rule, if adopted, may be in recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, it is proposed to amend Part 7 of the Civil Air Regulations (14 CFR Part 7, as amended) as follows:

1. By amending § 7.1(g) by adding a new subparagraph (7) to read as follows:

§ 7.1 Definitions.

* * * * *

(g) *Powerplant installation.* * * *

* * * * *

(7) *30-minute power for helicopter turbine engines.* 30-minute power for helicopter turbine engines is the maximum brake horsepower, developed under static conditions at specified altitudes and atmospheric temperatures, under the maximum conditions of rotor shaft rotational speed and gas temperature, and limited in use to periods of not over 30 minutes as shown on the engine data sheet.

2. By amending § 7.115 by revising the heading of paragraph (a)(2), and the text of paragraphs (a)(2)(i), (a)(3)(i), and (b)(2) to read as follows:

§ 7.115 Climb; one-engine-inoperative.

(a) *Category A.* * * *

(2) *Climb at maximum continuous power and at 30-minute power.* * * *

(i) The critical engine inoperative and remaining engines operating at maximum continuous power if they are reciprocating engine(s), and at 30-minute power if they are turbine engines: *Provided,* That, if the engines are turbine engines which have not been rated for 30-minute power, they shall be operated at maximum continuous power.

* * * * *

(3) *En route climb.* * * *

(i) The critical engine inoperative and remaining engine(s) operating at maximum continuous power if they are reciprocating engines, and at both maximum continuous power and 30-minute power if they are turbine engines: *Provided,* That, if the engines are turbine engines which have not been rated for 30-minute power, they shall be operated at maximum continuous power.

* * * * *

(b) *Category B.* * * *

(2) For multiengine helicopters complying with the optional requirement of § 7.111(c), the steady rate of climb or descent shall be determined at the best rate-of-climb or rate-of-descent speed with one engine inoperative and the remaining engine(s) operating at maximum continuous power if they are reciprocating engines, and at both maximum continuous power and 30-minute power if they are turbine engines: *Provided,* That, if the engines are turbine engines which have not been rated for 30-minute power, they shall be operated at maximum continuous power.

* * * * *

3. By amending § 7.405(a) by deleting the last sentence of subparagraph (2), and by revising subparagraphs (1) and (6), and by adding a new subparagraph (11) to read as follows:

§ 7.405 Rotor drive system and control mechanism tests.

(a) *Endurance tests*—(1) *General.* The rotor drive system and rotor control mechanism shall be tested for not less than 200 hours. The test shall be conducted on the rotorcraft and the power required for the tests shall be determined on the basis of the rotorcraft powerplant limitations. The power shall be absorbed by the actual rotors to be installed. The endurance tests shall be conducted in 10-hour test cycles composed of the tests prescribed in subparagraphs (2) through (11) of this paragraph. Compliance with the endurance tests prescribed in this paragraph will be accepted for helicopter engine certification in lieu of the endurance testing specified in Part 13 of this subchapter. The tests will be accepted if the power levels used for the transmission tests are the same as those used to substantiate the corresponding power ratings intended to be established for the engine. (The other phases of helicopter engine certification such as vibration, calibration, detonation, operation, and engine inspection will of course require compliance in accordance with Part 13 of this subchapter.)

* * * * *

(6) *60 percent maximum continuous run.* Two hours of continuous operation at 60 percent maximum continuous power at minimum desired cruising speed or at 90 percent maximum continuous speed, whichever speed is lower, except that for rotorcraft to be approved to use 30-minute power the time of this run need not exceed one hour.

* * * * *

(11) *30-minute power run.* For rotorcraft to be approved to use the 30-minute power rating of the engines, a 30-minute power run consisting of two periods of 30 minutes each shall be accomplished. The 30-minute power run shall be conducted with one engine inoperative and shall be repeated for each inopertive engine configuration. The total running time of the endurance test will be increased by an amount equal to the time required for the added runs.

* * * * *

4. By amending § 7.452(b) to read as follows:

§ 7.452 Climb cooling test procedure.

* * * * *

(b) All remaining engines shall be at maximum continuous power or maximum continuous thrust or at full throttle when above the critical altitude: *Provided,* That, if the remaining engines are turbine engines which have been rated for 30-minute power, they shall be operated at 30-minute power for 30 minutes and the power changed to maximum continuous for the remainder of the test.

5. By amending § 7.453(d) to read as follows:

§ 7.453 Category A; takeoff cooling test procedure.

* * * * *

(d) At the end of the time interval prescribed in paragraph (c) of this section, the power shall be changed to that used in complying with the provisions of § 7.115(a)(2) and the climb shall be continued for 30 minutes if 30-minute power is used, or until at least 5 minutes after the occurrence of the highest temperature recorded if maximum continuous power is used.

6. By amending § 7.714 by deleting from the first sentence the parenthetical letter "(d)" and inserting in lieu thereof "(e)", and by adding a new paragraph (e) to read as follows:

§ 7.714 Powerplant limitations.

* * * * *

(e) *30-minute operation.* The use of 30-minute power shall be limited to multiengine turbine-powered helicopters. The time established for its use shall be 30 minutes. Its use shall be limited by:

(1) The maximum rotational speed which shall not be greater than the maximum value determined by the rotor design, nor greater than the value demonstrated during engine type certification.

(2) Maximum gas temperature.

(3) Maximum torque.

(4) Maximum oil temperature.

Issued in Washington, D.C., on June 11, 1964.

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

[F.R. Doc. 64–6010; Filed, June 17, 1964; 8:46 a.m.]

[14 CFR Part 7]

[Reg. Docket No. 6024; Notice 64–36]

2½-MINUTE POWER FOR MULTIENGINE, TURBINE-POWERED HELICOPTERS

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 7 of the Civil Air Regulations to permit multiengine, turbine-powered helicopters to use a power greater than takeoff power in complying with the requirements of

§ 7.111 to establish the limiting heights and speeds for a safe landing following a power failure during takeoff. The use of this power would permit helicopter certification for operations at greater weights than are presently permitted. Manufacturers and operators of transport category helicopters would be affected by the amendments.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Docket Section, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 20, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Docket Section for examination by interested persons.

Section 7.111(a) requires, for Category A rotorcraft, that if there is a range of heights at any speed, including zero, within which it is not possible to make a safe landing when the critical engine suddenly fails with takeoff power on the operating engine, that the range of heights and its variation with forward speed be established. The requirement for Category B is similar but assumes complete power failure. In lieu of complying with this requirement, however, a Category B multiengine rotorcraft that is certificated in accordance with Category A powerplant installation requirements may, at the option of the applicant, comply with the Category A requirement.

A recent amendment to Part 13 of the Civil Air Regulations (29 F.R. 5381; April 22, 1964) established a new aircraft engine power rating, termed "2½-minute power" for one-engine out operation of multiengine helicopters. The amendment also prescribes endurance tests to substantiate the engine for this rating.

The rotorcraft industry represents that there is a need to permit the use of 2½-minute power in meeting the performance requirements of Part 7, and that the use of this power will produce an economic advantage without depressing the level of safety presently established. The industry contends that the characteristics of turbine engines permit the safe output of power substantially greater than the takeoff power which an engine is rated to produce, and that use of the higher power should be permitted during type certification to demonstrate helicopter performance with one engine inoperative. The essence of their argument in this regard is, that for reasonably short periods of time, a turbine engine can produce substantially more than rated takeoff power without unduly sacrificing the overhaul life of the engine. The industry indicates that use of 2½-minute power would provide them a needed "breakthrough" in reducing passenger-seat-mile costs. In addition, the industry points out that withholding adoption of the 2½-minute power rating, under Part 7, will place the United States helicopter industry in an unfavorable competitive position with respect to the United Kingdom helicopter industry, which uses a corresponding rating.

The Agency has evaluated these representations and agrees that, with 2½-minute power available, multiengine, turbine-powered helicopters can be operated at greater weights, while retaining the present level of safety if engines and powerplant are properly substantiated to operate at 2½-minute power. Accordingly, it is proposed to amend § 7.111(a) to permit the use of 2½-minute power in meeting its requirements, and to amend § 7.405 to require rotor drive system and control mechanism endurance tests (corresponding to the 2½-minute power engine endurance tests of Part 13) to substantiate the helicopter's capability to operate using 2½-minute power.

A major problem following an engine failure in a multiengine turbine-powered helicopter is the ease with which the pilot can inadvertently overboost the remaining engines. Increasing the collective pitch during the final stage of a landing, after engine failure, causes the engine speed to decrease. Governor reaction to the speed loss results in maximum fuel flow, which increases engine output and raises the torque or the gas temperature to values beyond their limitations. The major point of concern in this situation is the rotor drive system, which may be seriously affected by an overboost and caused to fail structurally. The Agency believes this problem must be dealt with in cases where 2½-minute power is to be used. It is proposed, therefore, to require either a limiting means to prevent overboosting or to require substantiation of the rotor drive system to withstand overboost.

If the latter course is chosen, there remains the possibility that, during overboost operation, engine operating limitations will be exceeded and result in cumulative damage to the engine or rotor drive system. The Agency feels that some means is necessary to assure recognition of this potentially hazardous situation. Accordingly, for applicants who choose to substantiate the rotor drive system to withstand overboost, the Agency proposes to impose an additional requirement that a means be provided to record any application of power to the rotor drive system in excess of its established limits.

It is also proposed to delete the provision in § 7.405(a)(2) that, in the absence of an engine takeoff rating, maximum continuous power and speed be substituted for takeoff power and speed. Whether or not the engine itself has a takeoff rating is immaterial to rotorcraft certification because, for rotorcraft certification purposes, the engines are required to be operated at some power which is defined as takeoff power regardless of engine ratings.

To insure that the engine and transmission will be adequately cooled during the use of 2½-minute power, it is proposed to amend § 7.453 to require that cooling determinations include operation at 2½-minute power for installations certificated for its use.

Since the industry representations leading to this proposal were confined to multiengine, turbine-powered helicopters, and no evidence was adduced that would justify the use of 2½-minute power by other rotorcraft to meet the performance requirements of Part 7, this proposal limits (in § 7.714) the use of 30-minute power to multiengine, turbine-powered helicopters. It is also proposed to amend § 7.714 to provide for the establishment of powerplant limitations for the use of 2½-minute power. A requirement is included that the time limitation established for its use shall be 2½ minutes. This is to assure that this power will be available for a full 2½ minutes of operation, if required, and also that its use will not exceed the proven capabilities of the powerplant at this power level. Operation at 2½-minute power would also be limited by the maximum rotational speed, the maximum gas temperature, the maximum torque and the maximum oil temperature.

This proposal is subject to the FAA Recodification Program announced in Draft Release 61-25 (26 F.R. 10698). The final rule, if adopted, may be in a recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, it is proposed to amend Part 7 of the Civil Air Regulations (14 CFR Part 7, as amended) as follows:

1. By amending § 7.1(g) by adding a new subparagraph (8) to read as follows:

§ 7.1 Definitions.

* * * * *

(g) *Powerplant installation.* * * *

(8) *2½-minute power for helicopter turbine engines.* 2½-minute power for helicopter turbine engines is the brake horsepower developed statically in standard atmosphere at sea level, or at a specified altitude, for one-engine-out operation of multiengine helicopters for 2½ minutes at rotor shaft rotational speed and gas temperature established for this rating.

2. By amending § 7.111 by deleting from paragraph (a) the phrase "takeoff power on the operating engine(s)," and inserting in lieu thereof the words "the remaining engine(s) operating at the greatest power for which approval is sought,".

3. By amending § 7.401 by adding a new paragraph (f) to read as follows:

§ 7.401 Engines.

* * * * *

(f) *Engine power.* If the engines can deliver power to the rotor drive system greater than that absorbed by the rotor drive system during any of the endurance tests prescribed under § 7.405, the

provisions of either subparagraph (1) or (2) of this paragraph shall be applicable.

(1) Means shall be provided to prevent inadvertent application to the rotor drive system of power greater than the established limits.

(2) The capability of the rotor drive system to withstand without failure the maximum power output which each engine is normally capable of delivering shall be demonstrated, and means shall be provided to record automatically any application of power to the rotor drive system, which exceeds the established limits.

4. By amending § 7.405(a)(2) to read as follows:

§ 7.405 Rotor drive system and control mechanism tests.

(a) *Endurance tests.* * * *

(2) *Takeoff power run.* (i) Except for rotorcraft to be certificated to use 2½-minute power, the takeoff power run shall consist of one hour of alternate runs of 5 minutes at takeoff power and speed, and 5 minutes at as low an engine idle speed as practicable. The engine shall be declutched from the rotor drive system, and the rotor brake, if furnished and so intended, shall be applied during the first minute of the idle run. During the remaining 4 minutes of the idle run, the clutch shall be engaged so that the engine drives the rotors at the minimum practical rpm. Acceleration of the engine and the rotor drive system shall be accomplished at the maximum rate. When declutching the engine, it shall be decelerated at a rate sufficiently rapid to permit the operation of the overrunning clutch.

(ii) For rotorcraft to be certificated to use 2½-minute power, the takeoff power run shall consist of one hour of runs of 5 minutes at takeoff power and speed and 5 minutes at as low an engine idle speed as practicable, except that during the third and sixth takeoff power periods, only 2½ minutes will be conducted at takeoff power. For the remaining 2½-minute portion of these runs, one engine will be run in a manner to simulate a power failure, and the remaining engines will be run at 2½-minute power for 2½ minutes. This portion of the third and sixth periods will be repeated with each engine, in turn, simulating an inoperative condition such that the total time consumed during these two periods will be at least the product of 5 minutes (the sum of two 2½-minute runs) multiplied by the number of engines. The engine shall be declutched from the rotor drive system, and the rotor brake, if furnished and so intended, shall be applied during the first minute of idle run. During the remaining 4 minutes of the idle run, the clutch shall be engaged so that the engine drives the rotors at the minimum practical r.p.m. Acceleration of the engine and the rotor drive system shall be accomplished at the maximum rate. When declutching the engine, it shall be decelerated at a rate sufficiently rapid to permit the operation of the overrunning clutch.

* * * * *

5. By amending § 7.453(c) to read as follows:

§ 7.453 Category A; takeoff cooling test procedure.

* * * * *

(c) The remaining engines shall be operated at the greatest power for which approval is sought (or at full throttle when above the takeoff critical altitude) for the same time interval as this power is used during determination of the takeoff flight path (see § 7.114(e)).

* * * * *

6. By amending § 7.714 by deleting from the first sentence the parenthetical letter "(d)" and inserting in lieu thereof "(f)", and by adding a new paragraph (f) to read as follows:

§ 7.714 Powerplant limitations.

* * * * *

(2) *2½-minute operation.* The use of 2½-minute power shall be limited to multiengine turbine-powered helicopters. The time established for its use shall be 2½ minutes. Its use shall be limited by:

(1) The maximum rotational speed which must not be greater than the maximum value determined by the rotor design, nor greater than the value demonstrated during engine type certification:

(2) Maximum gas temperature;

(3) Maximum torque; and

(4) Maximum oil temperature.

Issued in Washington, D.C., on June 11, 1964.

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

[F.R. Doc. 64-6011; Filed, June 17, 1964; 8:46 a.m.]

[14 CFR Parts 71 [New]; 73 [New]]

[Airspace Docket No. 64-SW-13]

FEDERAL AIRWAYS, CONTROL ZONES, TRANSITION AREAS, AND CONTROL AREA EXTENSIONS

Proposed Alteration, Designation and Revocation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Parts 71 [New] and Part 73 [New] of the Federal Aviation Regulations. These proposals relate to navigable airspace both within and outside the United States.

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

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

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

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

The following controlled airspace is presently designated in the Corpus Christi, Tex., terminal area.

1. The Corpus Christi control area extension is designated as that airspace north of Corpus Christi bounded on the southeast by V-20, on the southwest by V-68, on the northwest by the arc of a 60-mile circle centered on the San Antonio, Tex., RBN, on the north by Latitude 29°00'00" N., and on the northeast by the arc of a 25-mile circle centered at latitude 28°51'00" N., longitude 96°55'00" W.; including the airspace southeast of Corpus Christi bounded on the northwest by V-20, on the east by longitude 97°14'00" W., on the southeast by the north boundary of R-6301, and on the west by the arc of a 35-mile circle centered on the Alice, Tex., VOR.

2. The Alice, Tex., control area extension is designated within 5 miles either side of a direct line extending from the Alice VOR to the Cotulla, Tex., VOR and within a 35-mile radius of the Alice VOR, excluding the portion which coincides with R-6301.

3. The Kingsville, Tex., control area extension is designated as that airspace bounded by a line 5 miles north of and parallel to the Kingsville NAS, TACAN 244° radial extending from the west boundary of V-68 to latitude 27°11'00" N., longitude 98°42'00" W., thence southeast to latitude 27°03'00" N., longitude 98°37'55" W., thence southeast to latitude 26°56'25" N., longitude 98°12'30" W., thence northeast to a line 5 miles southeast of and parallel to the Kingsville NAS TACAN 219° radial to the west boundary of V-68, thence north along the west boundary of V-68 to the point of beginning.

4. The Corpus Christi control zone is designated within a 5-mile radius of

Corpus Christi International Airport (latitude 27°46'00" N., longitude 97°30'00" W.); within 2 miles either side of the 135° bearing from the Corpus Christi International Airport ILS OM extending from the 5-mile radius zone to the OM, and within 2 miles either side of the Corpus Christi VORTAC 199° radial, extending from the 5-mile radius zone to the VORTAC.

5. The Alice, Tex., control zone is designated within a 5-mile radius of Jim Wells County Municipal Airport.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Corpus Christi area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Redesignate the Corpus Christi control zone as that airspace within a 5-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within 2 miles each side of the Corpus Christi VORTAC 200° True radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Corpus Christi ILS localizer northwest course, extending from the 5-mile radius zone to the outer marker.

2. Redesignate the Alice control zone as that airspace within a 5-mile radius of the Alice International Airport (latitude 27°44'30" N., longitude 98°01'40" W.); within 2 miles each side of the Alice VOR 153° True radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 2 miles each side of the Alice VOR 270° True radial, extending from the 5-mile radius zone to 8 miles west of the VOR.

3. Designate the NAS Corpus Christi control zone as that airspace within a 5-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'-15" W.); within 2 miles each side of the Navy Corpus VOR 010° True radial, extending from the 5-mile radius zone to 1 mile north of the VOR; within 2 miles each side of the Navy Corpus RBN 315° True bearing, extending from the 5-mile radius zone to the RBN.

4. Designate the Kingsville control zone as that airspace within a 5-mile radius of NAAS Kingsville (North) (latitude 27°30'10" N., longitude 97°48'-25" W.); within 2 miles each side of the Kingsville TACAN 321° True radial, extending from the 5-mile radius zone to 8 miles northwest of the TACAN; within 2 miles each side of the Kingsville UHF RBN 321° True bearing, extending from the 5-mile radius zone to 8 miles northwest of the UHF RBN; within 2 miles each side of the Kingsville TACAN 187° True radial, extending from the 5-mile radius zone to 7 miles south of the TACAN; within 2 miles each side of the Kingsville UHF RBN 187° True bearing, extending from the 5-mile radius zone to 7 miles south of the UHF RBN; and within 2 miles each side of the Kingsville VOR 315° True radial, extending from the 5-mile radius zone to the VOR.

5. Revoke the Alice and Kingsville control area extensions.

6. Designate the Corpus Christi transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Corpus Christi International Airport; within a 7-mile radius of NAS Corpus Christi; within 2 miles each side of the Corpus Christi VORTAC 020° True radial, extending from the VORTAC to 8 miles northeast; within 2 miles each side of the Corpus Christi ILS localizer northwest course, extending from the International Airport 6-mile radius area to 8 miles northwest of the OM; within 2 miles each side of the Corpus Christi RBN 048° True bearing, extending from the International Airport 6-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Navy Corpus RBN 135° True bearing, extending from the NAS Corpus Christi 7-mile radius area to 8 miles southeast of the RBN; and within 2 miles each side of the Navy Corpus TACAN 139° True radial, extending from the NAS Corpus Christi 7-mile radius area to 12 miles southeast of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the north by the southwest boundary of V–163 (as proposed for realignment herein) latitude 28°07'00" N., and the north boundary of V–20; on the northeast and east by a line extending from the north boundary of V–20 through latitude 28°42'00" N., longitude 96°26'00" W., to latitude 28°37'15" N., longitude 96°17'15" W.; thence to latitude 28°-14'00" N., longitude 96°46'00" W.; thence south along longitude 96°46'00" W., to 3 nautical miles from the shoreline; thence southwest 3 nautical miles from and parallel to the shoreline to latitude 27°49'-00" N., to latitude 27°45'30" N., longitude 96°51'00" W.; to latitude 27°28'20" N., longitude 96°45'30" W.; to latitude 27°-14'30" N., longitude 96°55'30" W.; to latitude 27°23'00" N., longitude 97°06'-00" W.; thence southwest to a point 3 nautical miles from the shoreline at latitude 27°11'20" N., thence to latitude 26°-50'00" N., longitude 97°51'00" W.; and bounded on the south and west by a line extending from latitude 26°50'00" N., longitude 97°51'00" W.; to latitude 26°-51'00" N., longitude 97°58'30" W.; to latitude 27°24'00" N., longitude 98°15'-30" W.; to latitude 27°24'00" N., longitude 98°27'00" W.; to latitude 28°07'00" N., longitude 98°27'00" W., through latitude 28°27'00" N., longitude 98°14'00" W., to the southwest boundary of V–163 (proposed); and that airspace extending upward from 4,500 feet MSL bounded on the east by longitude 98°27'00" W., on the south by latitude 27°24'00" N., on the west by the arc of a 35-mile radius circle centered on the Laredo, Tex., RBN, and on the north by a line extending from the intersection of the 35-mile radius arc and latitude 27°39'10" N., to latitude 27°44'00" N., longitude 98°27'-00" W.

7. Designate the Kingsville transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of NAAS Kingsville (North); within 2 miles each side of the Kingsville TACAN 321° True radial extending from the 7-mile radius area to 12 miles northwest of the TACAN; within 2 miles each side of the Kingsville UHF RBN 321° True bearing, extending from the 7-mile radius area to 12 miles northwest of the UHF RBN; within 2 miles each side of the Kingsville TACAN 187° True radial extending from the 7-mile radius area to 12 miles south of the TACAN; within 2 miles each side of the Kingsville VOR 135° True radial, extending from the 7-mile radius area to 12 miles southeast of the VOR.

The proposed alterations to the Corpus Christi, and the Alice control zones, and the designation of the NAS Corpus Christi and the Kingsville control zones would provide protection for aircraft executing prescribed instrument approach and departure procedures at the associated airports. The proposed designation of the 1,200 foot floor portion of the Corpus Christi transition area and the revocation of the Alice and Kingsville control area extensions would raise the floor of controlled airspace beyond the immediate vicinity of the Corpus Christi International, NAS Corpus Christi, and NAAS Kingsville airports from 700 to 1,200 feet above the surface. The portions of controlled airspace released by these actions are no longer required for air traffic control purposes. The portions retained would provide protection for aircraft executing the portions of the prescribed instrument flight procedures conducted below the floor of the proposed 1,200 foot area outside of the proposed control zone configurations. The portion of the transition area proposed for a floor of 4,500 MSL would provide protection for aircraft executing the higher altitude portion of standard instrument departure procedures from NAAS Kingsville and Laredo AFB.

The floors of the airways and the floor of the portion of the Corpus Christi control area extension which traverse the proposed transition areas would automatically coincide with the floors of the transition areas. Revocation of the Corpus Christi control area extension will be processed at a later date upon completion of the adjoining terminal area CAR Amendments 60–21/60–29 implementation studies. Alteration of W–228 to exclude that portion which would coincide with the transition areas proposed herein will be processed under current non-rulemaking procedures.

Certain minor revisions to prescribed instrument flight procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101.

The Federal Aviation Agency is also considering the revocation of Restricted Area, R–6301, Corpus Christi, and replacing it with two small joint use restricted areas; namely R–6301A and R–6301B. R–6301, as presently designated, is used primarily for advanced flight training of

student naval aviators in high performance jet aircraft, along with, in a small portion of the area, advanced flight training for weapons training requirements. A recent evaluation study of the special use airspace requirements in this area, conducted jointly by the U.S. Navy and the FAA, has revealed that this activity now permits a reconfiguration of the area and the designation of controlled airspace within a portion of the area to promote more efficient utilization of the airspace and available air traffic control services.

R–6301A and R–6301B would be joint use, within the proposed Corpus Christi transition area, with the FAA, Corpus Christi Approach Control as the controlling agency. These restricted areas would be used daily for flight weapons training utilizing air to ground targets located on Padre Island. The using agency would be the same as is presently designated for R–6301; however, the time of use would be limited to from sunrise to sunset, and the altitudes would extend from the surface to 15,000 feet MSL. Prior approval from appropriate authority would be required for operations in the portion of the proposed transition area within R–6301A and R–6301B. In addition, the continental control area would be amended to include these restricted areas.

The restricted areas would be described as follows:

a. *R–6301A Corpus Christi, Tex.*

Boundaries. Beginning at latitude 27°33′30″ N., longitude 97°21′00″ W.; to latitude 27°32′00″ N., longitude 97°15′00″ W.; to latitude 27°27′40″ N., longitude 97°13′15″ W.; thence 3 nautical miles from and parallel to the shoreline to latitude 27°16′20″ N., longitude 97°17′45″ W.; to latitude 27°19′00″ N., longitude 97°26′00″ W.; to point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, Corpus Christi Approach Control.

Using agency. Chief of Naval Advanced Training Command, NAS Corpus Christi, Tex.

b. *R–6301B Corpus Christi, Tex.*

Boundaries. Beginning at latitude 27°19′00″ N., longitude 97°26′00″ W.; to latitude 27°16′20″ N., longitude 97°17′45″ W., thence 3 nautical miles from and parallel to the shoreline to latitude 27°11′30″ N., longitude 97°19′00″ W., to latitude 27°14′00″ N., longitude 97°28′00″ W.; to point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, Corpus Christi Approach Control.

Using agency. Chief of Naval Advanced Training Command, NAS Corpus Christi, Tex.

Concurrently with the action proposed herein regarding control zones, transition areas, control area extensions and restricted areas, the Federal Aviation Agency is considering adjustments to the low and intermediate altitude airway structure in the Corpus Christi area.

VOR Federal airway No. 20 is designated in part from Laredo, Tex., via Alice, Tex., to Corpus Christi, Tex., VOR Federal airway No. 68 is designated in part from San Antonio, Tex., via Corpus Christi, Tex., to Brownsville, Tex., excluding the portion within R–6301, VOR Federal airway No. 163 is designated in part from Brownsville via Alice to San Antonio, including a west alternate between Alice and San Antonio, excluding the portion within R–6301, VOR Federal airway No. 1537 is designated in part from Laredo, Tex., via Cotulla, Tex., to San Antonio, VOR Federal airway No. 1548 is designated in part from Laredo via Alice to Corpus Christi, and VOR Federal airway No. 1643 is designated from Brownsville, via Alice, San Antonio and Junction, to San Angelo, Tex.

The Federal Aviation Agency has under consideration the following airspace actions:

1. Revoke the segment of Victor 20 from Laredo to Corpus Christi.

2. Revoke the segment of Victor 1537 from Laredo to San Antonio.

3. Revoke the segment of Victor 1548 from Laredo to Corpus Christi.

4. Revoke Victor 1643 from Brownsville to San Angelo.

5. Redesignate Victor 68 from San Antonio, via the intersection of San Antonio 168° and Corpus Christi 296° True radials; Corpus Christi; Harlingen; to McAllen, Tex.

6. Redesignate Victor 163 from Brownsville via the intersection of Brownsville 347° and Corpus Christi 191° True radials; Corpus Christi, including a west alternate from Brownsville via Harlingen to the intersection of Brownsville 347° and Corpus Christi 191° True radials; intersection of Corpus Christi 313° and San Antonio 183° True radials to San Antonio.

The latest IFR peak day airway traffic survey for the following airway segments shows:

1. Victor 20, a maximum of 5 aircraft movements between Laredo and Alice and a maximum of 7 aircraft movements between Alice and Corpus Christi.

2. Victor 1537, a maximum of 2 aircraft movements between Laredo and San Antonio.

3. Victor 1548, a maximum of 3 aircraft movements between Laredo and Corpus Christi.

4. Victor 1643, a maximum of 5 aircraft movements between San Angelo and Brownsville.

Accordingly, it would appear that these airway segments are unjustified as assignments of airspace and that they could be revoked.

Victor 68 is used as the inbound route from San Antonio to Corpus Christi. Its alteration as proposed herein would facilitate transition to the Corpus Christi ILS. Alteration of R–6301 as proposed herein would permit realignment of Victor 68 direct between Corpus Christi and Harlingen with a route mileage reduction of 18 nautical miles. Extension of Victor 68 to McAllen would provide an airway between McAllen and Corpus Christi for VOR-equipped aircraft. Victor 163 is used as the inbound route from Corpus Christi to San Antonio. Alteration of this segment as proposed herein would reduce the airway mileage between these terminals. The alteration of R–6301 as proposed herein would permit realignment of Victor 163 between Corpus Christi and Brownsville to reduce the airway mileage between these terminals. The proposed west alternate to Victor 163 would provide a connecting airway between Brownsville and Harlingen. Aircraft operating from San Antonio over Alice to Brownsville could continue to operate via a combination of airways and controlled airspace on an alignment as direct as is presently provided by existing airways. With the realignment of Victor 68, Victor 163 and alteration of R–6301 as proposed herein, reference to R–6301 could be deleted from the airway descriptions.

The Brownsville control area extension is bounded in part by Victor 68, and includes an area 5 miles either side of the Harlingen VOR 013° True radial extending from the VOR to Victor 68. This latter described area would be identical to a segment of Victor 68 as proposed herein and could be revoked. The other reference to Victor 68 in this control area extension would be replaced by reference to Victor 163. The Corpus Christi control area extension is bounded on the southwest by Victor 68. To retain the same airspace, it would be necessary to bound this control area extension on the southwest by Victor 68 and Victor 163 as proposed for alteration herein. Action to revoke the Brownsville control area extension will be processed upon completion of the CAR Amendments 60–21/60–29 implementation studies associated with the Brownsville terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510 and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on June 11, 1964.

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

[F.R. Doc. 64–6012; Filed, June 17, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 94]

DIRECTOR OF ALCOHOL AND TOBACCO TAX DIVISION ET AL.

Authority to Accept or Reject Certain Offers in Compromise

Pursuant to the authority vested in me by Treasury Department Order No. 150-25 dated June 1, 1953, it is hereby ordered that:

1. Subject to the limitations contained in applicable regulations and procedures the Director, Alcohol and Tobacco Tax Division, is delegated authority under section 7122 of the Internal Revenue Code to accept or reject offers in compromise of civil and criminal liability arising under Chapters 51 and 53 of the Code in cases not subject to compromise by Assistant Regional Commissioners (Alcohol and Tobacco Tax).

2. With respect to civil liability, the authority to accept offers in compromise delegated in paragraph 1 of this order is limited to cases in which the liability sought to be compromised (including any interest, additional amount, addition to the tax, or assessable penalty) is less than $100,000.

3. This authority may not be redelegated.

Date of issue: June 2, 1964.

Effective date: June 2, 1964.

[SEAL] MORTIMER M. CAPLIN,
Commissioner.

[F.R. Doc. 64-6030; Filed, June 17, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order N-3-STA-63-3 (NEV-062426)]

NEVADA

Small Tract Classification; Amendment

Effective June 19, 1964, paragraph 1 is hereby amended to read as follows:

1. Pursuant to authority delegated by Bureau Order 684 dated August 28, 1961 (26 F.R. 8216), and the State Director, June 29, 1962 (27 F.R. 6240), I hereby classify the following described public lands, totaling 557.5 acres in Ormsby County, Nevada, as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN, NEVADA

T. 15 N., R. 20 E.,
Sec. 28, NW¼NE¼, E½NW¼, SE¼SW¼, SW¼SE¼;
Sec. 33, W½E½, E½NW¼, NE¼SW¼, N½SW¼SE¼SW¼, SE¼SW¼SE¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, SW¼NW¼.

Containing 557.5 acres of which 505 acres are covered by 104 applications from persons entitled to preference under 43 CFR 2233.0-6(b).

Dated: June 15, 1964.

VAL B. RICHMAN,
District Manager.

[F.R. Doc. 64-6018; Filed, June 17, 1964; 8:47 a.m.]

UTAH

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

1. Plats of survey of the lands described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10:00 a.m., on July 15, 1964:

SALT LAKE MERIDIAN

Plats of survey accepted March 19, 1964:

T. 40 S., R. 4 E.,
Sec. 1;
Secs. 3 through 15;
Secs. 17 through 31;
Secs. 33 through 35.

20,472.72 acres.

Plats of survey accepted May 1, 1964:

T. 6 S., R. 21 E.,
Sec. 27, Lot 13;
Sec. 34, Lot 10.

21.57 acres.

T. 7 S., R. 21 E.,
Sec. 7, Lot 20;
Sec. 7, Lot 22;
Sec. 8, Lot 7.

30.41 acres.

Plats of survey accepted May 14, 1964:

T. 11 S., R. 14 W.,
Sec. 15, All;
Sec. 16, Lots 1, 2, 3, N½, E½SW¼, SE¼;
Sec. 32, All.

1,891.30 acres.

T. 12 S., R. 14 W.,
Secs. 2, 16, 32, and 36.

2,431.64 acres.

T. 13 S., R. 14 W.,
Secs. 2, 16, 32, and 36.

2,560.08 acres.

The area described aggregates 27,407.72 acres.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of Utah upon the acceptance of plats of survey.

SALT LAKE MERIDIAN

T. 11 S., R. 14 W.,
Sec. 16, Lots 1, 2, 3, N½, E½SW¼, SE¼;
Sec. 32, All.
T. 12 S., R. 14 W.
Secs. 2, 16, 32, and 36.
T. 13 S., R. 14 W.,
Secs. 2, 16, 32, and 36.

3. Except for the lands shown in Paragraph 2, the lands listed in Paragraph 1 of this order are open to application, selection and petition as outlined in Paragraph 4 below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands referred to in Paragraph 3 hereof are hereby opened to filing of applications and selections, in accordance with the following:

a. Applications and selections under the nonmineral public land laws, except applications for Small Tracts, may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph, will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on July 15, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Available data indicates the land in T. 40 S., R. 4 E., is broken, mountainous desert and is cut by numerous steep-sided canyons. The soil is principally a shallow sand and gravelly clay, covered with a scattered growth of pinon and juniper. The township is accessible only by jeep road. The lands in Tps. 6 and 7 S., R. 21 E., are level islands located in

the Green River. The soil is sandy, covered with medium dense brush and scattered cotton woods. The land in T. 11 S., R. 14 W., is mountainous and broken land with poor rocky and gravelly soil. It has no timber and the undergrowth consists of sagebrush, yellow top, mountain rusk, greasewood, and shadscale.

7. Inquiries concerning the lands should be addressed to the Manager, Utah Land Office, Post Office Box 11505, Salt Lake City, Utah, 84111.

J. E. KEOGH,
Manager, Utah Land Office.

JUNE 9, 1964.

[F.R. Doc. 64-6019; Filed, June 17, 1964; 8:47 a.m.]

[Serial No. R 05240]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 12, 1964.

The Department of Defense has filed an application, serial number Riverside 05240, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the Taylor Grazing Act, the mining and mineral leasing laws and disposal of material under the Act of July 21, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, subject to valid existing rights.

The applicant desires the land for the purpose of extending the safety zone of the existing United States Marine Corps Rifle Range, Barstow, California, to meet the requirements of current criteria.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 Eighth Street, P.O. Box 723, Riverside, California, 92502.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Defense.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 W.,
Sec. 22, E½E½ and E½W½E½;
Sec. 27, NE¼NE¼ and E½NW¼NE¼.

The areas described aggregate 300 acres.

JENS C. JENSEN,
Land Office Manager.

[F.R. Doc. 64-6040; Filed, June 17, 1964; 8:49 a.m.]

NEVADA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JUNE 10, 1964.

Notice of an application, Serial Number Nevada 058380, for withdrawal and reservation of lands was published as Federal Register Document No. 62-5331 on page 5153 of the issue for June 1, 1962. The applicant agency has canceled its application. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2311, such lands will be at 10:00 a.m. on June 20, 1964, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 20 S., R. 60 E.,
Sec. 10, E½NW¼, NE¼NE¼NW¼NW¼, W½NE¼NW¼NW¼, S½SE¼NW¼NW¼, NW¼NE¼SW¼NW¼, E½E½SW¼NW¼, NE¼SW¼, NE¼NE¼NW¼SW¼;
Sec. 15, NE¼, E½NE¼NE¼NW¼, E½SE¼, E½NE¼NW¼SE¼.
T. 21 S., R. 60 E.,
Sec. 11, Lot 32;
Sec. 12, Lots 63, 64, 77, 79;
Sec. 13, SE¼NE¼NE¼NW¼, NW¼NW¼NE¼NW¼, NW¼SE¼NE¼NW¼, NE¼NE¼NW¼NW¼, NE¼NW¼NW¼NW¼, E½NE¼NE¼SW¼, NE¼NW¼NE¼SW¼, W½SW¼NE¼SW¼, W½SE¼NE¼SW¼, NE¼NE¼NW¼SW¼, NE¼NW¼SE¼SW¼, SE¼SW¼SE¼SW¼;
Sec. 24, W½SW¼NE¼NW¼, E½SE¼SW¼NW¼, N½SW¼, S½SE¼;
Sec. 25, NE¼NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼NE¼, E½NW¼NE¼, W½NW¼NW¼NE¼, E½SW¼NW¼NE¼, W½SW¼NE¼, E½NE¼SW¼NE¼, NE¼SE¼NE¼, SW¼SE¼NE¼, E½SE¼SE¼NE¼, W½NE¼NW¼, W½E½NE¼NW¼, W½NW¼NW¼NW¼, SW¼NW¼NW¼, W½SE¼NW¼NW¼, W½NE¼SW¼NW¼, NW¼SW¼NW¼, W½SE¼SW¼NW¼, NW¼SE¼NW¼, E½NE¼NE¼SW¼, E½NW¼NE¼SW¼, S½NE¼SW¼, E½NE¼NW¼SW¼, W½SE¼NW¼SW¼, W½NE¼SE¼SW¼, NW¼SE¼SW¼, E½NE¼NE¼SE¼, W½NW¼NE¼SE¼, SE¼NE¼SE¼, N½NW¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, W½NE¼SE¼SE¼, NW¼SE¼SE¼, E½SW¼SE¼SE¼, W½SE¼SE¼SE¼;
Sec. 36, W½NE¼NE¼NE¼, SE¼NE¼NE¼NE¼, NW¼NE¼NE¼, W½SW¼NE¼NE¼, N½SE¼NE¼NE¼, NW¼NE¼SE¼NE¼, SE¼NE¼SE¼NE¼, SE¼NW¼SE¼NE¼, NE¼SE¼SE¼NE¼, NW¼NE¼NE¼SE¼, SE¼NE¼NE¼SE¼, NE¼NW¼NE¼SE¼, NW¼SW¼NE¼SE¼, W½SE¼NE¼SE¼, SE¼SW¼NE¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼SE¼, NW¼SE¼SE¼SE¼.
T. 21 S., R. 61 E.,
Sec. 19, Lots 13, 14, 17, 18;
Sec. 30, Lots 9, 10, NW¼NE¼NW¼NW¼;
Sec. 31, Lots 21, 27, 28, 30, 35, 36, 42, 43, 45, 47, 53, 54, 56, 57, 62, 69, 71, 73, 75, 76, 78, 79, 81, 82, W½W½NE¼NW¼, SE¼SW¼NE¼NW¼, NW¼SE¼NW¼, N½SW¼SE¼NW¼, SW¼NE¼NE¼SW¼, NW¼NW¼NE¼SW¼, SE¼SW¼NE¼SW¼, W½NW¼SE¼SW¼, N½SW¼SE¼SW¼.

The area as described aggregate approximately 1,153.13 acres.

DONALD I. BAILEY,
Acting Chief, Division of Lands and Minerals Management.

[F.R. Doc. 64-6041; Filed, June 17, 1964; 8:49 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 10, 1964.

The United States Forest Service has filed an application, Serial Number Nevada 064464, to include within the boundaries of the Humboldt National Forest the land described below. The land will be withdrawn from all forms of appropriation under the public land laws, except to such forms of disposition as may by law be made of National Forest land and the mining and mineral leasing laws.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 37 N., R. 61 E.,
Sec. 29;
Sec. 33.

The land described contains 1,280 acres.

DONALD I. BAILEY,
Acting Chief, Division of Lands and Minerals Management.

[F.R. Doc. 64-6042; Filed, June 17, 1964; 8:49 a.m.]

[Washington 05318]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, had filed an application, serial number Washington 05318, for the withdrawal of public lands in the sections and townships described below from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land for recreational purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 670 Bon Marche Building, Spokane, Washington.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

SNOQUALMIE NATIONAL FOREST

Crystal Mountain Recreation Area Addition

T. 17 N., R. 10 E.,
In Secs. 14, 23, 26, 35, 36.
T. 17 N., R. 11 E.,
In Secs. 29, 30, 31.

OKANOGAN NATIONAL FOREST

Alta Lake Recreation Area

T. 29 N., R. 23 E.,
In Secs. 10 and 15.

UMATILLA NATIONAL FOREST

Tucannon Forks (Panjab) Campground

T. 8 N., R. 41 E.,
In Secs. 4 and 5.

Seven Sisters Campground

T. 7 N., R. 43 E.,
In Sec. 1.

Hostetler Campground

T. 7 N., R. 44 E.,
In Sec. 4

WENATCHEE NATIONAL FOREST

Mineral Springs Campground

T. 21 N., R. 17 E.,
In Secs. 22 and 27.

The areas described aggregate 1,000.75 acres, approximately.

JOHN E. BURT, Jr.,
Officer in Charge.

[F.R. Doc. 64-6043; Filed, June 17, 1964; 8:50 a.m.]

[Washington 05319]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Washington 05319, for the withdrawal of public lands in the sections and townships described below from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land for use in the development, operation, maintenance and protection of the proposed enlarged Bumping Lake Dam and Reservoir.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 670 Bon Marche Building, Spokane, Washington.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

T. 16 N., R. 11 E.,
In secs. 25 and 36.
T. 15 N., R. 12 E.,
In secs. 2 and 3.
T. 16 N., R. 12 E.,
In secs. 12, 13, 14, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, and 35.
T. 16 N., R. 13 E.,
In sec. 7.

The areas described aggregate approximately 7,200 acres.

JOHN E. BURT, Jr.,
Officer in Charge.

[F.R. Doc. 64-6044; Filed, June 17, 1964; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HORSE CITY, INC., ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Horse City, Inc., Manchester, Md.
The Eyler Stables, Thurmont, Md.
Rich Hill Livestock Pavilion, Inc., Rich Hill, Mo.
Dye and Sanders Auction Barn, Ashboro, N.C.
Dewey Community Sale, Dewey, Okla.
Brownsville Sales Co., Brownsville, Tenn.
Central Washington Livestock Market, Inc., Quincy, Wash.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of June 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-6052; Filed, June 17, 1964; 8:51 a.m.]

WENTZ BROS. LIVESTOCK AUCTION ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the

respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name and Location of Stockyard, Date of Posting

Wentz Bros. Livestock Auction, Tucson, Ariz., September 26, 1961.
Napa Livestock Auction, Napa, Calif., November 2, 1959.
Brookville Consignment Sale, Brookville, Ill., November 24, 1959.
Freeport Sales Barn, Freeport, Ill., November 24, 1959.
Rushford Livestock Commission, Rushford, Minn., April 24, 1962.
Klamath Stockmen's Commission Co., Inc., Klamath Falls, Oreg., October 12, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 15th day of June 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-6053; Filed, June 17, 1964; 8:51 a.m.]

Office of the Secretary

COLORADO

Extension of Period for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the State of Colorado, the natural disasters for which said counties were designated (27 F.R. 7579, 12591) and extended (28 F.R. 6661) and subsequent natural disasters have resulted in a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Boulder.	Weld.
Larimer.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of June 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-6054; Filed, June 17, 1964; 8:51 a.m.]

COLORADO

Extension of Period for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) it has been determined that in Baca County, Colorado, the natural disasters for which said county was designated (28 F.R. 5277) and subsequent natural disasters have resulted in a continuing need in that county for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of June 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-6055; Filed, June 17, 1964; 8:51 a.m.]

SOUTH CAROLINA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Horry County, South Carolina, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of June 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-6056; Filed, June 17, 1964; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LAWRENCE H. ZAHN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. *Deletions.* Upjohn.
B. *Additions.* Int. Paper Corp.; Scott Paper Corp.; Eastman Kodak.

This statement is made as of June 3, 1964.

Dated: June 3, 1964.

LAWRENCE H. ZAHN.

[F.R. Doc. 64-6031; Filed, June 17, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

UNION CARBIDE CORP.

Notice of Establishment of Temporary Tolerance for Sodium *cis*-3-Chloroacrylate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that at the request of the Union Carbide Corporation, 270 Park Avenue, New York, N.Y., a temporary tolerance is established for residues of the defoliant sodium cis-3-chloroacrylate in or on cottonseed at 5 parts per million. Conditions under which this temporary tolerance is established are as follows:

1. The pesticide will not be marketed for general sale, but will be supplied to qualified persons as permitted in the experimental permit issued by the U.S. Department of Agriculture for bona fide experimental use.

2. The total amount of the technical product to be used under the experimental permit will not exceed 25,000 pounds. Distribution will be under the Union Carbide Corporation name.

3. The Union Carbide Corporation will immediately notify the Food and Drug Administration of any reports on findings from the experimental use that have a bearing on safety. The company will also keep records concerning manufacture, distribution, and performance and on request make these records available to authorized employees of the Food and Drug Administration at any reasonable time.

This temporary tolerance expires June 3, 1965.

Dated: June 12, 1964.

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

[F.R. Doc. 64-6007; Filed, June 17, 1964; 8:46 a.m.]

Office of Education

[Files 68-70]

ARKANSAS EDUCATIONAL TV COMMISSION ET AL.

Application for Federal Financial Assistance

Notice of acceptance for filing of applications for Federal financial assistance in construction of noncommercial educational television broadcast facilities.

Notice is hereby given that effective with this publication the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Arkansas Educational TV Commission, File No. 68, for the establishment of a new noncommercial educational television broadcasting station on channel 2, Little Rock, Arkansas.

Board of Education of the City of New York, File No. 69, for the establishment of a new noncommercial educational television broadcasting station on channel 25, New York, New York.

University of North Carolina, File No. 70, for the establishment of a new noncommercial educational television broadcasting station on channel 2, Columbia, North Carolina.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 64-6028; Filed, June 17, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14296]

UNITED AIR LINES-MILWAUKEE RESTRICTION CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 30, 1964, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., June 15, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-6045; Filed, June 17, 1964; 8:50 a.m.]

[Docket 14725]

UNITED AIR LINES-PITTSBURGH RESTRICTION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 29, 1964, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Russell A. Potter.

Dated at Washington, D.C., June 15, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-6046; Filed, June 17, 1964 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15415]

ACQUISITION OF COMMUNITY ANTENNA TELEVISION SYSTEMS BY TELEVISION BROADCAST LICENSEES

Order Extending Time for Filing Comments

1. In a petition filed on June 2, 1964, by The Broadcasting Company of the South and other television licensees, it was requested that the time for filing comments and reply comments in this inquiry proceeding (now June 19 and July 20, 1964, respectively) be extended to July 15 and August 15, 1964, respectively. Cited as reasons for the requested extension are the wide scope of the proceeding and the fact that the first filing date mentioned occurs during the week of the National Community Television Association convention.

2. It appears that under the circumstances the extension of time is warranted. *Accordingly, it is ordered,* This 11th day of June 1964, that the "Joint Petition for Extension of Time" filed by The Broadcasting Company of the South and other licensees is granted; and that the time for filing comments and reply comments in this proceeding is extended to July 15 and August 15, 1964, respectively.

3. This action is taken pursuant to authority found in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's Rules.

Released: June 12, 1964.

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

[F.R. Doc. 64-6038; Filed, June 17, 1964; 8:49 a.m.]

[Docket Nos. 15469, 15470; FCC 64M-538]

ADVANCED ELECTRONICS AND INDUSTRIAL COMMUNICATIONS SYSTEMS, INC.

Order Regarding Procedural Dates

In re applications of R. L. Mohr, d/b as Advanced Electronics, Docket No. 15469, File No. 214-C2-P-63; for a construction permit in the Domestic Public Land Mobile Radio Service at Palos Verdes, California, and Industrial Communications Systems, Inc., Docket No. 15470, File No. 1050-C2-P-63; for a construction permit for station KMD990 in the Domestic Public Land Mobile Radio Service at Los Angeles, California.

As a result of agreements reached upon the record of a prehearing conference held this day in the above-entitled matter: *It is ordered,* This 12th day of June 1964, that:

(1) There shall be an informal exchange of exhibits on or before August 5, 1964;

(2) Formal exchange of lay and engineering exhibits shall be made on or before August 19, 1964;

(3) Notification of witnesses shall occur on or before August 26, 1964; and

(4) The hearing now scheduled for July 13, 1964, is rescheduled to commence at 10:00 a.m., September 9, 1964, in the Commission's offices, Washington, D.C.

Released: June 15, 1964.

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

[F.R. Doc. 64-6035; Filed, June 17, 1964; 8:49 a.m.]

[Docket No. 15312 etc.; FCC 64M-536]

ALL-FLORIDA COMMUNICATIONS CO. ET AL.

Order Continuing Hearing

In re applications of Alan H. Rosenson, d/b as All-Florida Communications Company, Docket No. 15312, File No. 2437-C2-MP-63, for modification of a construction permit for station KIN645 in the Domestic Public Land Mobile Radio Service at Miami, Florida; Benjamin Cutler, Docket No. 15313, File No. 3320-

C2–P–63, for a construction permit in the Domestic Public Land Mobile Radio Service at Miami, Florida; Abe Schonfeld, d/b as Tel-Car, Docket No. 15314, File No. 3536–C2–P–63, for a construction permit for station KIB527 in the Domestic Public Land Mobile Radio Service at Miami, Florida; Professional Radio Service Corporation, Docket No. 15315, File No. 5080–C2–P–63, for a construction permit in the Domestic Public Land Mobile Radio Service at Miami, Florida.

It is ordered, This 12th day of June 1964, that the date for further hearing is changed from June 30 to July 30, 1964, at 2:30 p.m.

Released: June 15, 1964.

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

[F.R. Doc. 64–6036; Filed, June 17, 1964; 8:49 a.m.]

[Docket Nos. 15449, 15450; FCC 64M–537]

SPRINGFIELD TELECASTING CO. AND MIDWEST TELEVISION, INC.

Order Postponing Procedural Certain Dates

In re applications of Springfield Telecasting Co., Springfield, Illinois, Docket No. 15449, File No. BPCT–2838; and Midwest Television, Inc., Springfield, Illinois, Docket No. 15450, File No. BPCT–2846; for construction permits for new television broadcast stations.

Upon oral request of counsel for the Broadcast Bureau based on a conflict in his hearing commitments, and with the consent of other counsel thereto: *It is ordered,* This 12th day of June 1964, that: the hearing previously scheduled for July 21, 1964, is postponed to July 28, 1964, at 10:00 a.m.; the exchange of applicant Springfield's exhibits re Issues 1 and 3 also is hereby postponed from July 6 to July 13, 1964; and the notification date as to Springfield witnesses desired for cross-examination on Issues 1 and 3 is hereby postponed from July 16 to July 23, 1964.

Released: June 15, 1964.

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

[F.R. Doc. 64–6037; Filed, June 17, 1964; 8:49 a.m.]

[Docket No. 15362; FCC 64M–535]

GRAYSON ENTERPRISES, INC.

Order Continuing Prehearing Conference

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

The Hearing Examiner having under consideration a request dated June 11, 1964, by Grayson Enterprises, Incorporated, the applicant herein, for a postponement without date of the further session of the prehearing conference now scheduled for June 15, 1964, in the above-styled proceeding; and

It appearing, that the applicant has determined to dismiss its application and it is expected that a motion to dismiss will be filed within the next few days and, therefore, no useful purpose would be served by holding the further session of the prehearing conference on June 15:

It is ordered, This 12th day of June 1964, that the further session of the prehearing conference in the above-styled proceeding now scheduled for June 15, 1964, be and it is hereby continued without date.

Released: June 12, 1964.

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

[F.R. Doc. 64–6039; Filed, June 17, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

DUAL RATE CASES

Notice of Applications To Modify Commission Orders Relating to Dual Rate Contracts

Notice is hereby given that on the application of numerous respondents in these proceedings, the Commission is considering modifications to its report and orders dated March 27, 1964, and served March 30, 1964, in the Dual Rate Cases so as to permit all the respondents the option of deleting certain contract provisions which merely recite that the contracts and the construction thereof shall be subject to provisions of the Shipping Act, 1916, and the rules of the Federal Maritime Commission.

Persons interested in such proposed modifications may inspect copies of the aforesaid applications at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301, or at the offices of the District Managers in New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to such modifications including a request for hearing if desired may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 3 days after publication of this notice in the FEDERAL REGISTER.

Dated: June 17, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–6136; Filed, June 17, 1964; 12:12 p.m.]

FEDERAL POWER COMMISSION

[Docket RI64–763]

CHAMPLIN OIL & REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change to Become Effective Subject to Refund

JUNE 11, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 27, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-763...	Champlin Oil & Refining Co., P.O. Box 9365, Fort Worth, Tex., 76107, Attn: Mr. Chas. B. Johnson, Jr.	[1] 10	7	Coastal States Gas Producing Co.[2] (East Mathis Field, San Patricio County, Tex.) (R.R. Dist. No. 4).	$325	4-21-64	[4] 7-2-64	[5] 7-3-64	[6] 12.11722	[6] [7] 13.11722	

[1] Contract amended to eliminate all indeterminate rate clauses and price escalations were limited to 1.0 cents per Mcf every five years.
[2] Coastal resells subject gas under its rate Schedule No. 23 to Natural Gas Pipeline Company of America at a rate of 14.5 cents per Mcf, in effect subject to refund in Docket No. G-17733.
[4] The stated effective date is the effective date requested by Respondent.
[5] The suspension period is limited to one day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 psia.
[8] Rate is the result of Offer of Settlement accepted by Commission order issued June 27, 1960, in Docket Nos. G-9277, et al.

Champlin Oil & Refining Co.'s (Champlin) proposed periodic increase to 13.11722 cents per Mcf for gas sold to Coastal States Gas Producing Company (Coastal States) is below the applicable area increased ceiling rate of 14.0 cents per Mcf. Coastal States gathers the subject gas and resells it to Natural Gas Pipeline Company of America. Coastal States' resale rate of 14.5 cents per Mcf is in effect subject to refund in Docket No. G-17733. Accordingly, the proposed rate involved here, although not in excess of the applicable increased rate ceiling for pipeline quality gas as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56), should be suspended because the sale related thereto is considered to be for nonpipeline quality gas within the meaning of the policy statement. Under the circumstances, we believe that Champlin's rate filing should be suspended for one day from July 2, 1964, the contractually due date for the increased rate.

[F.R. Doc. 64-6014; Filed, June 17, 1964; 8:46 a.m.]

[Project 2416]

RIEGEL TEXTILE CORP.

Notice of Application for License

JUNE 11, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Riegel Textile Corporation (correspondence to: Earle Mauldin, Jr., Controller and Asst. Secretary, Riegel Textile Corporation, Southern Executive Offices, Ware Shoals, South Carolina) for license for constructed Project No. 2416, known as the Ware Shoals Plant, located on the Saluda River, in Greenwood, Laurens and Abbeville Counties, South Carolina.

The project consists of: A stone rubble gravity dam 545 feet long including a tainter gate section at the west abutment and about 490 feet of overflow section topped by 4.5 feet of flashboards; a reservoir about 6,000 feet long; a stone rubble intake structure with wing walls and five lift gates; a power canal in earth excavation 2,700 feet long, 86 feet wide and 16 feet deep; four penstocks 7 feet in diameter and 345 feet long; two steel surge tanks, one 20 feet in diameter by 59 feet high, and the other 4 feet in diameter by 50 feet high; a powerhouse consisting of an older stone structure 44' by 30' by 40' high and a newer reinforced concrete and brick structure 25' by 35' by 90' high containing three generating units operating under a head of about 58 feet and a total generating capacity of 5,000 kw; a 2,300 volt bus, cable connections to a steel tower, and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 7, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6015; Filed, June 17, 1964; 8:46 a.m.]

[Project 2461]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Application for License

JUNE 11, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Virginia Electric and Power Company (correspondence to: Mr. R. M. Hutcheson, Senior Vice President, Virginia Electric and Power Company, 7th and Franklin Streets, Richmond 9, Virginia) for license for constructed Project No. 2461, known as the Embrey Project, located on the Rappahannock River, in Stafford and Spotsylvania Counties, Virginia, in and adjacent to the city of Fredericksburg.

The project consists of: (1) A concrete buttress type dam, 769 feet long and 22 feet high (crest elevation 52 feet);[1] (2) a 150 acre reservoir with normal pool elevation 50 feet[1]; (3) canal gates at the dam controlling the flow to a power canal approximately 10,000 feet long, 28 feet wide, and 5 feet deep which connects the power pool at the dam to the project intake flume; (4) a 440 foot intake flume, 16 feet wide and 15 feet deep, is controlled by gates located at the powerhouse; (5) a concrete powerhouse containing three horizontal shaft turbines rated at 1,700 hp each (at 50 foot design head) and three horizontal shaft generators rated at 1,050 kw each (3,150 kw total); and (6) appurtenant electrical and mechanical facilities.

[1] Datum—normal tailwater elevation = 0.0 feet.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 7, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-6016; Filed June 17, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 812-1692]

KAISER INDUSTRIES CORP.

Notice of Application for Order Declaring that Company Is Not an Investment Company

JUNE 12, 1964.

Notice is hereby given that Kaiser Industries Corporation ("Kaiser Industries"), Kaiser Center, 300 Lakeside Drive, Oakland, California, has filed an application for an order pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") declaring that upon the merger into Kaiser Industries of Henry J. Kaiser Company ("Kaiser Company"), Kaiser Industries will be primarily engaged, directly and through majority-owned subsidiaries and through controlled companies conducting similar types of businesses, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities. All interested persons are referred to the application, which is on file with the Commission, for a full statement of the representations in said application, which are summarized below.

The assets of Kaiser Industries consist primarily of all of the outstanding capital

stock of Kaiser Company. Kaiser Company is directly engaged primarily in the performance of heavy construction and engineering services in the United States and abroad and in the production and sale of sand, gravel and readymix concrete in the San Francisco-Oakland, California area. Kaiser Company also has substantial majority and other controlling interests in corporations engaged primarily in the manufacture and sale of steel, aluminum, cement, and steel and aluminum products. On January 24, 1956, the Commission found and by order pursuant to section 3(b)(2) of the Act declared that Kaiser Company was primarily engaged directly and through such companies in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities. (36 S.E.C. 626.)

Upon the merger with Kaiser Company, Kaiser Industries as the surviving corporation will engage in the businesses presently engaged in by Kaiser Company directly and through the corporations in which it has interests. Thus, after the merger, Kaiser Industries will engage directly in construction, engineering, sand and gravel operations, and it will own approximately 79 percent of the voting securities (common stock) of Kaiser Steel Corporation ("Kaiser Steel"), engaged in the production and sale of steel and steel and iron products; approximately 41 percent of the voting securities (common stock) of Kaiser Aluminum & Chemical Corporation ("Kaiser Aluminum"), engaged in the production and sale of aluminum and aluminum products; and approximately 39 percent of the voting securities (common stock) of Permanente Cement Company ("Permanente"), engaged in the production and sale of cement and gypsum and insulating board products. Kaiser Industries presently owns, and will continue to own after the merger, all of the outstanding common stock of Kaiser Jeep Corporation ("Kaiser Jeep"), engaged in the production and sale of "Jeep" automotive vehicles. Kaiser Industries also has, or will have upon the merger, other less significant subsidiaries, principally wholly-owned, engaged primarily in engineering and construction, aerospace and electronics, real estate, and broadcasting operations.

As of March 31, 1964, giving effect to the proposed merger, the market value of Kaiser Industries' holdings of investment securities as defined in section 3(a)(3) of the Act represented approximately 54 percent of the value of its total assets (exclusive of Government securities and cash items). These investment securities consist of the holdings of securities of Kaiser Aluminum and Permanente, the market values of which represented approximately 45 percent and 9 percent, respectively, of the value of such total assets of Kaiser Industries.

Although Kaiser Industries will own less than a majority of the voting securities of Kaiser Aluminum (41 percent) and Permanente (39 percent), no other stockholder owns more than approximately 13 percent of the voting securities of either company. A majority of the directors of Kaiser Aluminum and Permanente, as well as of Kaiser Steel and Kaiser Jeep, are directors and officers of Kaiser Industries.

The officers and directors of Kaiser Industries who, with the exception of one vice-president, presently hold the same offices in Kaiser Company, are actively engaged in managing the businesses of the company and its majority-owned and controlled companies and devote all of their business time to such activities. General policies are established for such companies by their principal executive officers, most of whom are also the principal executive officers of Kaiser Industries. The same officers plan and arrange financing, plant expansions and other major transactions for the respective companies. Officers of Kaiser Industries participate actively in the day to day management and operating problems of all of the companies.

Plants are engineered and constructed by or under the supervision of Kaiser Company for all of the principal majority-owned and controlled companies, which activity will be conducted directly by Kaiser Industries after the merger. The engineering and construction services are employed by such companies on specific projects and are available for use on a continuing basis. In addition, the principal executive offices and operational services and facilities are furnished to the various majority-owned and controlled companies by two corporations all of whose outstanding stocks are owned by Kaiser Aluminum, Kaiser Steel and Permanente, and by Kaiser Company, whose interest will be owned directly by Kaiser Industries after the merger.

Applicant contends that its controlled companies, Kaiser Aluminum and Permanente, are conducting types of businesses similar to each other within the meaning of section 3(b)(2) of the Act. In any event, even if Permanente together with certain indirectly controlled companies which are primarily engaged in automobile production, are disregarded as not conducting types of businesses similar to that of Kaiser Aluminum, approximately 88 percent of the value of the total assets of Kaiser Industries is represented by its interests in businesses engaged in directly, through wholly-owned or majority-owned subsidiaries, and through Kaiser Aluminum, a controlled company.

The application states that Kaiser Industries has never engaged, and does not propose to engage, in the business of investing, reinvesting, or trading in securities, and that it has never held itself out to be an investment company.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of section 3(a)(3), "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies. Section 3(b)(2) of the Act provides that, notwithstanding section 3(a)(3), the term "investment company" does not include an issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subisdiaries or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than June 29, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64–6013; Filed, June 17, 1964; 8:46 a.m.]

TARIFF COMMISSION

[AA1921–39]

CARBON STEEL BARS AND SHAPES FROM CANADA

Notice of Hearing

Notice is hereby given that the United States Tariff Commission has ordered a public hearing to be held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to carbon steel bars, barsshapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada. Notice of the institution of this investigation was published in the FEDERAL REGISTER on June 9, 1964 (29 F.R. 7444).

The hearing will be held in the Hearing Room, Tariff Commission Building,

Eighth and E Streets NW., Washington, D.C., at 10 a.m., e.d.s.t., on July 14, 1964. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued June 15, 1964.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-6029; Filed, June 17, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 15, 1964.

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

LONG-AND-SHORT HAUL

FSA No. 39078: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 22), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States and middlewest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 16 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF-I.C.C. 59.

FSA No. 39079: *Liquid caustic soda from Plaquemine, La.* Filed by Southwestern Freight Bureau, agent (No. B-8556), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Plaquemine, La., to points in Florida and Georgia.

Grounds for relief: Market competition.

Tariff: Supplement 139 to Southwestern Freight Bureau, agent, tariff I.C.C. 4450.

By the Commission.

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

[F.R. Doc. 64-6022; Filed, June 17, 1964; 8:47 a.m.]

[Section 5a Application 1; Amdt. 4]

HOUSEHOLD GOODS CARRIERS' BUREAU

Application Filed for Approval

JUNE 15, 1964.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed June 8, 1964 by: Francis L. Wyche, Executive Secretary, Household Goods Carriers' Bureau, 1424 16th Street NW., Washington, D.C., 20036.

Amendments involved: Change the bylaws so as to provide for the creation of an Inter-Related Rates and Tariffs Committee with authority to meet with similar committees constituted by other groups of common carriers of household goods by motor vehicle functioning pursuant to agreements approved under section 5a of the Interstate Commerce Act, for the purpose of jointly discussing rate matters and submitting recommendations thereon to the Bureau's Rates and Tariffs Committee.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

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

[F.R. Doc. 64-6023; Filed, June 17, 1964; 8:47 a.m.]

[Notice 999]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 15, 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 66721. By order of June 11, 1964, the Transfer Board approved the transfer to J. W. Ward Transfer, Inc., Murphysboro, Ill., of Certificate in No. MC 13893 and MC 13893 (Sub-No. 4), issued August 9, 1956, and February 17, 1961, to Dora E. Ward, Elmer R. Ward, and Laverne W. Ward, a partnership, doing business as J. W. Ward Transfer, Murphysboro, Ill., authorizing the transportation of: General commodities, excluding household goods and commodities in bulk and other specified commodities, between Carbondale, Ill., and St. Louis, Mo., serving specified intermediate and off-route points, and between St. Louis, Mo., on the one hand, and, on the other, Belleville, Ill., points in Illinois in the St. Louis, Mo.-East St. Louis, Ill., commercial zone and those in that part of Illinois south of U.S. Highway 640 between the Indiana-Illinois State line and Mount Vernon, Ill., and Illinois Highway 15 between Mount Vernon and the Missouri-Illinois State line; and paper labels and paper and foil combined labels, from Murphysboro, Ill., to New York, N.Y. Delmar Koebel, Suite 500, Spivey Building, East St. Louis, Ill., attorney for applicants.

No. MC-FC 66886. By order of June 11, 1964, the Transfer Board approved the transfer to Kennedy Motor Lines, Inc., Brooklyn, N.Y., of that portion of the operating rights in Certificate in No. MC 38880, issued April 21, 1960, to Francis G. Flynn, doing business as Glueck Trucking Co., West New York, N.J., authorizing the transportation, over irregular routes, of cork, from New York, N.Y., to Newark, N.J., with no transportation for compensation on return except as otherwise authorized, mica, from New York, N.Y., to South Plainfield, N.J., with no transportation for compensation on return except as otherwise authorized, and furniture (church, school, theatre, and laboratory furniture), and laboratory equipment, between points in New York and New Jersey within 50 miles of New York, N.Y., including New York, N.Y. Robert A. Pepper, 880 Bergen Avenue, Jersey City, N.J., representative for transferor, and Morris Honig, 150 Broadway, New York 38, New York, attorney for transferee.

No. MC-FC 66895. By order of June 11, 1964, the Transfer Board approved the transfer to Long's Hauling Company, Inc., Duquesne, Pa., of the operating rights in Permit in No. MC 115157 (Sub-No. 1), issued January 7, 1957, to Francis P. Long, doing business as Long Coal and Hauling Company, Duquesne, Pa., authorizing the transportation, over irregular routes, of: Coal, coke and coal fuel products, in bulk in tank vehicles, from mine sites located in specified counties in Pennsylvania, to points in named counties in Ohio and West Virginia. Frank C. Roney, 63 South Main Street, Washington, Pa., attorney for applicants.

No. MC-FC 66903. By order of June 11, 1964, the Transfer Board approved the transfer to Missouri Valley Express, Inc., Lincoln, Nebr., of the operating rights issued by the Commission January 30, 1942, under Permit in No. MC 59694, to Walter Mark, South Sioux City, Nebr., authorizing the transportation, over irregular routes, of packinghouse products, supplies, materials, and equipment, between Chicago, Ill., on the one hand, and, on the other, Sioux City, Iowa, and Omaha, Nebr. Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr., attorney for applicants.

No. MC-FC 66918. By order of June 11, 1964, the Transfer Board approved the transfer to Homer H. Hoag, doing business as Hoag Trucking Co., Philip,

S. Dak., of the operating rights issued by the Commission January 11, 1952, under Certificate in No. MC 112868, to David Whitwer, Wall, S. Dak., authorizing the transportation of feed, over irregular routes, from Sioux City, Iowa, to Wall, S. Dak., and points other than incorporated cities or towns, within 50 miles of Wall.

No. MC–FC 66931. By order of June 11, 1964, the Transfer Board approved the transfer to Acme Moving & Storage Company, Inc., New Haven, Conn., of the operating rights in Certificate in No. MC 17968, issued April 6, 1964, to William J. Collins and Charles J. Collins, a partnership, doing business as Collins Bros., New Haven, Conn., authorizing the transportation, over irregular routes, of household goods, between points in Connecticut, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Rhode Island. Sidney L. Goldstein, 109 Church Street, New Haven, Conn., attorney for transferee, and William C. Lynch, 152 Temple Street, New Haven, Conn., attorney for transferor.

No. MC–FC 66949. By order of June 12, 1964, the Transfer Board approved the transfer to Chester E. Johnson, doing business as Wm. Wittmers Truck Line, Albert Lea, Minn., of the operating rights in Certificate in No. MC 29860, issued June 20, 1949, to Albert Le Roy Jensen and Whilma Irene Jensen, doing business as Wm. Wittmers Truck Line, Albert Lea, Minn., authorizing the transportation, over irregular routes, of: Household goods, between points within 25 miles of Albert Lea, Minn., on the one hand, and, on the other, points in Iowa, Nebraska, Illinois, and South Dakota. Jack F. C. Gillard, 514 Hyde Building, Albert Lea, Minn., 56007, attorney for applicants.

HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–6024; Filed, June 17, 1964, 8:48 a.m.]

[Docket No. M–18455]

LTL COR RATES—BETWEEN EAST AND TERRITORIES WEST

Investigation and Suspension

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 9th day of June A.D. 1964.

It appearing, that by order dated May 22, 1964, the Commission, Board of Suspension, instituted an investigation into and concerning the lawfulness of the rates, charges, and regulations contained in certain schedules described therein;

It further appearing, that under section 216(g) of the Interstate Commerce Act respondents have the burden of proof to show that the proposed changed rates, charges, and regulations are just and reasonable;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting earnings would be just and reasonable, it is deemed appropriate in the public interest and pursuant to section 216(i) of the act that the information specified below be included in the record to be developed in this proceeding;

And good cause appearing therefor:

It is ordered, That respondents be, and they are hereby, notified and required to submit evidence and supporting data which shall include, among other things, actual cost and revenue data and operating ratios specifically related to the traffic and territories involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and detailed data to disclose carrier-affiliate financial and operating relationships and transactions, as generally indicated by the admonitions in General Increase—Middle Atlantic and New England Territories, 319 I.C.C. 168, and in General Increases—Transcontinental, 319 I.C.C. 792, and in addition all pertinent evidence and supporting data for the individual representative carriers regarding, but not limited to, the following as they relate to their overall operations and to those specifically relating to the traffic and territories involved:

(1) Ratios of net income before and after income taxes to net worth (assets minus liabilities),

(2) Ratio of net carrier operating income to total carrier operating revenues,

(3) Ratios of net income before and after income taxes to total carrier operating revenues,

(4) Ratio of net carrier operating income to net book value of carrier operating property plus net working capital (current assets minus current liabilities),

(5) Ratios of net income before and after income taxes to net book value of carrier operating property plus net working capital (current assets minus current liabilities);

and that all of the above data be based upon and reflect at least the most recent annual reporting period:

It is further ordered, That the order dated May 27, 1964, assigning this proceeding to Examiner R. J. Mittelbronn for hearing on July 7, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., be, and it is hereby, vacated;

It is further ordered, That this proceeding be, and it is hereby, referred to Examiner R. J. Mittelbronn for prehearing conference on June 23, 1964, and for hearing on July 28, 1964, at 8:30 a.m., U.S. s.t. (or 9:30 a.m., District of Columbia d.s.t.) at the offices of the Interstate Commerce Commission, Washington, D.C.;

And it is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–6025; Filed, June 17, 1964; 8:48 a.m.]

[Section 5a Application 4; Amdt. 5]

MOVERS' & WAREHOUSEMEN'S ASSOCIATION OF AMERICA, INC.

Application Filed for Approval

JUNE 15, 1964.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed June 8, 1964 by: Zelby & Burstein, 160 Broadway, New York, N.Y., 10038.

Amendments involved: Change the bylaws so as to provide for the creation of an Inter-Related Rate and Tariff Committee with authority to meet with similar committees constituted by other groups of common carriers of household goods by motor vehicle functioning pursuant to agreements approved under section 5a of the Interstate Commerce Act, for the purpose of jointly discussing rate matters and submitting recommendations thereon to the Association's Tariff Committee.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–6026; Filed, June 17, 1964; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

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