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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113(f) is amended to except the positions of Agricultural Commodity Aid (Cotton) GS-2, -3, and -4, for employment on a seasonal basis for not to exceed 160 days yearly in cotton classing offices of the Agricultural Marketing Service outside the Washington, D.C., metropolitan area. Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (f) of section 213.3113 as set out below.

§ 213.3113 Department of Agriculture.

* * * * *

(f) *Agricultural Marketing Service.* * * *

(5) Positions of Agricultural Commodity Aid (Cotton) GS-2, -3, and -4, employed on a seasonal basis in cotton classing offices outside the Washington, D.C., metropolitan area for not to exceed 160 working days a year. Employment under this authority may not exceed 850 positions at GS-2, and 92 supervisory positions at GS-3 and GS-4.

(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. 64-5945; Filed, June 15, 1964; 8:50 a.m.]

Title 7—AGRICULTURE

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

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart A—Regulations Under the United States Standards Act

MIKE READINGS AND WASTY COTTON

Statement of considerations leading to amendments. Cotton of wasty staple is now defined in paragraph (b) of § 28.40 of the regulations under the United States Cotton Standards Act as cotton that has a weak, irregular or immature staple. Micronaire (mike) readings on air flow instruments are now widely used in commercial channels and by AMS boards of cotton examiners as a measurement of fiber fineness and maturity. Mike readings have been used in recent years by boards of cotton examiners as aids to classers in determining which cottons to designate wasty. Cottons with mike readings of 2.6 or lower have been designated wasty.

The Department recently announced that mike readings will be included as an additional quality factor for upland cotton going under price support loan beginning with the 1964 crop.

Because of the widespread use of mike readings as a quality measurement in conjunction with grade and staple length determinations, use of the term wasty is rapidly becoming obsolete. This amendment of paragraph (b) of § 28.40 deletes the definition of cotton of wasty staple and thus discontinues use of the term on classification memoranda issued by boards of cotton examiners. The amendment further provides that for cotton which has a mike reading of 2.6 or lower, boards of cotton examiners will enter the mike reading on all classification memoranda issued for such cotton.

The amendment of § 28.15 adds a new paragraph (d) reflecting the availability of mike reading service in conjunction with cotton classification rendered pursuant to the Regulations under the United States Cotton Standards Act, subject to the terms and fees specified in § 28.956 of Part 28.

Pursuant to authority contained in section 10 of the United States Cotton Standards Act (42 Stat. 1519; 7 U.S.C. 61), the regulations under the United States Cotton Standards Act are amended as follows:

1. The following new paragraph (d) is added to § 28.15:

§ 28.15 Classification and comparison; requests.

* * * * *

(d) *Micronaire reading service.* Micronaire (mike) reading service is available in conjunction with Form A, C, and D determinations upon request from the applicant and subject to the terms and fees specified in § 28.956 of this Part 28.

2. Paragraph (b) of § 28.40 would be amended to read as follows:

§ 28.40 Terms defined; cotton classification.

* * * * *

(b) *Mike reading of 2.6 or lower.* For cotton that has a mike reading of 2.6 or lower on an air flow instrument the board of cotton examiners will enter the mike reading on all classification memoranda issued for such cotton.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

The amendments reflect the increasing use of actual mike readings in lieu of the term wasty in the marketing of cotton. It will benefit cotton producers, buyers, and others handling cotton classification memoranda for these amendments to become effective with the beginning of classing of the 1964 cotton crop in South Texas. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. This amendment shall become effective July 1, 1964.

Dated: June 10, 1964.

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

[F.R. Doc. 64-5929; Filed, June 15, 1964; 8:48 a.m.]

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Subpart—Modifications

§ 1201.400 Modification for the 1964-1965 crop year.

Findings. (1) Pursuant to the Amended Marketing Agreement and Amended Order No. 195 (7 CFR Part 1201) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation of the Control Committee established under the aforesaid amended marketing agreement and amended order, and other available information, it is hereby found that the handling of tobacco leaves, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) Cigar output and consumption has increased sharply during the 1964 calendar year to date, and has thus increased the requirements for Type 62 shade-grown cigar-leaf tobacco. Carry-over stocks of Type 62 tobacco as of July 1, 1964, are expected to be lower than the carry-in on July 1, 1963, and, in fact, the lowest in the past several years. In view of the improved supply and demand situation, the increased quantity of tobacco which may be handled, or be available for handling, as a result of this action should augment overall returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time when the recommendation and information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; the harvest of the 1964 crop is in progress and will be completed in the immediate future; this action, which will permit the handling of a greater number of tobacco leaves and thereby tend to enhance total returns to growers, should, to the extent possible and to assure equitable treatment, cover all plants from which tobacco leaves are primed, and time is of the essence; compliance with this section will not require any special preparation on the part of persons affected thereby which cannot be completed by the effective time thereof; and this modification relieves restrictions on the handling of Type 62 shade-grown cigar-leaf tobacco and should become effective as herein provided.

Order. In accordance with § 1201.52 (b), the number "18" appearing in § 1201.53 is modified for the 1964–1965 crop year to read "19."

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

Dated June 9, 1964, to become effective June 12, 1964.

STEPHEN E. WRATHER,
*Director, Tobacco Division,
Agricultural Marketing Service.*

[F.R. Doc. 64–5967; Filed, June 15, 1964; 8:52 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs. Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for 1964 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 2686 and containing the General Regulations and related commodities is hereby amended as follows:

Section 1421.58 is amended to add a new paragraph (d) to provide that insurance must be carried on commodities stored in approved warehouses and reads as follows:

§ 1421.58 Warehouse receipts.

* * * * *

(d) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing a commodity stored in an approved warehouse which has a storage agreement with CCC shall indicate that the commodity is insured in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued by Eastern common carriers and representing a commodity to be placed under loan shall indicate that the commodity is insured at the full market value against loss or damage by fire, lightning, explosion, windstorm, cyclone and tornado. The cost of such insurance shall not be for the account of CCC.

Section 1421.66(a) is amended to add the word "not" between the words "would" and "have" in the second sentence so that the sentence reads as follows:

§ 1421.66 Personal liability of the producer.

(a) * * * Any such loans shall become payable upon demand and the producer shall be personally liable, aside from any additional liability under criminal and civil fraud statutes, for the amount of the loan, for any additional amount paid to the producer in connection with the commodity and for all costs which CCC would not have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on such amounts. * * *

* * * * *

Section 1421.66(c) is amended to add the words "and contamination" to the heading of the paragraph so that the heading reads as follows: "(c) *Poisonous substances and contamination.*"

Section 1421.71 is amended to add headings to paragraphs (a), (b), and (c) as follows:

§ 1421.71 Purchases from producers.

(a) *Quantity eligible for purchase.* * * *

(b) *Notifying county office of intention to sell.* * * *

(c) *Delivery period.* * * *

Section 1421.72 is amended as follows:

By deleting paragraph (c) and inserting a new paragraph (c);

In paragraph (d), by removing the word "not" from the last sentence.

The new paragraph (c) and the last sentence of paragraph (d), as amended, read as follows:

§ 1421.72 Settlement.

* * * * *

(c) *Other than approved warehouse storage.* (1) Settlement for corn, oats and soybeans delivered from other than approved warehouse storage shall be based (i) on the basic county support rate for the county where the commodity was produced and (ii) on the quality and quantity delivered as shown on warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(2) Settlement for barley, flaxseed, grain sorghum, rye and wheat delivered from other than approved warehouse storage shall be based on the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except that if the producer is directed to deliver his commodity to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market. Settlement shall be based on the quality and quantity delivered as indicated on warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC.

(d) *Ineligible commodity inadvertently accepted by CCC.* * * * The provision of § 1421.66 shall be applicable to settlement on ineligible commodities where there has been fraudulent representation on the part of the producer.

* * * * *

§ 1421.78 [Amended]

Section 1421.78 is amended to correct the addresses of the Kansas City Commodity Office and the Data Processing Center so that the corrected addresses read as follows: "Kansas City, Missouri, Post Office Box 205, 64141."

Effective date upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., on June 10, 1964.

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

[F.R. Doc. 64–5930; Filed, June 15, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

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

[Reg. Docket No. 6017; Amdt. 116]

PART 95—IFR ALTITUDES [NEW]

Miscellaneous Amendments

This amendment is adopted to provide safety in air commerce for IFR operations by prescribing the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes also assure navigational coverage that is adequate and free of frequency interference for such a route or portion thereof.

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

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] (14 CFR Part 95 [New]) is amended as follows:

Section 95.41 *Green Federal airway 1* is amended to read:

From U.S.-Canadian Border; to Millinocket, Maine, LF/RBN; MEA 6,000.
From Millinocket, Maine, LF/RBN; to U.S.-Canadian Border; MEA *2,800. *2,100—MOCA.

Section 95.48 *Green Federal airway 8* is amended to read in part:

From *Anchorage, Alaska, LFR; to Matanuska INT, Alaska; MEA 6,500. *3,800—MCA Anchorage LFR; northeastbound.

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

From Anchorage, Alaska, LFR; to McDougall INT, Alaska; MEA 3,700.

Section 95.110 *Amber Federal airway 10* is amended to read:

From Pennfield Ridge, New Brunswick, Canada, LF/RBN; to Forest City, New Brunswick, Canada, LF/RBN; MEA *#2,900. *2,200—MOCA. #For that portion over U.S. Territory.

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

From Ambrose INT, N.J.; to Newark, N.J., LF/RBN; MEA 1,500.
From Asbury Park, N.J., FM; to Lakehurst, N.J., LFR; MEA 1,500.
From Asbury Park, N.J., FM; to Newark, N.J., LF/RBN; MEA 1,500.
From Asbury Park, N.J., FM; to Point Pleasant INT, N.J. (Via 177 M bearing from Newark, LF/RBN); MEA 1,500.
From Atlantic City, N.J., LFR; to Philadelphia, Pa., LFR; MEA 1,500.
From Calvert INT, Md.; to Int N crs Baltimore, Md., LFR and W crs Wilmington, Del., LFR; MEA 2,000.
From Calvert INT, Md.; to West Chester INT, Pa.; MEA 1,800.
From Coney Island INT, N.Y.; to Newark, N.J., LF/RBN; MEA 1,500.
From Coyle INT, N.J.; to McGuire, N.J., LFR; MEA 1,500.
From Lancaster, Pa., LF/RBN; to Willow Grove, Pa., LFR; MEA 2,500.
From Lancaster, Pa., LF/RBN; to Wilmington, Del., LFR; MEA 2,000.
From Mission Bay, Calif., VOR; to Border INT, Calif.; MEA 6,000.
From Newark, N.J., LF/RBN; to Wilkes-Barre, Pa., LFR; MEA 3,500.
From Newark, N.J., LF/RBN; to Woolf INT, N.J.; MEA 2,000.
From Philadelphia, Pa., LFR; to Reading, Pa., LOM; MEA 2,500.
From Red Bank INT, N.J.; to Regan INT, N.J.; MEA 1,500.
From Ruby INT, La.; to Pearl INT, Miss.; MEA 1,600.
From San Luis Obispo, Calif., VOR; to Pozo INT, Calif.; MEA 8,000.
From Todd INT, La.; to *Ruby INT, La.; MEA **2,700. *2,700—MRA. **1,000—MOCA.

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

From Allentown, Pa., LFR or VOR; to North Philadelphia, Pa., LF/RBN; MEA 2,500.
From St. Johns INT, Fla.; to Gateway INT, Fla.; MEA *2,000. *1,000—MOCA.
Route 7:
From Dolphin INT, P.R.; to *Ohio INT, P.R.; MEA **8,000. *8,000—MRA. **1,000—MOCA.
2 Lima:
From INT .090 bearing from Perrine RBN and 111 bearing from Bimini RBN; to Nassau, Bahama Islands RBN; MEA *2,000. *1,200—MOCA.
From San Salvador, Bahama Islands AAFB RBN; to Great Inagua Island, Bahama Islands RBN; MEA *3,000. *1,300—MOCA.
9 Lima:
From Great Inagua, Bahama Islands RBN; to South Caicos, Bahama Islands RBN; MEA *3,000. *1,300—MOCA.

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

From Liberty, Ga., LF/RBN; to Vienna, Ga., VOR; MEA *4,000. *1,700—MOCA.
From Jacksonville, Fla., LF/RBN; to Gateway, INT, Fla.; MEA *2,000. *1,200—MOCA.

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

From Helena, Mont., VOR; to *Canton INT, Mont.; MEA 9,000. *9,200—MCA Canton INT, eastbound.
From Canton INT, Mont.; to Livingston, Mont., VOR; MEA 10,000.
From Rochester, N.Y., VOR; to Marion INT, N.Y.; MEA 2,200.
From Marion INT, N.Y.; to Plainville INT, N.Y.; MEA *2,400. *1,700—MOCA.
From Plainville INT, N.Y.; to Syracuse, N.Y., VOR; MEA *2,300. *1,900—MOCA.
From Syracuse, N.Y., VOR; to Lakeport INT, N.Y.; MEA *2,400. *1,800—MOCA.
From Lakeport INT, N.Y., to Sherrill INT, N.Y.; MEA *3,000. *2,300—MOCA.
From Sherrill INT, N.Y.; to Utica, N.Y., VOR; MEA *3,200. *2,600—MOCA.
From Utica, N.Y., VOR; to Starkville INT, N.Y.; MEA *3,500. *2,800—MOCA.
From Starkville INT, N.Y.; to *Mariaville INT, N.Y.; MEA **3,500. *3,500—MRA. **2,600—MOCA.
From Rochester, N.Y., VOR, via N alter.; to Sodus INT, N.Y., via N alter.; MEA 2,200.
From Sodus INT, N.Y., via N alter.; to Lysander INT, N.Y., via N alter.; MEA *2,300. *1,600—MOCA.
From Lysander INT, N.Y., via N alter.; to Syracuse, N.Y., VOR, via N alter.; MEA *2,300. *1,900—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

From Carmel, N.Y., VOR; to Long Hill INT, N.Y.; MEA 2,000.
From Long Hill INT, N.Y.; to Bethany INT, Conn.; MEA 2,100.
From Westminster, Md., VOR; to Norris INT, Pa.; MEA *2,000. *1,900—MOCA.
From Norris INT, Pa.; to West Chester, Pa., VOR; MEA *2,400. *1,900—MOCA.
From West Chester, Pa., VOR; to Fraser INT, Pa.; MEA *2,400. *2,000—MOCA.
From Fraser INT, Pa.; to Warrington INT, Pa.; MEA 2,000.
From Warrington INT, Pa.; to Int. 111 M rad East Texas VOR and 237 Solberg VOR; MEA *2,300. *2,000—MOCA.
From Int. 111 M rad East Texas VOR and 237 Solberg VOR; to Solberg, N.J. VOR; MEA 2,000.

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

From McAfee INT, Ky., via S alter.; to Lexington, Ky., VOR via S alter.; MEA *2,700. *2,200—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

From Cross City, Fla., VOR; to Tallahassee, Fla., VOR; MEA *2,000. *1,300—MOCA.

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

From Des Moines, Iowa, VOR; to Mine INT, Iowa; MEA *2,500. *2,000—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

From Greenwood, Miss., VOR via W alter.; to Arkabutla INT, Miss., via W alter.; MEA *2,000. *1,600—MOCA.

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

From West Chester, Pa., VOR; to Echelon INT, Pa.; MEA *2,000. *1,800—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to delete:

From Lewis, Ind., VOR via S alter.; to Paragon INT, Ind., via S alter.; MEA *2,600. *2,200—MOCA.
From Paragon INT, Ind., via S alter.; to Shelbyville, Ind., VOR via S alter.; MEA 3,100.

Section 95.6013 *VOR Federal airway 13* is amended to delete:

From Lufkin, Tex., VOR via W alter.; to Shreveport, La., VOR, via W alter.; MEA *3,500. *3,000—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended by adding:

From Grantsburg, Wis., VOR via E alter.; to Duluth, Minn., VOR via E alter.; MEA *3,300. *3,000—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to delete:

From Terre Haute, Ind., VOR via N alter.; to Bainbridge INT, Ind., via N alter.; MEA *2,400. *2,000—MOCA.
From Bainbridge INT, Ind., via N alter.; to Bainbridge INT, Ind., via N alter.; MEA *2,700. *2,200—MOCA.

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

From *Coldwater INT, Ind.; to **Rockford INT, Ohio; MEA ***3,500. *6,000—MCA Coldwater INT, southwestbound. *3,500—MRA. **3,000—MRA. ***2,200—MOCA.
From Geneseo, N.Y., VOR; to Bellona INT, N.Y.; MEA 4,200.
From Bellona INT, N.Y.; to Scipio INT, N.Y.; MEA *4,000. *3,600—MOCA.
From Scipio INT, N.Y.; to Vesper INT, N.Y.; MEA *4,000. *3,900—MOCA.
From Vesper INT, N.Y.; to Georgetown, N.Y., VOR; MEA 4,000.
From Georgetown, N.Y., VOR; to Sherburne INT, N.Y.; MEA 4,000.
From Sherburne INT, N.Y.; to Brookfield INT, N.Y.; MEA *4,000. *3,900—MOCA.
From Brookfield INT, N.Y.; to Carlisle INT, N.Y.; MEA 4,000.
From Carlisle INT, N.Y.; to Albany, N.Y., VOR; MEA 4,300.

Section 95.6016 *VOR Federal airway 16* is amended to delete:

From Abilene, Tex., VOR via N alter.; to *Breckenridge INT, Tex., via N alter.; MEA **3,500. *5,000—MRA. **3,100—MOCA.
From Breckenridge INT, Tex., via N alter.; to Mineral Wells, Tex., VOR via N alter.; MEA *3,500. *3,000—MOCA.

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

From Hope INT, Ark.; to Grapevine INT, Ark.; MEA *3,200. *1,800—MOCA.
From Nashville, Tenn., VOR via N alter.; to *Shop Spring INT, Tenn., via N alter; MEA **2,900. *3,000—MRA. **2,600—MOCA.
From Shop Spring INT., Tenn., via N alter.; to Granville INT, Tenn., via N alter.; MEA *2,900. *2,600—MOCA.
From Granville INT, Tenn., via N alter.; to Crossville, Tenn., VOR via N alter.; MEA 5,000.
From Nashville, Tenn., VOR via S alter.; to Centertown INT, Tenn., via S alter.; MEA 3,500.
From Centertown INT, Tenn., via S alter.; to Crossville, Tenn., VOR via S alter.; MEA 4,200.

From Moscow INT, Tenn., via S alter.; to *Selmer INT, Tenn., via S alter.; MEA **4,000. *4,000—MRA. **2,000—MOCA.
From Selmer INT, Tenn., via S alter.; to Graham, Tenn., VOR via S alter.; MEA *3,200. *2,000—MOCA.

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

From Shreveport, La., VOR via N alter.; to *Cotton INT, La., via N alter.; MEA **1,800. *3,000—MRA. **1,300—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

From Rex, Ga., VOR; to Russell INT, Ga.; MEA *3,200. *2,700—MOCA.
From Russell INT, Ga.; to Royston, Ga., VOR; MEA 2,700.

Section 95.6022 *VOR Federal airway 22* is amended by adding:

From Marianna, Fla., VOR via S alter.; to Blountstown, Fla., VOR via S alter.; MEA *2,000. *1,200—MOCA.
From Blountstown, Fla., VOR via S alter.; to Tallahassee, Fla., VOR via S alter.; MEA *2,000. *1,600—MOCA.
From Tallahassee, Fla., VOR via S alter.; to Greenville, Fla., VOR via S alter.; MEA *2,000. *1,500—MOCA.
From Tibby, La., VOR; to Harvey, La., VOR; MEA 2,000.
From Harvey, La., VOR; to Dog INT, La., MEA 2,000.
From Dog INT, La.; to Horn INT, Miss.; MEA *2,000. *1,100—MOCA.

Section 95.6022 *VOR Federal airway 22* is amended to delete:

From Marianna, Fla., VOR via N alter.; to Reno INT, Ga., via N alter.; MEA 2,200.
From Reno INT, Ga., via N alter.; to Quitman INT, Ga., via N alter.; MEA *4,500. *1,300—MOCA.
From Quitman INT, Ga., via N alter.; to Greenville INT, Ga., via alter.; MEA *4,000. *1,200—MOCA.
From Greenville INT, Ga., via N alter.; to Jacksonville, Fla., VOR via N alter.; MEA *1,800. *1,300—MOCA.
From Tibby, La., VOR; to New Orleans, La., VOR; MEA 1,500.
From New Orleans, La., VOR; to Pearl INT, La.; MEA 2,000.
From Pearl INT, La.; to Dog INT, La.; MEA *2,700. *1,100—MOCA.
From Dog INT, La.; to Horn INT, Miss.; MEA 3,000.

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

From Marianna, Fla., VOR; to Calvary INT, Ga.; MEA 2,200.
From Calvary INT, Ga.; to Greenville, Fla., VOR; MEA *2,000. *1,500—MOCA.
From Greenville, Fla., VOR; to Taylor, Fla., VOR; MEA *2,000. *1,500—MOCA.
From Sabine Pass, Tex., VOR; to White Lake, La., VOR; MEA 2,000.
From White Lake, La., VOR; to Tibby, La., VOR; MEA *2,000. *1,500—MOCA.

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

From Los Angeles, Calif., VOR; to Eel INT, Calif.; MEA 2,000.
From Eel INT, Calif.; to Ventura, Calif., VOR; southeastbound; MEA 4,000. northwestbound; MEA 2,500.

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

From Santa Catalina, Calif., VOR; to Eel INT, Calif.; MEA 4,000.
From Eel INT, Calif.; to Ventura, Calif., VOR; southeastbound, MEA 4,000; northwestbound, MEA 2,500.

Section 95.6029 *VOR Federal airway 29* is amended to read in part:

From Binghamton, N.Y., VOR; to Cortland INT, N.Y.; MEA 4,000.
From Cortland INT, N.Y.; to Vesper INT, N.Y.; MEA 3,700.
From Vesper INT, N.Y.; to Syracuse, N.Y. VOR; MEA 3,600.
From Syracuse, N.Y., VOR; to Pulaski INT, N.Y.; MEA *2,400. *1,700—MOCA.
From Pulaski INT, N.Y.; to Watertown, N.Y., VOR; MEA *2,600. *1,900—MOCA.
From Watertown, N.Y., VOR; to Lisbon INT, N.Y.; MEA *3,000. *1,500—MOCA.
From Lisbon INT, N.Y.; to Massena, N.Y., VOR; MEA *2,100. *1,700—MOCA.
From Kenton, Del., VOR; to New Castle, Del., VOR; MEA *1,800. *1,600—MOCA.
From New Castle, Del., VOR; to West Chester, Pa., VOR; MEA *2,000. *1,800—MOCA.
From West Chester, Pa., VOR; to Pottstown, Pa., VOR; MEA *2,400. *2,000—MOCA.

Section 95.6033 *VOR Federal airway 33* is amended to read in part:

From Deep Creek INT, Va.; to Harcum, Va., VOR; MEA 2,000.

Section 95.6035 *VOR Federal airway 35* is amended to delete:

From Tallahassee, Fla., VOR via E alter.; to *Hartsfield INT, Ga., via E alter.; MEA **2,000. *3,000—MRA. **1,600—MOCA.
From Hartsfield INT, Ga., via E alter.; to *Sale INT, Ga., via E alter.; MEA **2,000. *3,000—MRA. **1,300—MOCA.
From Sale INT, Ga.; via E alter.; to Albany, Ga., VOR via E alter.; MEA 1,600.

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

From Cross City, Fla., VOR; to Tallahassee, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Watkins Glen, N.Y., VOR; to Scipio INT, N.Y.; MEA 3,600.
From Scipio INT, N.Y.; to Syracuse, N.Y., VOR; MEA *3,500. *3,300—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to delete:

From Savannah, Ga., VOR via W alter.; to Marlow INT, Ga., via W alter.; MEA *1,700. *1,400—MOCA.
From Marlow INT, Ga., via W alter.; to Egypt INT, Ga., via W alter.; MEA *1,700. *1,500—MOCA.
From Egypt INT, Ga., via W alter.; to Kildare INT, Ga., via W alter.; MEA *1,700. *1,500—MOCA.
From Kildare INT, Ga., via W alter.; to Allendale, S.C., VOR via W alter.; MEA 1,500.

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

From Crossville, Tenn., VOR; to Pomona INT, Tenn.; MEA 5,000.
From Pomona INT, Tenn.; to Highway, Tenn., VOR; MEA 4,000.
From Highway, Tenn., VOR; to Louisville, Ky., VOR; MEA *3,000. *2,300—MOCA.
From Highway, Tenn., VOR via E alter.; to Liberty INT, Ky., via E alter.; MEA 3,000.
From Liberty INT, Ky., via E alter.; to Louisville, Ky., VOR via E alter.; MEA *2,700. *2,500—MOCA.
From Highway, Tenn., VOR via W alter.; to New Hope, Ky., VOR via W alter.; MEA *2,800. *2,300—MOCA.
From New Hope, Ky., VOR via W alter.; to Louisville, Ky., VOR via W alter.; MEA 2,300.

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

From Moscow INT, Tenn., via N alter.; to *Selmer INT, Tenn., via N alter.; MEA **3,200. *4,000—MRA. **2,000—MOCA.
From Selmer INT, Tenn., via N alter.; to Muscle Shoals, Ala., VOR via N alter.; MEA *4,000. *2,000—MOCA.

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

From Dawn INT, Ohio; to *Coldwater INT, Ohio; MEA **2,600. *3,500—MRA. **2,200—MOCA.

Section 95.6063 *VOR Federal airway 63* is amended to delete:

From Burlington, Iowa, VOR; to Buffalo INT, Ill.; MEA *2,300. *2,000—MOCA.
From Buffalo INT, Ill.; to *Big Rock INT, Iowa; MEA **3,500. *3,500—MRA. **2,000—MOCA.
From *Big Rock INT, Iowa; to Charlotte INT, Iowa; MEA **5,300. *5,300—MCA Big Rock INT, northeastbound. **2,000—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

From Shreveport, La., VOR; to *Cotton INT, La.; MEA **1,800. *3,000—MRA. **1,300—MOCA.
From Shreveport, La., VOR via W alter.; to *Cotton INT, La., via W alter.; MEA **1,800. *3,000—MRA. **1,300—MOCA.

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

From Binghamton, N.Y., VOR; to Oxford INT, N.Y.; MEA 3,500.
From Oxford INT, N.Y.; to Rockdale, N.Y., VOR; MEA 3,800.
From Rockdale, N.Y., VOR; to Milford INT, N.Y.; MEA 3,800.
From Milford INT, N.Y.; to Albany, N.Y., VOR; MEA 4,000.

Section 95.6083 *VOR Federal airway 83* is amended by adding:

From Alamosa, Colo., VOR; to Walsenburg INT, Colo.; MEA *13,000. *12,900—MOCA.
From Walsenburg INT., Colo.; to *Pueblo, Colo., VOR northeastbound; MEA 8,400. Southwestbound; MEA 13,000. *10,000—MCA Pueblo VOR, southwestbound.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

From Bellona INT, N.Y.; to Syracuse, N.Y., VOR; MEA 2,600.

Section 95.6086 *VOR Federal airway 86* is amended by adding:

From Bozeman, Mont., VOR; to Livingston, Mont., VOR; MEA 10,000.

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

From Cross City, Fla., VOR via E alter.; to Tallahassee, Fla., VOR via E alter.; MEA *2,000. *1,300—MOCA.
From Albany, Ga., VOR; to *Americus INT, Ga.; MEA **1,800. *3,000—MRA. **1,600—MOCA.
From Americus INT, Ga.; to *Junction City, Ga., MEA **3,000. *3,000—MRA. **1,700—MOCA.
From Junction City INT, Ga.; to Concord INT, Ga.; MEA *3,000. *2,600—MOCA.
From Concord INT, Ga.; to Atlanta, Ga., VOR; MEA 2,600.
From Nodine, Minn., VOR; to Prescott INT, Wis.; MEA 2,800.

Section 95.6097 *VOR Federal airway 97* is amended to delete:

From Albany, Ga., VOR via E alter.; to Montezuma INT, Ga., via E alter.; MEA *2,000. *1,800—MOCA.

From Montezuma INT, Ga., via E alter.; to *Butler INT, Ga., via E alter.; MEA **5,000. *3,000—MRA. **1,800—MOCA.
From Butler INT, Ga., via E alter.; to Atlanta, Ga., VOR via E alter.; MEA *3,000. *2,600—MOCA.
From Cincinnati, Ohio, VOR via E alter.; to Shelbyville, Ind., VOR via E alter.; MEA *2,800. *2,200—MOCA.
From Cincinnati, Ohio, VOR via W alter.; to Osgood INT, Ind., via W alter.; MEA 2,300.
From Osgood INT, Ind., via W alter.; to Hope INT, Ind., via W alter.; MEA 2,700.
From Hope INT, Ind., via W alter.; to Shelbyville, Ind., VOR via W alter.; MEA *2,600. *2,100—MOCA.

Section 95.6119 *VOR Federal airway 119* is amended to delete:

From London, Ky., VOR; to Newcombe, Ky., VOR; MEA 2,700.

Section 95.6123 *VOR Federal airway 123* is amended to read in part:

From LaGuardia, N.Y., VOR; to Pelham INT, N.Y.; MEA *2,500. *1,500—MOCA.
From Pelham INT, N.Y.; to Stamford INT, N.Y.; MEA *2,500. *1,700—MOCA.
From Stamford INT, N.Y.; to Carmel, N.Y., VOR; MEA *2,500. *1,400—MOCA.

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

From Huguenot, N.Y., VOR; to Int. 123 M rad Huguenot VOR and 244 M rad Carmel VOR; MEA *3,000. *2,500—MOCA.
From Int. 123 M rad Huguenot VOR and 244 M rad Carmel VOR; to Riverhead, N.Y., VOR; MEA *2,000. *1,600—MOCA.

Section 95.6127 *VOR Federal airway 127* is deleted.

Section 95.6129 *VOR Federal airway 129* is amended to read in part:

From Nodine, Minn., VOR; to Arcadia INT, Wis.; MEA 2,800.

Section 95.6130 *VOR Federal airway 130* is amended to read in part:

From Albany, N.Y., VOR; to Brainard INT, N.Y.; MEA 3,400.

Section 95.6139 *VOR Federal airway 139* is amended to delete:

From Whitman, Mass., VOR; to Boston, Mass., VOR; MEA 2,000.

Section 95.6139 *VOR Federal airway 139* is amended by adding:

From Whitman, Mass., VOR; to Ipswich INT, Mass.; MEA 2,000.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

From Nashville, Tenn., VOR; to Hartsville INT, Tenn.; MEA *2,900. *2,400—MOCA.
From Hartsville INT, Tenn.; to Highway, Tenn., VOR; MEA *3,000. *2,700—MOCA.
From Highway, Tenn., VOR; to London, Ky., VOR; MEA 3,800.
From Nashville, Tenn., VOR; via S alter.; to *Shop Spring INT, Tenn., via S alter.; MEA **2,900. *3,000—MRA. **2,600—MOCA.
From Shop Spring INT, Tenn., via S alter.; to Granville INT, Tenn., via S alter.; MEA *2,900. *2,600—MOCA.
From Granville INT, Tenn., via S alter.; to Highway, Tenn., VOR via S alter.; MEA *3,000. *2,700—MOCA.
From Freedom INT, Ky., via N alter.; to Bakerton INT, Ky., via N alter.; MEA *5,500. *3,100—MOCA.

Section 95.6145 *VOR Federal airway 145* is amended to read:

From Utica, N.Y., VOR; to Westlake INT, N.Y.; MEA *3,300. *2,600—MOCA.
From Westlake INT, N.Y.; to Florence INT, N.Y.; MEA *3,000. *1,900—MOCA.
From Florence INT, N.Y.; to Watertown, N.Y., VOR; MEA *3,000. *1,400—MOCA.
From Watertown, N.Y., VOR; to U.S.-Canadian Border; MEA *3,000. *1,600—MOCA.

Section 95.6147 *VOR Federal airway 147* is amended to read in part:

From Ardmore INT, Pa.; to Pottstown, Pa., VOR; MEA *2,400. *2,000—MOCA.

Section 95.6149 *VOR Federal airway 149* is amended to read in part:

From Binghamton, N.Y., VOR; to Georgetown, N.Y., VOR; MEA 3,900.
From Georgetown, N.Y., VOR; to Sherrill INT, N.Y.; MEA 3,900.
From Sherrill INT, N.Y.; to Utica, N.Y., VOR; MEA *3,200. *2,600—MOCA.

Section 95.6153 *VOR Federal airway 153* is amended to read in part:

From Wilkes-Barre, Pa., VOR; to Greene INT, N.Y.; MEA 4,000.
From Greene INT, N.Y., to Georgetown, N.Y., VOR; MEA 3,900.
From Georgetown, N.Y., VOR; to Pompey INT. N.Y.; MEA 3,900.
From Pompey INT, N.Y.; to Syracuse, N.Y., VOR; MEA 3,500.

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

From Meridian, Miss., VOR; to Kewanee, Miss., VOR; MEA *2,300. *2,000—MOCA.
From Kewanee, Miss., VOR; to Selma, Ala., VOR; MEA *2,000. *1,600—MOCA.
From Selma, Ala., VOR; to Montgomery, Ala., VOR; MEA *2,000. *1,300—MOCA.

Section 95.6154 *VOR Federal airway 154* is amended to delete:

From Lotts INT Ga., via N alter.; to Statesboro INT., Ga., via N Alter.; MEA 1,600.
From Statesboro INT, Ga., via N alter.; to Savannah, Ga., VOR Via N alter.; MEA 1,500.

Section 95.6156 *VOR Federal airway 156* is amended to read in part:

From Harcum, Va., VOR; to Mathews INT, Va.; MEA *2,000. *1,300—MOCA.

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

From Forest Hill INT, Md.; to New Castle, Del., VOR; MEA *2,000. *1,600—MOCA.
From New Castle, Del., VOR; to Columbus INT, N.J.; MEA *2,000. *1,800—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to delete:

From Greenville INT, Fla., via W alter.; to Quitman Int, Ga., via W alter.; MEA *4,000. *1,200—MOCA.
From Quitman INT, Ga., via W alter.; to *Hartsfield INT, Ga., via W alter.; MEA **2,500. *3,000—MRA. **1,700—MOCA.
From Hartsfield INT, Ga., via W alter.; to *Sale INT, Ga., via W alter.; MEA **2,000. *3,000—MRA. **1,300—MOCA.
From Sale INT, Ga., via W alter.; to Albany, Ga., VOR via W alter.; MEA 1,600.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

From Gainesville, Fla., VOR; to Greenville, Fla., VOR; MEA *1,700. *1,500—MOCA.
From Greenville, Fla., VOR; to *Sale INT, Ga.; MEA **1,800. *3,000—MRA. **1,700—MOCA.
From Sale Int, Ga.; to Albany, Ga., VOR; MEA *1,800. *1,700—MOCA.
From Cross City, Fla., VOR via W alter.; to Greenville, Fla., VOR via W alter.; MEA *1,700. *1,300—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended by adding:

From Prescott INT, Wis.; to Minneapolis, Minn., VOR; MEA 2,600.
From Minneapolis, Minn., VOR; to Ramey INT, Minn.; MEA *3,000. *2,500—MOCA.
From Ramey INT, Minn.; to Brainerd, Minn., VOR; MEA *3,100. *2,400—MOCA.
From Brainerd, Minn., VOR; to Grand Rapids, Minn., VOR; MEA *3,200. *2,800—MOCA.

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

From Forest Hill INT, Md.; to New Castle, Del., VOR; MEA *2,000. *1,600—MOCA.

Section 95.6169 *VOR Federal airway 169* is amended by adding:

From Rapid City, S. Dak., VOR; to Dupree, S. Dak., VOR; MEA *4,900. *4,500—MOCA.
From Dupree, S. Dak., VOR; to Bismarck, N. Dak., VOR; MEA 4,400.

Section 95.6170 *VOR Federal airway 170* is amended by adding:

From Sioux Falls, S. Dak., VOR; to Worthington, Minn., VOR; MEA 3,300.
From Worthington, Minn., VOR; to Mankato, Minn., VOR; MEA *3,300. *2,800—MOCA.
From Mankato, Minn., VOR; to Farmington, Minn., VOR; MEA *2,900. *2,500—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to delete:

From Lewis, Ind., VOR; via W alter.; to Danville, Ind., VOR; via W alter.; MEA *2,500. *2,100—MOCA.

Section 95.6181 *VOR Federal airway 181* is amended by adding:

From Omaha, Nebr., VOR; to Norfolk, Nebr., VOR; MEA 3,000.
From Norfolk, Nebr., VOR; to Yankton, S. Dak., VOR; MEA *3,200. *3,100—MOCA.
From Yankton, S. Dak., VOR; to Sioux Falls, S. Dak.; MEA *3,300. *3,100—MOCA.

Section 95.6189 *VOR Federal airway 189* is amended to read in part:

From Rocky Mount, N.C., VOR; to Jackson INT, N.C.; MEA 1,500.
From Jackson INT, N.C.; to Franklin, Va., VOR; MEA 2,000.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

From Baton Rouge, La., VOR; to Clinton INT, La.; MEA 1,900.

Section 95.6202 *VOR Federal airway 202* is amended to delete:

From *Tucson, Ariz. LF/RBN; to Kinsley INT, Ariz., southbound, MEA 14,000; northbound, MEA 6,000. *12,000—MCA Tucson LF/RBN, southbound.
From Kinsley INT, Ariz.; to Mescal INT, Ariz.; MEA *14,000. *10,000—MOCA.
From Mescal INT, Ariz.; to Cochise, Ariz., VOR; MEA 10,000.

Section 95.6209 *VOR Federal airway 209* is amended to read in part:

From Citro INT, Ala.; to Jane INT, Ala.; MEA *2,000. *1,600—MOCA.
From Jane INT, Ala.; to Kewanee, Miss., VOR; MEA *2,000. *1,700—MOCA.
From Kewanee, Miss., VOR; to Tuscaloosa, Ala., VOR; MEA *2,000. *1,700—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to delete:

From *Alamosa, Colo., VOR; to **Walsenburg INT, Colo.; MEA 14,000. *14,000—MCA

Alamosa VOR, northeastbound. **13,400—MCA Walsenburg INT, westbound.

From Walsenburg INT; to *Pueblo, Colo., VOR; northeastbound, MEA 8,400; southwestbound, MEA 13,000. *10,000—MCA Pueblo VOR, southwestbound.

Section 95.6210 *VOR Federal airway 210* is amended by adding:

From Alamosa, Colo., VOR; to Walsenburg INT., Colo.; MEA *13,000. *12,900—MOCA.

From Walsenburg INT, Colo.; to Rattlesnake INT, Colo.; MEA *13,000. *9,000—MOCA.

From Rattlesnake INT, Colo.; to Bloom INT, Colo.; MEA *8,400. *7,400—MOCA.

From Bloom INT, Colo.; to Lamar, Colo., VOR; MEA 7,000.

Section 95.6212 *VOR Federal airway 212* is added to read:

From San Antonio, Tex., VOR; to Selma INT, Tex.; MEA *3,000. *2,500—MOCA.

From Selma INT, Tex.; to Hunter INT, Tex.; MEA *2,600. *2,500—MOCA.

From Hunter INT, Tex.; to Redwood INT, Tex.; MEA *2,700. *2,500—MOCA.

From Redwood INT, Tex.; to Lockhart INT, Tex.; MEA 2,500.

From Lockhart INT, Tex.; to *Smithville INT, Tex.; MEA **2,600. *2,600—MRA. **1,500—MOCA.

From Smithville INT, Tex.; to Round Top INT, Tex.; *5,000. *1,800—MOCA.

From Round Top INT, Tex.; to College Station, Tex., VOR; MEA *2,200. *1,800—MOCA.

From College Station, Tex., VOR; to Lufkin, Tex., VOR; MEA *2,100. *1,800—MOCA.

From Lufkin, Tex., VOR; to Alexandria, La., VOR; MEA *5,000. *1,600—MOCA.

From Alexandria, La., VOR; to McComb, Miss., VOR; MEA *3,000. *1,800—MOCA.

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

From Kenton, Del., VOR; to Woodstown, N.J., VOR; MEA *1,900. *1,500—MOCA.

Section 95.6219 *VOR Federal airway 219* is amended by adding:

From Walbach, Nebr., VOR; to Norfolk, Nebr., VOR; MEA 4,000.

From Norfolk, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *3,600. *3,000—MOCA.

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

From *Smithville INT; Tex.; to Round Top INT, Tex.; MEA **5,000. *2,600—MRA. **1,800—MOCA.

Section 95.6227 *VOR Federal airway 227* is amended to delete:

From *Mitchell INT, Ind.; to Sanders INT, Ind.; MEA **4,000. *4,000—MRA. **2,400—MOCA.

From Sanders INT, Ind.; to Paragon INT, Ind.; MEA, 2,800.

From Paragon INT, Ind.; to Indianapolis, Ind., VOR; MEA *2,400. *2,000—MOCA.

Section 95.6233 *VOR Federal airway 233* is amended to read in part:

From Cordova, Ill., VOR; to Big Rock INT, Ill.; MEA *2,400. *2,000—MOCA.

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

From INT. 222 M rad Liberal VOR and 343 M rad Borger VOR; to Liberal, Kans., VOR; MEA *6,000. *4,700—MOCA.

Section 95.6238 *VOR Federal airway 238* is amended to read in part:

From West Chester, Pa., VOR; to Darby INT, Pa.; MEA *2,000. *1,800—MOCA.

From Darby INT, Pa.; to Woodstown, N.J., VOR; 1,800.

Section 95.6239 *VOR Federal airway 239* is amended to read:

From Sea Isle, N.J., VOR; to Bridgeton INT, N.J.; MEA 1,600.

From Bridgeton INT, N.J.; to Woodstown, N.J., VOR; MEA *1,900. *1,600—MOCA.

From Woodstown, N.J., VOR; to New Castle, Del., VOR; MEA *1,800. *1,500—MOCA.

Section 95.6240 *VOR Federal airway 240* is amended to read in part:

From New Orleans, La., VOR; to Pearl INT, La.; MEA 2,000.

From Pearl INT, La.; to Dog INT, La.; MEA *2,000. *1,100—MOCA.

From Dog INT, La.; to Drum INT, Miss.; MEA *2,000. *1,400—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to delete:

From Vienna, Ga., VOR via W alter.; to Montezuma INT, Ga., via W alter.; MEA *2,000. *1,500—MOCA.

From Montezuma INT, Ga., via W alter.; to *Butler INT, Ga., via W alter.; MEA **5,000. *3,000—MRA. **1,800—MOCA.

From Butler INT, Ga., via W alter.; to Atlanta, Ga., VOR via W alter.; MEA *3,000. *2,600—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

From McMinnville INT, Tenn.; to Hartsville INT, Tenn.; MEA *5,000. *3,500—MOCA.

Section 95.6248 *VOR Federal airway 248* is amended to read in part:

From Paso Robles, Calif., VOR; to *Red Hills INT, Calif.; MEA 4,500. *7,000—MCA Red Hills INT, southeastbound.

Section 95.6249 *VOR Federal airway 249* is amended to read in part:

From DeLancey, N.Y., VOR; to Milford INT, N.Y.; MEA 4,300.

From Milford INT, N.Y.; to Utica, N.Y., VOR; MEA 3,700.

Section 95.6251 *VOR Federal airway 251* is amended to read in part:

From Carmel, N.Y., VOR; to Long Hill INT, N.Y.; MEA 2,000.

From Long Hill INT, N.Y.; to Bethany INT, Conn.; MEA 2,100.

Section 95.6254 *VOR Federal airway 254* is amended to read in part:

From Pottstown, Pa., VOR; to Somerton INT, Pa.; MEA *2,300. *2,000—MOCA.

From Somerton INT, Pa.; to Columbus INT, N.J.; MEA 2,000.

Section 95.6256 *VOR Federal airway 256* is amended to read in part:

From Pottstown, Pa., VOR; to Yardley, Pa., VOR; MEA *2,300. *1,700—MOCA.

Section 95.6260 *VOR Federal airway 260* is amended to read in part:

From Hopewell, Va., VOR; to Deep Creek INT, Va.; MEA 2,000.

Section 95.6263 *VOR Federal airway 263* is amended to delete:

From Hugo, Colo., VOR; to Thurman, Colo., VOR; MEA 7,000.

Section 95.6263 *VOR Federal airway 263* is amended by adding:

From Hugo, Colo., VOR; to Kiowa, Colo., VOR; MEA 7,900.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

From Franklin, Va., VOR; to Windsor INT, Va.; MEA *2,000. *1,800—MOCA.

From Windsor INT, Va.; to Norfolk, Va., VOR; MEA 2,000.

Section 95.6271 *VOR Federal airway 271* is amended to read:

From Kenton, Del., VOR; to Woodstown, N.J., VOR; MEA *1,900. *1,500—MOCA.

From Woodstown, N.J., VOR; to Darby INT, Pa.; MEA 1,800.

From Darby INT, Pa.; to West Chester, Pa., VOR; MEA *2,000. *1,800—MOCA.

Section 95.6273 *VOR Federal airway 273* is amended to read in part:

From Hancock, N.Y., VOR; to Oxford INT, N.Y.; MEA 4,200.

From Oxford INT, N.Y.; to Georgetown, N.Y., VOR; MEA 3,900.

From Georgetown, N.Y., VOR; to Pompey INT, N.Y.; MEA 3,900.

From Pompey INT, N.Y.; to Syracuse, N.Y., VOR; MEA 3,500.

Section 95.6276 *VOR Federal airway 276* is amended to read in part:

From Yardley, Pa., VOR; to Robbinsville, N.J., VOR; MEA* 2,000. *1,500—MOCA.

Section 95.6279 *VOR Federal airway 279* is amended to read:

From Columbus, Ohio LF/RBN; to Findlay, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 95.6294 *VOR Federal airway 294* is amended to read in part:

From Des Moines, Iowa, VOR; to Mine INT, Iowa; MEA *2,500. *2,000—MOCA.

Section 95.6423 *VOR Federal airway 423* is amended to read in part:

From Ithaca, N.Y., VOR; to Scipio INT, N.Y.; MEA 3,500.

From Scipio INT, N.Y.; to Syracuse, N.Y., VOR; MEA *3,500. *3,300—MOCA.

Section 95.6428 *VOR Federal airway 428* is amended to read in part:

From Ithaca, N.Y., VOR; to Cortland INT, N.Y.; MEA 3,600.

From Cortland INT, N.Y.; to Georgetown, N.Y., VOR; MEA 3,800.

From Georgetown, N.Y., VOR; to Eaton INT, N.Y.; MEA 3,900.

From Eaton INT, N.Y.; to Utica, N.Y., VOR; MEA 3,500.

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

From Rock Hall INT, Md.; to New Castle, Del., VOR; MEA *2,000. *1,500—MOCA.

From Yardley, Pa., VOR; to Rocky Hill INT, N.J.; MEA *2,000. *1,700—MOCA.

From Rocky Hill INT, N.J.; to Amboy INT, N.J.; MEA 1,700.

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

From *Friday INT, Alaska; to **Windy Fork INT, Alaska; MEA ***11,000. *7,000—MCA Friday INT, northwestbound. **8,600—MCA Windy Fork INT, southeastbound. ***9,500—MOCA.

From Unalakleet, Alaska, VOR; to Nome, Alaska, VOR; MEA *4,000. *2,000—MOCA.

Section 95.6449 *VOR Federal airway 449* is amended to read in part:

From DeLancey, N.Y., VOR; to Rockdale, N.Y., VOR; MEA 4,200.

From Rockdale, N.Y., VOR; to Brookfield INT, N.Y.; MEA 3,800.

From Brookfield INT, N.Y.; to Waterville INT, N.Y.; MEA 3,600.

From Waterville INT, N.Y.; to Clinton INT, N.Y.; MEA 3,300.

Section 95.6452 *VOR Federal airway 452* is amended by adding:

From Nome, Alaska, VOR; to Moses Point, Alaska, VOR; MEA *5,000. *4,300—MOCA.
From Nome, Alaska, VOR via N alter.; to Moses Point, Alaska, VOR via N alter.; MEA *6,000. *4,200—MOCA.
From Moses Point, Alaska, VOR; to Koyuk INT, Alaska; MEA 4,000.
From Koyuk INT, Alaska; to Galena, Alaska, VOR; MEA *6,000. *5,200—MOCA.

Section 95.6462 *VOR Federal airway 462* is amended by adding:

From Bemidji, Minn., VOR; to Grand Rapids, Minn., VOR; MEA *3,200. *2,800—MOCA.
From Grand Rapids, Minn., VOR; to Duluth, Minn., VOR; MEA *3,300. *2,700—MOCA.

Section 95.6483 *VOR Federal airway 483* is amended to read in part:

From DeLancey, N.Y., VOR; to Rockdale, N.Y., VOR; MEA 4,200.
From Rockdale, N.Y., VOR; to Sherburne INT, N.Y.; MEA 3,800.
From Sherburne INT, N.Y.; to *Peterboro INT, N.Y.; MEA 3,700. *3,700—MCA Peterboro INT, southbound.
From Peterboro INT, N.Y.; to Lakeport INT, N.Y.; MEA *3,400. *2,700—MOCA.
From Lakeport INT, N.Y.; to Syracuse, N.Y., VOR; MEA *2,400. *1,800—MOCA.

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

From Fellows, Calif., VOR; to Priest, Calif., VOR; MEA 7,000.

Section 95.6488 *VOR Federal airway 488* is amended to read in part:

From Tanana, Alaska, VOR; to Nenana, Alaska, VOR; MEA *7,000. *4,700—MOCA.

Section 95.6514 *VOR Federal airway 514* is deleted.

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

From Yardley, Pa., VOR; to Robbinsville, N.J., VOR; MEA *2,000. *1,500—MOCA.

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

From Crossville, Tenn., VOR; to Pomona INT, Tenn.; MEA 5,000.
From Pomona INT, Tenn.; to Highway, Tenn., VOR; MEA 4,000.
From Highway, Tenn., VOR; to Louisville, Ky., VOR; MEA *3,000. *2,300—MOCA.

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

From Nashville, Tenn., VOR; to Hartsville INT, Tenn.; MEA *2,900, *2,400—MOCA.
From Hartsville INT, Tenn.; to Highway, Tenn., VOR; MEA 4,000.
From Highway, Tenn., VOR; to London, Ky., VOR; MEA 3,800.
From Hope INT, Ark.; to Grapevine INT, Ark.; MEA *3,200. *1,800—MOCA.

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

From Rex, Ga., VOR; to Russell INT, Ga.; MEA *3,200. *2,700—MOCA.
From Russell INT, Ga.; to Royston, Ga., VOR; MEA 2,700.

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

From Atlanta, Ga., VOR; to Concord INT, Ga.; MEA 2,600.
From Concord INT, Ga.; to *Junction City INT, Ga.; MEA **3,000. *3,000—MRA. **2,600—MOCA.

From Junction City INT, Ga.; to *Americus INT, Ga.; MEA **3,000. *3,000—MRA. **1,700—MOCA.
From Americus INT, Ga.; to Albany, Ga., VOR; MEA *1,800. *1,600—MOCA.
From Albany, Ga., VOR; to *Sale INT, Ga.; MEA **1,800. *3,000—MRA. **1,700—MOCA.
From Sale INT, Ga.; to Greenville, Fla., VOR; MEA *1,800. *1,700—MOCA.
From Greenville, Fla., VOR; to Cross City, Fla., VOR; MEA *1,700. *1,300—MOCA.
From Bowling Green, Ky., VOR; to Hartsville INT, Tenn.; MEA *2,400. *2,000—MOCA.
From Hartsville INT, Tenn.; to McMinnville INT, Tenn.; MEA *5,000. *3,500—MOCA.

Section 95.6853 *VOR Federal airway 853* is amended to read in part:

From Prescott INT, Wis.; to Nodine, Minn., VOR; MEA 2,800.

Section 95.6875 *VOR Federal airway 875* is amended to read in part:

From Bethany INT, Conn.; to Long Hill INT, N.Y.; MEA 2,100.
From Long Hill INT, N.Y.; to Carmel, N.Y., VOR; MEA 2,000.
From Solberg, N.J., VOR; to Int. 111 M rad East Texas, VOR and 237 Solberg, VOR; MEA 2,000.
From Int. 111 M rad East Texas, VOR and 237 Solberg VOR; to Fraser INT, Pa.; MEA *2,300. *2,000—MOCA.
From Fraser INT, Pa.; to West Chester, Pa., VOR; MEA *2,400. *2,000—MOCA.
From West Chester, Pa., VOR; to Norris INT, Pa.; MEA *2,400. *1,900—MOCA.
From Norris INT, Pa.; to Westminster, Md., VOR; MEA *2,000. *1,900—MOCA.

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

From London, Ky., VOR; to Highway, Tenn., VOR; MEA 3,800.
From Highway, Tenn., VOR; to Hartsville INT, Tenn.; MEA 4,000.
From Hartsvile INT, Tenn.; to Nashville, Tenn., VOR; MEA *2,900. *2,400—MOCA.
From Grapevine INT, Ark.; to Hope INT, Ark.; MEA *3,200. *1,800—MOCA.

Section 95.1537 *VOR Federal airway 1537* is amended to delete:

From Dallas, Tex., VOR; to Ardmore, Okla., VOR; MEA 14,500; MAA 24,000.
From Ardmore, Okla., VOR; to McAlester, Okla., VOR; MEA 14,500; MAA 24,000.

Section 95.1537 *VOR Federal airway 1537* is amended by adding:

From Dallas, Tex., VOR; to McAlester, Okla., VOR; MEA 14,500; MAA 24,000.

Section 95.1540 *VOR Federal airway 1540* is amended to read in part:

From Nashville, Tenn., VOR; to Highway, Tenn., VOR; MEA 14,500; MAA 24,000.
From Highway, Tenn., VOR; to London, Ky., VOR; MEA 14,500; MAA 24,000.

Section 95.1551 *VOR Federal airway 1551* is amended to read in part:

From Dunoir, Wyo., VOR; to Billings, Mont., VOR; MEA 16,000; MAA 24,000.

Section 95.1622 *VOR Federal airway 1622* is amended to delete:

From Lubbock, Tex., VOR; to Abilene, Tex., VOR; MEA 14,500; MAA 24,000.

Section 95.1739 *VOR Federal airway 1739* is amended to read in part:

From Crossville, Tenn., VOR; to Highway, Tenn., VOR; MEA 14,500; MAA 24,000.
From Highway, Tenn., VOR; to Louisville, La., VOR; MEA 14,500; MAA 24,000.

Section 95.1783 *VOR Federal airway 1783* is amended to read:

From Mobile, Ala., VOR; to Kewanee, Miss., VOR; MEA 14,500; MAA 24,000.
From Kewanee, Miss., VOR; to Tuscaloosa, Ala., VOR; MEA 14,500; MAA 24,000.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775). These rules shall become effective July 23, 1964.

Issued in Washington, D.C. on June 8, 1964.

W. Lloyd Lane,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-5853; Filed, June 15, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket 5000; Amdt. 748]

PART 507—AIRWORTHINESS DIRECTIVES

Dornier Models DO-28 A1 and DO-27 Q6 Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring modification of all flap control levers without control grips by installing a protective cover on Dornier Models DO-28 A1 and DO-27 Q6 aircraft was published in 29 F.R. 5349.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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:

Dornier. Applies to Model DO-28 A1 aircraft Serial Numbers 3024 through 3060 and all Model DO-27 Q6 aircraft equipped with landing flap actuating levers without a control grip.

Compliance required within the next 100 hours' time in service after the effective date of this AD.

In order to preclude an unintentional retraction of flaps, modify all levers without control grips by installing a cover in accordance with Dornier Technical Bulletin No. 27-18 dated October 16, 1963, for Model DO-27 Q6 aircraft and Bulletin No. 28-12 dated October 16, 1963, for Model DO-28 A1 aircraft.

(Dornier Technical Bulletins No. 27-18 dated October 16, 1963, and No. 28-12 dated October 16, 1963, cover this same subject.)

This amendment shall become effective July 17, 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 10, 1964.

W. Lloyd Lane,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-5906; Filed, June 15, 1964; 8:45 a.m.]

[Reg. Docket 6021; Amdt. 747]

PART 507—AIRWORTHINESS DIRECTIVES

Sikorsky S-58 Helicopters

Amendment 191, 25 F.R. 8026, AD 60-17-3, as revised by Amendment 495, 27 F.R. 10117, imposes a service life limit of 1,330 hours' time in service on certain rotor blades on Sikorsky Model S-58 helicopters. The manufacturer has developed a blade inspection method which permits an extension in service life to 2,000 hours' time in service. Therefore, Amendment 191 as amended by Amendment 495, is being further amended to provide for this extension. Additional part numbers have been included since all such parts were approved by the FAA subject to the same limitations and inspections and additional modification numbers for blades approved subsequent to the previous directive have been incorporated. However, this does not constitute an additional requirement for any operator since the times are the same for the part number regardless of the particular modification. The phrase "main rotor blade" has been corrected to "main rotor blade assemblies (less cuff)", since the main rotor blade assembly includes the cuff which has a retirement life of 2,500 hours' time in service.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made 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 amended as follows:

Amendment 191, 25 F.R. 8026, AD 60-17-3, as amended by Amendment 495, 27 F.R. 10117, Sikorsky Model S-58 helicopters, is further amended by:

1. Changing paragraph (a) to read:

(a) All main rotor blade assemblies (less cuff) P/N's S1615-20100, -2, -4, -5, -6, S1615-20201-1, -2, -7, -8, -13, and -14, with 1,330 or more hours' time in service shall be removed from service prior to further flight.

2. Changing paragraph (b) to read:

(b) An X-ray inspection covering the complete cross sectional area of the spar from the root section to the tip of the blade must be conducted for cracks, internal flaws or inclusions in the material of the spar on all main rotor blade assemblies P/N's S1615-20100, -2, -4, -5, -6, S1615-20201-1, -2, -7, -8, -13, and -14, within the following time specified:

3. Adding a new paragraph (e) to read:

(e) Main rotor blade assemblies P/N's S1615-20201-7, -8, and -14 may be continued in service until the accumulation of 2,000 hours total time in service when maintained and inspected in accordance with Sikorsky Service Bulletin No. 58B15-4A dated March 23, 1964. Upon the accumulation of 2,000 hours total time in service, main rotor blade assemblies (less cuff) P/N's S1615-20201-7, -8, and -14 must be retired from service. When main rotor blade assemblies P/N's S1615-20100, -2, -4, -5, -6, S1615-20201-1, -2, and -13 are modified to either a S1615-20201-7, -8 or -14 assembly they also may be continued in service for 2,000 hours in accordance with this paragraph.

This amendment shall become effective June 16, 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 10, 1964.

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

[F.R. Doc. 64-5907; Filed, June 15, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-749]

PART 13—PROHIBITED TRADE PRACTICES

Book Club Guild, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-25 Concealed subsidiary, fictitious collection agency, etc. Subpart—Misrepresenting oneself and goods—business status, advantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.* Subpart—Using misleading name—vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Book Club Guild, Inc., et al., Manhasset, N.Y., Docket C-479, May 27, 1964]

In the Matter of Book Club Guild, Inc., Evangelical Books, Inc., Medic-Way, Inc., and Religious Book Club, Inc., Corporations, and Lester L. Doniger, Ralph Raughley, and Jonathan Springer as Officers of Each of Said Corporations

Consent order requiring a corporate book seller and its subsidiaries in Manhasset, N.Y., operating under a variety of trade names such as "Ministers Book Service", "Pastoral Psychology Book Club", etc., to cease representing falsely, on their various letterheads and that of a purported "The Mail Order Credit Reporting Association, Inc.", that delinquent customers' names were transmitted to a bona fide credit reporting agency and that their credit rating would thereby be adversely affected.

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

It is ordered, That respondents Book Club Guild, Inc., Evangelical Books, Inc., Medic-Way, Inc., and Religious Book Club, Inc., corporations and their respective officers, and Lester L. Doniger, Ralph Raughley, and Jonathan Springer, as officers of each of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books, publications or other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication that:

1. A customer's name has been turned over to a bona fide credit reporting agency or that a customer's general or public credit rating will be adversely affected unless respondents establish that where payment is not received, the information of said delinquency is referred to what respondents in good faith believe to be a separate, bona fide credit reporting agency;

2. Respondents are required to refer information of a customer's delinquency to The Mail Order Credit Reporting Association, Inc., or any other agency or bureau;

3. Delinquent accounts will be or have been turned over to a bona fide, separate collection agency unless respondents in fact turn over such accounts to such agencies;

4. Delinquent accounts have been or will be turned over to The Mail Order Credit Reporting Association, Inc., for collection or any other purpose;

5. The Mail Order Credit Reporting Association, Inc., any fictitious name, or any trade name owned in whole or in part by respondents or over which respondents exercise any direction or control, is an independent bona fide collection or credit reporting agency;

6. Notices or other communications which respondents have, or have caused to be prepared, written or mailed in connection with the collection of respondents' accounts, have been sent by The Mail Order Credit Reporting Association, Inc., or any other fictitious person, firm or agency.

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

Issued: May 27, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-5909; Filed, June 15, 1964; 8:45 a.m.]

[Docket C-748]

PART 13—PROHIBITED TRADE PRACTICES

Budget Counsellors, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-70 Financing activities; 13.15-265 Service; § 13.225 *Services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Budget Counsellors, Inc., et al., Washington, D.C., Docket C-748, May 27, 1964]

In the Matter of Budget Counsellors, Inc., a Corporation, and Benjamin H. Feldman, Herbert F. Feldman, and Henryette G. Feldman, Individually and as Officers of Said Corporation

Consent order requiring Washington, D.C., sellers of a service whereby, for a fee, they distributed a portion of a client's income to his creditors, to cease representing falsely in newspaper and direct mail advertising that they would consolidate their clients' debts, assist financially in payment thereof, and assure clients of restraint or other forbearance on the part of creditors in effecting collection of debts.

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

It is ordered, That respondents Budget Counsellors, Inc., a corporation, and its officers, and Benjamin H. Feldman, Herbert F. Feldman, and Henryette G. Feldman, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the conduct of any business for the assisting of debtors, or any other business, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that they will consolidate the debts of their clients to their clients' creditors, or financially assist or arrange for financial assistance in the payment of such debts.

2. Representing, directly or by implication, that their clients will be assured of delay, restraint or other forbearance on the part of all the creditors of said clients in effecting, or attempting to effect, collection of debts owed them by said clients, or misrepresenting, directly or by implication, their efficacy in providing for, or obtaining delay, restraint or other forbearance on the part of the creditors of their clients in effecting, or attempting to effect, collection of debts owed them by said clients.

3. Misrepresenting in any manner the kind or character of the services they render.

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

Issued: May 27, 1964.

By the Commission.

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

[F.R. Doc. 64-5910; Filed, June 15, 1964; 8:45 a.m.]

[Docket C-747]

PART 13—PROHIBITED TRADE PRACTICES

Clark H. Geppert et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices:* 13.155-10 Bait; § 13.160 *Promotional sales plans.* Subpart—Shipping, for payment demand, goods in excess of or without order: § 13.2195 *Shipping, for payment demand, goods in excess of or without order.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45. [Cease and desist order, Clark H. Geppert et al. trading as Dean Studios, Des Moines, Iowa, Docket C-747, May 26, 1964]

In the Matter of Clark H. Geppert, Bryon Geppert, and Fidelis Geppert, Individually and as Co-Partners, Trading as Dean Studios

Consent order requiring Des Moines, Iowa, retailers of cameras, photograph developing, etc., to cease representing falsely, in magazine advertising that they were offering a transistor radio or other gift to persons handing out 20 "get acquainted coupons" to friends when the purported "gifts" were delivered only when the 20 coupons distributed were used by recipients; and that they would sell a snapshot enlargement in a "Movietone" frame for 49 cents when the enlargement offer was a deceptive method of inducing persons to send in their hair and eye color and thus enable respondents to include an unordered color photograph with the enlargement and charge $3.37 for the combination.

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

It is ordered, That respondents Clark H. Geppert, Byron Geppert and Fidelis Geppert, individually and as co-partners, trading as Dean Studios, or trading under any other name or names, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of cameras, photographic supplies and accessories, photograph developing, enlarging and tinting, camera repairing, or other products or services in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that Transistor Radios, Miniature Dogs, Polaroid Cameras, Bulova Radios or any other articles of merchandise are given at no cost or at nominal cost in return for handing out or mailing 20 or any other small number of coupons or the performance of any other act or service, without clearly and conspicuously revealing in immediate connection therewith all of the obligations, duties and requirements necessary to the receipt and retention of said articles of merchandise;

2. Using in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise or services;

3. Representing, directly or indirectly, that any products or services are offered for sale when such offer is not a bona fide offer to sell said products or services, as is and as represented and for the price and on the terms and conditions stated.

4. Shipping or sending any unordered or unauthorized merchandise by c.o.d. mail or attempting in any manner to collect for any unordered or unauthorized merchandise or to secure or require the return thereof.

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

Issued: May 26, 1964.

By the Commission.

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

[F.R. Doc. 64-5911; Filed, June 15, 1964; 8:46 a.m.]

PART 35—WALL COVERINGS INDUSTRY

Deceptive Pricing

On April 9, 1964, there was published in the FEDERAL REGISTER (29 F.R. 4974) a notice of proposed rule making concerning the revision of § 35.15 *Deceptive pricing* of the Trade Practice Rules for the Wall Coverings Industry. Interested persons were invited to submit views, suggestions, objections or other information on or before May 11, 1964.

Upon consideration of all the relevant matters and acting pursuant to sections 5 and 6 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45-46 and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice (July 11, 1963), the Commission orders that § 35.15 be and it hereby is, amended as follows:

§ 35.15 Deceptive pricing.

It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: On December 20, 1963, the Commission adopted Guides Against Deceptive Pricing which became effective on January 8, 1964 and which supersede the Guides on this subject as adopted October 2, 1958. Copies of the Guides will be furnished upon request.

[Rule 15]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Approved: June 8, 1964.

By direction of the Commission.

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

[F.R. Doc. 64-5932; Filed, June 15, 1964; 8:48 a.m.]

PART 60—METALLIC WATCH BAND INDUSTRY

Deceptive Pricing

On April 9, 1964, there was published in the FEDERAL REGISTER (29 F.R. 4974) a notice of proposed rule making concerning the revision of § 60.6 *Deceptive pricing* of the Trade Practice Rules for the Metallic Watch Band Industry. Interested persons were invited to submit views, suggestions, objections or other information on or before May 11, 1964.

Upon consideration of all the relevant matters and acting pursuant to sections 5 and 6 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45–46 and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice (July 11, 1963), the Commission orders that § 60.6 be and it hereby is, amended as follows:

§ 60.6 Deceptive pricing.

It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: On December 20, 1963, the Commission adopted Guides Against Deceptive Pricing which became effective on January 8, 1964, and which supersede the Guides on this subject as adopted October 2, 1958. Copies of the Guides will be furnished upon request.

[Rule 6]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Approved: June 8, 1964.

By direction of the Commission.

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

[F.R. Doc. 64-5933; Filed, June 15, 1964; 8:48 a.m.]

PART 61—STATIONERS INDUSTRY

Deceptive Pricing

On April 9, 1964, there was published in the FEDERAL REGISTER (29 F.R. 4974) a notice of proposed rule making concerning the revision of § 61.4 *Deceptive pricing* of the Trade Practice Rules for the Stationers Industry. Interested persons were invited to submit views, suggestions, objections or other information on or before May 11, 1964.

Upon consideration of all the relevant matters and acting pursuant to sections 5 and 6 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45–46 and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice (July 11, 1963), the Commission orders that § 61.4 be and it hereby is, amended as follows:

§ 61.4 Deceptive pricing.

It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: On December 20, 1963 the Commission adopted Guides Against Deceptive Pricing which became effective on January 8, 1964 and which supersede the Guides on this subject as adopted October 2, 1958. Copies of the Guides will be furnished upon request.

[Rule 4]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Approved: June 8, 1964.

By direction of the Commission.

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

[F.R. Doc. 64-5934; Filed June 15, 1964; 8:48 a.m.]

PART 118—MIRROR INDUSTRY

Deceptive Pricing

On April 9, 1964, there was published in the FEDERAL REGISTER (29 F.R. 4974) a notice of proposed rule making concerning the revision of § 118.6 *Deceptive pricing* of the Trade Practice Rules for the Mirror Industry. Interested persons were invited to submit views, suggestions, objections or other information on or before May 11, 1964.

Upon consideration of all the relevant matters and acting pursuant to sections 5 and 6 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45–46 and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice (July 11, 1963), the Commission orders that § 118.6 be and it hereby is, amended as follows:

§ 118.6 Deceptive pricing.

It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: On December 20, 1963 the Commission adopted Guides Against Deceptive Pricing which became effective on January 8, 1964 and which supersede the Guides on this subject as adopted October 2, 1958. Copies of the Guides will be furnished upon request.

[Rule 6]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Approved: June 8, 1964.

By direction of the Commission.

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

[F.R. Doc. 64-5935; Filed, June 15, 1964; 8:48 a.m.]

PART 154—LUGGAGE AND RELATED PRODUCTS INDUSTRY

Deceptive Pricing

On April 9, 1964, there was published in the FEDERAL REGISTER (29 F.R. 4974) a notice of proposed rule making concerning the revision of § 154.19 *Deceptive pricing* of the Trade Practice Rules for the Luggage and Related Products Industry. Interested persons were invited to submit views, suggestions, objections or other information on or before May 11, 1964.

Upon consideration of all the relevant matters and acting pursuant to sections 5 and 6 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45–46 and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice (July 11, 1963), the Commission orders that § 154.19 be and it hereby is, amended as follows:

§ 154.19 Deceptive pricing.

It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: On December 20, 1963 the Commission adopted Guides Against Deceptive Pricing which became effective on January 8, 1964 and which supersede the Guides on this subject as adopted October 2, 1958. Copies of the Guides will be furnished upon request.

[Rule 19]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Approved: June 8, 1964.

By direction of the Commission.

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

[F.R. Doc. 64-5936; Filed, June 15, 1964; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56188]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Outward Foreign Manifest; Shippers' Export Declarations

To make clear that the outward foreign manifest required at each port where foreign clearance, directly or by way of another domestic port or ports, is requested need list only the cargo laden at that port and that the manifest need not be cumulative, § 4.63(a), Customs Regulations, is amended to read as follows:

§ 4.63 Outward foreign manifest; shippers' export declarations.

(a) No vessel shall be cleared directly for a foreign port, or for a foreign port by way of another domestic port or other domestic ports (see § 4.87(b)), unless there has been filed with the collector at the port from which clearance is being obtained a manifest on customs Form 1374 covering all the cargo laden aboard the vessel at that port, together with such export declarations as are required by pertinent regulations of the Bureau of the Census, Department of Commerce, or unless the vessel is cleared on the basis of a pro forma manifest as provided for in § 4.75 of the regulations of this part.

* * * * *

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended, R.S. 4197, as amended, 4199, 4198; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 46 U.S.C. 2, 91, 93, 94)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: June 9, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-5944; Filed, June 15, 1964; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In § 200.56 new paragraphs (e) and (f) are added as follows:

§ 200.56 Assistant Commissioner for Home Mortgages.

* * * * *

(e) To develop and establish policies and procedures for servicing of insured and Commissioner-held home mortgages, to review and evaluate home mortgage insurance default experience, and to provide technical advice and guidance to approved mortgagees and field offices on insured and Commissioner-held home mortgage servicing problems.

(f) To direct the activities of the Mortgagee Approval Officer, Mortgage Servicing Officer, and Special Assistant for Home Improvement Program.

In § 200.83 paragraph (a) is amended and paragraph (e) is revoked as follows:

§ 200.83 Assistant Commissioner for Property Disposition and Deputy.

* * * * *

(a) To direct the activities of the Property Disposition Division.

* * * * *

(e) [Revoked]

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., June 10, 1964.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 64-5952; Filed, June 15, 1964; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6738]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Collapsible Corporations

Paragraph (d) of § 1.341-4 of the Income Tax Regulations (26 CFR Part 1), relating to collapsible corporations, is amended to read as follows:

§ 1.341-4 Limitations on application of section.

* * * * *

(d) *Three-year rule.* This section shall not apply to that portion of the gain of a shareholder that is realized more than three years after the actual completion of the manufacture, construction, production, or purchase of the property referred to in section 341(b) (1) to which such portion is attributable. However, if the actual completion of the manufacture, construction, production, or purchase of all of such property occurred more than 3 years before the date on which the gain is realized, this section shall not apply to any part of the gain realized.

Because this Treasury decision serves only to clarify the interpretation of section 341(d) (3) of the Internal Revenue Code and will not adversely affect any existing rights accorded taxpayers, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

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

[SEAL] D. W. BACON,
Acting Commissioner of Internal Revenue.

Approved: June 9, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-5941; Filed, June 15, 1964; 8:49 a.m.]

[T.D. 6731]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

Correction

In F.R. Doc. 64-4647, appearing at page 6062 of the issue for Friday, May 8, 1964, the last sentence of § 1.48-4(g) (1) should be deleted.

Title 50—WILDLIFE AND FISHERIES

Chapter III—International Regulatory Agencies (Fishing and Whaling)

SUBCHAPTER B—INTERNATIONAL WHALING COMMISSION

PART 351—WHALING

Section 13 of the Whaling Convention Act of 1949 (64 Stat. 425; 16 U.S.C. 916k), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington, December 2, 1946, by the United States of America and certain other Governments, provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendments having been brought into effect on October 9, 1963. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States. The only change relating to current United States commercial whaling operations is that found in § 351.9 (a) and (b), providing for certain exceptions in the minimum length of blue, sei, and fin whales which can be landed at land stations in the Northeast Pacific area. These changes allow the taking of blue whales not less

than 65 feet, sei whales not less than 35 feet, and fin whales not less than 50 feet for delivery to land stations in the Northeast Pacific area without regard to their use as human or animal food for local consumption for a period of three years starting April 1, 1962.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U.S.C. 1001). Accordingly, in fulfillment of the duty imposed upon the Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 25 F.R. 8465, September 1, 1960, are amended and republished to read as hereinafter set forth.

Regulations of the Department of the Interior, implementing the Whaling Convention Act of 1949, are set forth in 50 CFR Part 230—Whaling.

These regulations shall become effective upon the date of publication in the FEDERAL REGISTER.

Sec.
351.1 Inspection.
351.2 Killing of gray or right whales prohibited.
351.3 Killing of calves or suckling whales prohibited.
351.4 Operation of factory ships limited.
351.5 Closed area for factory ships in Antarctic.
351.6 Limitations on the taking of humpback whales.
351.7 Closed seasons for pelagic whaling for baleen and sperm whales.
351.8 Catch quota for baleen whales.
351.9 Minimum size limits.
351.10 Closed seasons for land stations.
351.11 Use of factory ships in waters other than south of 40° South Latitude.
351.12 Limitations on processing of whales.
351.13 Prompt processing required.
351.14 Remuneration of employees.
351.15 Submission of laws and regulations.
351.16 Submission of statistical data.
351.17 Factory ship operations within territorial waters.
351.18 Definitions.

AUTHORITY: The provisions of this Part 351 issued under Article V, 62 Stat. 1718. Interpret or apply secs. 2–14, 64 Stat. 421–425; 16 U.S.C., 916 et seq.

§ 351.1 Inspection.

(a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection and also such observers as the member countries engaged in the Antarctic pelagic whaling may arrange to place on each other's factory ships. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship: *Provided*, That inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or for the feeding of animals.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 Killing of gray or right whales prohibited.

It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 Killing of calves or suckling whales prohibited.

It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 Operation of factory ships limited.

(a) It is forbidden to kill blue whales in the North Atlantic Ocean for five years ending on February 24, 1965.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(1) In the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(2) In the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(3) In the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(4) In the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(5) In the Indian Ocean and its dependent waters north of 40° South Latitude.

§ 351.5 Closed area for factory ships in Antarctic.

It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. (This paragraph as a result of a decision of the fourteenth meeting was rendered inoperative until the Commission otherwise decides.)

§ 351.6 Limitations on the taking of humpback whales.

(a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on November 8, 1964. Notwithstanding this closed season, the taking of 10 humpback whales per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose.

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of the equator.

(c) It is forbidden to kill or attempt to kill blue whales in the waters south of 40° South Latitude, except in the waters north of 55° South Latitude from 0° eastwards to 80° East Longitude.

§ 351.7 Closed seasons for pelagic whaling for baleen and sperm whales.

(a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from December 12 to April 7, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before February 14 in any year.[1]

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c), (d), and (e) of this section.

(c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted: *Provided*, That a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted: *Provided*, That:

(1) A separate open season may be declared for each factory ship and the whale catchers attached thereto;

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph, one continuous open season not to exceed eight months may be implemented so far as Greenland is concerned.

§ 351.8 Catch quota for baleen whales.

(a) The number of baleen whales taken during the open season caught in

[1] The amendment of § 351.7(a) of the starting date of the blue whale season from February 1 to February 14 was objected to within the prescribed period by the Governments of Japan, the Netherlands, Norway, the United Kingdom and the Union of Soviet Socialist Republics. The objections were not withdrawn and the amendment came into force on January 26, 1961 but is not binding upon Japan, the Netherlands, Norway, the United Kingdom and the Union of Soviet Socialist Republics.

waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed ten thousand blue whale units in 1963/64.

(b) For the purposes of paragraph (a) of this section, blue whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or

(2) Two and a half humpback whales or

(3) Six sei whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government: *Provided*, That when the number of blue whale units is deemed by the Bureau of International Whaling Statistics to have reached 9,000, notification shall be given as aforesaid at the end of each day of data on the number of blue whale units taken.

(d) If it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before April 7 of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.[2]

§ 351.9 Minimum size limits.

(a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21.3 metres),
Sei whales 40 feet (12.2 metres),
Humpback whales 35 feet (10.7 metres),

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that, except in the Northeast Pacific area for a period of three years starting 1 April 1962, the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided that, except in the Northeast Pacific area for a period of three years starting 1 April 1962, in each case, the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g., 76 feet 6 inches precisely shall be logged as 77 feet.

§ 351.10 Closed seasons for land stations.

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this section: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.[3]

(d)(1) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section): *Provided*, That a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

(2) Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of § 351.17.

§ 351.11 Use of factory ships in waters other than south of 40° South Latitude.

It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from

[2] Section 357.8(e) in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on September 12, 1952. Original paragraph (f) consequently becomes paragraph (e).

[3] Section 351.10(c) came into force as from February 21, 1952, in respect to all Contracting Governments, except the Commonwealth of Australia, which lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this paragraph are not, therefore, binding on the Commonwealth of Australia.

the termination of that season: *Provided*, That this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

§ 351.12 Limitations on processing of whales.

(a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of §§ 351.2, 351.4, 351.5, 351.6, 351.7, 351.8, or § 351.10.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals. A Contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations provided that such whales are fully utilized in accordance with this paragraph.

(c) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 Prompt processing required.

(a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken,

(2) Its species, and

(3) Its marking effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment,

(2) Length, measured pursuant to paragraph (d) of § 351.9,

(3) Sex,

(4) If female, whether milk-filled or lactating,

(5) Length and sex of foetus, if present, and

(6) A full explantion of each infraction.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and all of the information mentioned in the said paragraph shall be entered therein as soon as available.

§ 351.14 Remuneration of employees.

Gunners and crews of factory ships, land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect to the taking of milk-filled or lactating whales.

§ 351.15 Submission of laws and regulations.

Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 Submission of statistical data.

Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in paragraphs (a) and (c) of this section shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales. In communicating this information, there shall be specified:

(1) The name and gross tonnage of each factory ship;

(2) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horsepower of whale catchers;

(3) A list of the land stations which were in operation during the period concerned.

§ 351.17 Factory-ship operations within territorial waters.[4]

(a) A factory ship which operates solely within territorial waters in one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

(c) The areas referred to in paragraphs (a) and (b) of this section are:

(1) On the coast of Madagascar and its dependencies;

(2) On the west coasts of French Africa;

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany;

(4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

§ 351.18 Definitions.

(a) The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, i.e., any whale other than a toothed whale.

"Blue whale" (Balaenoptera or Sibbaldus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"Dauhval" means any unclaimed dead whale found floating.

"Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

"Gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack.

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[4] Section 351.17 (a), (b), and (c)(1) to (3), was inserted by the Commission at its first meeting in 1949, and came into force on January 11, 1950, as regards all Contracting Governments except France, which therefore remain bound by the provisions of the original § 351.17, which reads as follows:

"§ 351.17 Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas: (a) On the coast of Madagascar and its dependencies, and on the west coasts of French Africa; (b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay."

Section 351.17 (c)(4) was inserted by the Commission at its eleventh meeting in 1959 and came into force on October 5, 1959 as regards all Contracting Governments.

"Humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"Minke whale" (Balaenoptera acutorostrata, B. Davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp-headed finner.

"Right whale" (Balaena mysticetus; Eubalaena glacialis, E. australis, etc.; Neobalaena marginata) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (B. brydei).

"Sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

(b) "Whales taken" means whales that that have been killed and either flagged or made fast to catchers.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 9, 1964.

[F.R. Doc. 64-5925; Filed, June 15, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Parts 10, 11, 12, 15]

CORPORATE PRACTICES AND PROCEDURES OF NATIONAL BANKING ASSOCIATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in the National Banking Laws (R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq.) is considering the adoption of amendments to Parts 10, 11, 12, and the adoption of a new Part 15. All of said amendments and the new part deal with the subject of disclosure to shareholders.

On December 20, 1962, this Office issued the first set of regulations ever adopted by a bank supervisory authority on the subject of minimum disclosure of financial information to investors in securities issued by banks under its jurisdiction. These regulations required National Banks, with total deposits exceeding $25,000,000, to supply their shareholders and this Office with proxy statements, prescribed annual financial reports and reports of major changes in ownership.

Since this area was new to the banks involved, it was not attempted in the first regulation to cover every possible area of investor protection. The experience gained during approximately eighteen months of operation under the regulation has been most illuminating. The response of the banks over the prescribed size limit and of many hundreds of smaller banks, who voluntarily complied with the regulation, has conclusively demonstrated that the matter of investor protection could be well handled under existing authority by this Office. The pending legislation, which would subject banks to the provisions of the Securities and Exchange Act (S. 1642 and H.R. 6793), partially duplicates the protection which has already been given such investors by our present regulations as supplemented by the additional items described below. The bill, however, is deficient in certain important areas such as the number of banks covered and new bank stock issues, as compared with our regulation.

Prior to the issuance of our December 20, 1962, regulations, a draft set had been published in the FEDERAL REGISTER for comments. That draft covered certain areas which, in the interest of simplifying the initial regulation, were omitted in the final draft. In order that there may be no question raised as to the completeness and adequacy of National Bank disclosure, the attached proposed amendments cover the following important additional areas: (1) Minimum information to be furnished shareholders with respect to pending merger transactions; (2) special information to be furnished this Office and shareholders in proxy contests over the election of directors; (3) more detailed information concerning transactions of officers, directors and principal stockholders in their bank stock; and (4) a requirement that an offering circular containing specified information be used in the sale of new issues of securities over a certain size by both newly organized and existing National Banks.

The major provisions of the attached draft amendments are as follows:

1. *Changes in applicability tests.* The present deposit test for covered banks is changed to a test based on number of shareholders. Instead of the present test of deposits of $25,000,000 or more, all existing and amended disclosure regulations, with the exception of the report on changes in control, are made applicable only to banks with 750 or more shareholders. In the case of new banks, registration statements and offering circulars (which may be the same document) will be required of such institutions if they propose to raise capital exceeding $1,000,000. The present requirement for a report to the Comptroller of all changes of actual working control is retained on all banks regardless of size. More detailed reports of changes of ownership are required of banks having 750 or more shareholders.

2. *Proxy statements for merger meetings.* Specific items of information are required in proxy statements used for shareholder meetings called for the purpose of obtaining approval to merger transactions. The items of information required include the material provisions of the plan of merger, financial information on the participating and resulting banks, per share valuations and earnings, provisions of existing pension and profit-sharing plans and other items.

3. *Proxy contests.* A new Schedule C is added to the proxy statement which is to be used only in the event that a proxy contest occurs over the election of directors. This schedule will require personal information concerning each participant in such a contest to be furnished to this Office and to shareholders by the dissenting as well as the management side.

4. *Ownership reports.* Present ownership reporting requirements are expanded to include a report to the Comptroller whenever a "substantial change" occurs in the holdings of any principal officer, director, or beneficial owner of 10 percent of outstanding stock. "Substantial change" is defined as a change which, when added to previously unreported changes, amounts to 500 shares or 5 percent of the bank's outstanding stock.

5. *Registration statement and offering circulars.* A new requirement for the use of offering circulars in the public sale of new securities by new and existing National Banks is laid down. Such registration statements and offering circulars are required of new banks proposing to raise more than $1,000,000 capital by public sale of securities and existing banks with 750 or more shareholders proposing to issue securities at an offering price exceeding $1,000,000.

We believe that with the foregoing amendments the investors in National Bank stock are fully protected. In the event that S. 1642 and H.R. 6793 become law, it is our present intention to use the existing regulations with the above amendments as implementing regulations under the statute.

Prior to the adoption of the amendments, consideration will be given to any written comments pertaining thereto which are submitted within 30 days of the publication hereof to the Comptroller of the Currency, Washington, D.C. All national banking associations and other interested parties are invited to submit such comments.

The proposed amendments are as follows:

In Part 10, § 10.1 is amended to read as follows:

§ 10.1 Scope and application.

Every national banking association having a class of equity security held of record by seven hundred and fifty or more persons shall furnish to each of its stockholders not later than 60 days after the close of each calendar year a written report containing, as a minimum, the financial and other information called for by this part.

In Part 11, § 11.1 is amended to read as follows:

§ 11.1 Scope and application.

The rules contained in this part apply to every solicitation of a proxy with respect to stock of a national banking association having a class of equity security held of record by seven hundred and fifty or more persons.

In Part 11, § 11.2(a) is amended to read as follows:

§ 11.2 Definitions.

(a) The term "principal officer" as used in Part 11 means chairman of board, president, principal vice-president, cashier, chairman of the executive committee, and any other person who performs functions corresponding to those performed by the foregoing officers.

* * * * *

In Part 11, § 11.3, subparagraph (a) is amended to read as follows:

§ 11.3 Information to be furnished stockholders.

(a) No solicitation subject to this part shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the applicable information specified in Schedules A and B. In the case of a solicitation

made by any person in opposition to any other solicitation (proxy contest), subject to this part, with respect to any special or annual meeting of stockholders at which directors are to be elected, the information required by Schedule C shall be included in the proxy statement in addition to the information required by the applicable items of A and B. The information required by Schedule C with respect to each participant in a proxy contest shall be filed with the Office of the Comptroller of the Currency, Washington, D.C., not later than 10 days before the date of the shareholders' meeting.

* * * * *

A new Schedule C is hereby added to § 11.6. The proposed Schedule C will read as follows:

SCHEDULE C

The following information shall be furnished with respect to each person who is a participant in any solicitation of proxies in opposition to any other solicitation in respect to any special or annual meeting of stockholders at which directors are to be elected:

Instruction. For the purpose of this Schedule, the term "participant" includes nominees for whose election proxies are solicited, and any other person, acting alone or in conjunction with one or more other persons, in organizing, directing or financing the solicitation.

Item 1. Name, age, and business address of each participant.

Item 2. His principal occupation or employment, the name, type of business and address of the corporation or other organization in which such employment is carried on.

Item 3. If he has been a participant in any other proxy contest within the past ten years, indicate the principals involved, the subject matter of the contest, the outcome thereof, and his relationship to the principals.

Item 4. State the amount of stock of the bank or any of its affiliates owned beneficially, directly or indirectly, by him or his family.

Item 5. State the amount of such stock owned of record but not beneficially by him or his family.

Item 6. If any of the stock specified in Items 4 and 5 was acquired in the last two years, state the dates of acquisition and amounts acquired on each date.

Item 7. If he has entered into any arrangement or understanding with any person regarding future employment or with respect to any future transaction to which the bank or any of its affiliates will or may be a party, describe such arrangement or understanding.

Item 8. State whether or not he will bear any part of the expense incurred in the solicitation. If so, indicate the amount thereof.

Schedule B, Item 9, in § 11.6 is hereby amended to read as follows:

Item 9. *Mergers, consolidations and acquisitions of assets.* If action is to be taken with respect to a merger, consolidation or the acquisition of the assets of another institution, furnish the following information:

(a) *Dissenters' rights of appraisal.* Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon, and indicate any statutory procedure required to be followed by dissenting security holders or order to perfect such rights.

(b) *Plans or agreements of mergers, consolidations, acquisitions of assets.* (1) Outline briefly the material features of the plan or agreement, the reasons therefor, the factors considered in arriving at the terms, the general effect thereof upon the rights of existing stockholders and the vote needed for approval.

(2) State the names of the directors and principal officers of the merging banks together with the number of shares of stock each own beneficially in each of the banks as well as the number of shares each will receive in the merger or consolidation. If any director or officer has entered into or has agreed to enter into an employment contract with the resulting bank, state the name of such officer or director together with a brief description of the contract.

(3) Furnish a table showing the adjusted book value per share of stock of each bank for the last three years together with the pro forma book value per share of the resulting bank.

(4) If available, the range in bid and asked prices for the last fiscal year, together with the current quoted market price, should be furnished with respect to the stock of each bank.

(5) State the percentage of outstanding shares which must approve the transaction before it is consummated.

(6) The following financial statements should be furnished for each bank involved in the transaction:

(a) Comparative balance sheets for the last two fiscal years.

(b) Comparative statements of operating income and expenses for the last two fiscal years. As a continuation of each statement, state the earnings per share after all taxes and the dividends paid per share.

(c) A pro forma combined balance sheet and income and expense statement for the last fiscal year giving effect to the necessary adjustments shall be furnished with respect to the resulting bank.

(7) In cases where the resulting bank will be a subsidiary of a bank holding company and shares of the holding company are to be issued to stockholders in lieu of shares in the resulting bank, the applicable financial information required by Item 6 above shall be furnished for the holding company.

(8) Where stockholders are to receive shares of a holding company, such shares shall be fully described and any material differences in the rights accorded holders of the holding company shares as opposed to the bank shares to be exchanged shall be set forth.

Part 12—Ownership Reports of Capital Stock, is hereby amended by the addition of the following new sections:

§ 12.2 **Scope and application.**

Every principal stockholder, director, or principal officer of a national banking association having a class of equity security held of record by seven hundred and fifty or more persons, within ten days after becoming such principal stockholder, director, or principal officer, shall file with the Comptroller of the Currency a statement of the amount of capital stock of the bank of which he is directly or indirectly the beneficial owner. Within ten days after the close of each calendar month thereafter, if there has been substantial change in such ownership during such month, he shall file with the Comptroller a statement indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.

§ 12.3 **Definitions.**

(a) The term "principal officer" means chairman of the board, president, chairman of the executive committee, principal vice president, cashier, and any other person who performs functions corresponding to those performed by the foregoing officers.

(b) The term "principal stockholder" means any person who is the beneficial owner of more than 10 percent of any class of capital stock issued by the bank.

(c) The term "substantial change" means the acquisition or disposition of 500 shares or shares totaling more than 5 percent of the outstanding capital stock of the bank. Transactions of less than such amounts which, when added to previously unreported transactions, total more than such amounts, shall be reported.

(d) The term "person" is not limited to natural persons, but also includes corporations, partnerships, pension funds, profit-sharing funds, and any other organization of whatever nature.

§ 12.4 **Filing of statements.**

Initial statements of beneficial ownership of capital securities required by § 12.1 shall be filed on Form OR-1. Statements of changes in such beneficial ownership required by that section shall be filed on Form OR-2. All such statements shall be prepared and filed in accordance with the requirements of the applicable form. One executed copy shall be filed with the appropriate Regional Comptroller of the Currency, and one executed copy with the Washington office of the Comptroller. Statements filed shall be available for public inspection at reasonable times in each such office.

§ 12.5 **Persons temporarily exempt from filing statements.**

The following persons shall be exempt, for a period of twelve months following their appointment and qualification, from filing the ownership statements required by § 12.2:

(a) Executors or administrators of the estate of a decedent;

(b) Guardians or committees for an incompetent; and

(c) Receivers, trustees in bankruptcy, conservators, liquidating agents, assigns for the benefit of creditors, and other similar persons duly authorized by law to administer the estates or assets of other persons.

After the expiration of such twelve-month period, the foregoing persons shall file reports with respect to securities held by the estates they administer.

A new Part 15, dealing with public offerings of securities by National Banks, is proposed for adoption as follows:

PART 15—NEW ISSUES OF SECURITIES—REGISTRATION AND OFFERING CIRCULARS

§ 15.1 **Registration statement—new banks.**

No new National Bank which is to be capitalized at $1,000,000 or more shall make any public offering of its securities, unless such security shall have been registered by filing with the Comptroller of the Currency a registration statement containing the following information:

1. **Issuer.** On the outside front cover page state the proposed name and address of the

issuing National Bank and that the offer and sale of these securities are subject to the approval of and the regulations of the Comptroller of the Currency of the United States.

2. Distribution. The amount of securities to be offered, the aggregate offering price and the aggregate proceeds to the issuer. The proposed means of distribution of the securities and what expenses in connection with the offering, if any, will be borne by the issuing bank.

3. Use of proceeds. Describe briefly the present or proposed business activities of the issuer, including a description of its properties and the general competitive conditions wherein it proposes to conduct its business.

4. Management. State the full names and complete residence addresses of all organizers, proposed directors and principal officers and their principal occupations during the past 10 years. State the aggregate amount of salaries to be paid all directors and officers who will earn in excess of $25,000 per year. Briefly describe any bonus, retirement, pension, stock option or other remuneration plan or provisions for the management. In addition, describe any material proposed financial interest or transaction between any organizer, director or officer and the issuing bank other than transactions in the ordinary course of banking business.

5. Principal security holders. State the percentage of outstanding securities which will be held by directors, principal officers and organizers and the percentage of such securities which will be held by the public if all the securities offered are sold. State the name and address of any person who owns or will own 10 percent or more of the outstanding capital stock of the issuing bank.

6. Description of capital stock being issued. State the title of the class of security and furnish the following information wherever applicable: (a) Outline briefly: (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) pre-emptive rights; (5) conversion rights; (6) redemptive provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the issuer.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and briefly explain.

(c) Briefly describe any restriction on the repurchase of redemption of shares by the registrant while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

7. Legal proceedings. Briefly describe any material pending legal proceedings to which the issuer is a party or of which any of its property is the subject.

§ 15.2 Registration statement—existing banks.

No National Bank having a class of equity security held of record by seven hundred and fifty or more persons shall make any public offering of its securities at a total offering price of more than $1,000,000 unless such security shall have been registered by filing with the Comptroller of the Currency a registration statement containing the following information:

1. Issuer. On the outside front cover page state the exact name, address and date of charter of the issuing National Bank and that the offer and sale of these securities are subject to the approval of and the regulations of the Comptroller of the Currency of the United States.

2. Distribution. The amount of securities to be offered, the aggregate offering price and the aggregate proceeds to the issuer. The proposed means of distribution of the securities, including whether or not by or through underwriters and what other expenses in connection with the offering, if any, will be borne by the issuing bank.

3. Financial statements. Financial statements containing as a minimum the information required by § 10.3.

4. Use of proceeds. State briefly the principal purposes for which the net proceeds to the bank from the securities to be offered are intended to be used.

5. Management. State the full names and complete residence addresses of all directors and principal officers and their principal occupations during the past 10 years. State the aggregate amount of salaries to be paid all directors and principal officers earning in excess of $25,000 during the most recent fiscal year. Briefly describe any bonus, retirement, pension, stock option or other remuneration plan or provisions for the management. In addition, describe any material financial interest or transaction between any director or officer and the issuing bank within the past three years other than transactions in the ordinary course of banking business.

6. Principal security holders. State the percentage of outstanding securities which will be held by directors, principal officers and organizers and the percentage of such securities which will be held by the public if all the securities offered are sold. State the name and address of any person who owns or will own 10 percent or more of the outstanding capital stock of the issuing bank.

7. Description of capital stock being issued. State the title of the class and furnish the following information wherever applicable: (a) Outline briefly: (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the issuer.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and briefly explain.

(c) Briefly describe any restriction on the repurchase or redemption of shares by the registrant while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

8. Description of capital debt being issued. Briefly disclose the following information where applicable:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement.

(b) Provisions with respect to the kind and priority of any lien securing the issue.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

9. Legal proceedings. Briefly describe any material pending legal proceedings to which the issuer is a party or of which any of its property is the subject.

§ 15.3 Offering circular.

No such National Bank or any other person shall make any offer to sell or offer to buy such securities for a period of 90 days following the filing of the registration statement, unless the offeree is furnished with an offering circular containing at least the information required to be in the registration statement.

§ 15.3 Use of offering circulars; other communications.

(a) No securities subject to this part shall be sold or delivered after sale by or on behalf of any issuing bank subject to this Part unless accompanied or preceded by an offering circular complying with the requirements of this part.

(6) Any written advertisement or other written communication, or any radio or television broadcast, which states from whom an offering circular containing the information specified herein may be obtained and in addition contains no more than the following information may be published, distributed or broadcast at or after the commencement of the public offering to any person, prior to sending or giving such person a copy of such circular:

(1) The name and address of the issuer of such security;

(2) The title of the security, the amount being offered, and the per-unit offering price to the public:

The offering circular may be printed, mimeographed, lithographed or typewritten, or prepared by similar process which will result in clearly legible copies.

(c) If this offering is not completed within 12 months from the date of the offering circular, a revised offering circular shall be prepared, filed and used in accordance with the rules of this part as for an original offering circular. In no event shall an offering circular be used which is false or misleading in light of the circumstances then existing. In cases of dispute, the final determination of whether or not a particular statement is false or misleading shall be made only by the Comptroller of the Currency after such investigation and proceedings as he shall deem necessary in the circumstances.

(d) If the offering circular is revised or amended subsequent to its filing with the Comptroller of the Currency, four copies of such revised or amended circular shall be filed with the Comptroller of the Currency at least 10 days prior to its use, or such shorter period as the Comptroller of the Currency may, in his discretion, authorize upon written request for such authorization.

§ 15.5 Penalties.

Failure to comply with the requirements of this part may result in refusal of the Comptroller of the Currency to issue approval of the offering of its securities by a National Bank. The enforcement of this part shall be a function solely of the Office of the Comptroller of the Currency and no provision of this part is intended to confer any private right of action on any stockholder or other person against a National Bank. This part contains all the disclosure rules applicable to the issuance and sale of securities by National Banks. No rule, regulation, policy or procedure of any other governmental agency is applicable thereto.

Dated: June 10, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-5943; Filed, June 15, 1964; 8:49 a.m.]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Carryback and Carryover of, and Overall Limitation on, Foreign Tax Credit

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

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

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 42(a) of the Technical Amendments Act of 1958 (72 Stat. 1639) and to the first section, section 2, section 3 (a) and (b), and section 6(b)(2) of the Act of September 14, 1960 (Public Law 86–780, 74 Stat. 1010, 1011, 1013, 1016), and to make clarifying changes, such regulations are hereby amended as follows, effective as provided:

PARAGRAPH 1. Section 1.901 is amended by revising section 901(a), by revising so much of section 901(b) as precedes paragraph (1) thereof, and by adding a historical note at the end of § 1.901. These revised and added provisions read as follows:

§ 1.901 Statutory provisions; taxes of foreign countries and of possessions of United States.

SEC. 901. *Taxes of foreign countries and of possessions of United States*—(a) *Allowance of credit.* If the taxpayer chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the applicable limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b) plus, in the case of a corporation, the taxes deemed to have been paid under section 902. Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year. The credit shall not be allowed against the tax imposed by section 531 (relating to the tax on accumulated earnings), against the additional tax imposed for the taxable year under section 1333 (relating to war loss recoveries), or against the personal holding company tax imposed by section 541.

(b) *Amount allowed.* Subject to the applicable limitation of section 904, the following amounts shall be allowed as the credit under subsection (a):

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[Sec. 901 as amended by sec. 3 (a) and (b), Act of Sept. 14, 1960 (Pub. Law 86–780, 74 Stat. 1013)]

PAR. 2. Section 1.901–1 is amended by revising paragraph (d) to read as follows:

§ 1.901–1 Allowance of credit for taxes.

* * * * *

(d) *Period during which election can be made or changed.* The taxpayer may, for a particular taxable year, claim the benefits of section 901 (or change his choice if previously made) at any time before the expiration of the period prescribed by section 6511(a) (or section 6511(c) if the period is extended by agreement) for making a claim for credit or refund of the tax imposed by chapter 1 for such taxable year. Such period for such taxable year is determined without regard to the special period prescribed by section 6511(d)(3).

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PAR. 3. Section 1.902 is amended by adding a new subsection (e) at the end of section 902 and by adding a historical note at the end of § 1.902. The added provisions read as follows:

§ 1.902 Statutory provisions; credit for corporate stockholder in foreign corporation.

SEC. 902. *Credit for corporate stockholder in foreign corporation.* * * *

(e) *Cross reference.* For reduction of credit with respect to dividends paid out of accumulated profits for years for which certain information is not furnished, see section 6038.

[Sec. 902 as amended by sec. 6(b)(2), Act of Sept. 14, 1960 (Pub. Law 86–780, 74 Stat. 1016)]

PAR. 4. Section 1.902–1 is amended by revising paragraphs (a)(1), (b), and (c). These amended provisions read as follows:

§ 1.902–1 Taxes of foreign corporation.

(a) *Domestic corporation owning stock of a foreign corporation.* (1) In the case of a domestic corporation which owns at least 10 percent of the voting stock of a foreign corporation from which it receives dividends in any taxable year, the credit for foreign taxes includes the income, war profits, and excess profits taxes deemed to have been paid by such domestic corporation under section 902. The amount of taxes so deemed to have been paid by the domestic corporation is determined by taking the same proportion of any income, war profits, and excess profits taxes paid, or deemed to have been paid, or accrued (determined with regard to the reductions, if any, under section 6038(b)) to any foreign country or to any possession of the United States by such foreign corporation, on or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of any such dividends received bears to the amount of such accumulated profits. If dividends are received from more than one such foreign corporation, the taxes deemed to have been paid by the domestic corporation are computed separately for the dividends received from each such foreign corporation. If the credit for foreign taxes includes taxes deemed to have been paid under section 902, the taxpayer must furnish the same information with respect to such taxes as it is required to furnish with respect to the taxes actually paid or accrued by it. Taxes paid or accrued by such a foreign corporation are deemed to have been paid by the domestic corporation for purposes of credit only. For other information required to be furnished by the domestic corporation with respect to certain foreign corporations and the reduction of credit if such information is not furnished, see section 6038 and the regulations thereunder. For other limitations on the amount of credit, see § 1.904–1.

* * * * *

(b) *Foreign corporation owning stock of another foreign corporation.* If any foreign corporation (hereafter in this paragraph referred to as the former corporation) coming within the scope of paragraph (a) of this section owns 50 percent or more of the voting stock of another foreign corporation (hereafter in this paragraph referred to as the latter corporation) from which it receives dividends in any taxable year, the former corporation shall be deemed under section 902(b) to have paid that proportion of any income, war profits, and excess profits taxes paid or accrued (determined with regard to the reductions, if any, under section 6038(b)) to any foreign country or to any possession of the United States by the latter corporation, on or with respect to the accumulated profits of such latter corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits. Such tax so deemed to have been paid shall then be taken into consideration in determining the amount of income, war profits, and excess profits taxes paid or deemed to have been paid by the former corporation to any possession or foreign country on or with respect to its own accumulated profits from which the dividends were paid by such corporation to the domestic corporation.

(c) *Source of income of foreign subsidiaries and country to which tax is deemed to have been paid.* For the purpose of section 904(a)(1) (relating to the per-country limitation), dividends of a foreign corporation (at least 10 percent of whose voting stock is owned by a domestic corporation) shall be deemed to have been derived from sources within the foreign country or possession of the United States in which such foreign corporation is incorporated, to the extent that under section 862(a)(2) such dividends are treated as income from sources without the United States. In addition, for purposes of section 904(a)(1) all income, war profits, and excess profits taxes paid, or deemed to have been paid under section 902, by such foreign corporation to any foreign country or possession of

the United States shall be deemed to have been paid to the country or possession under whose laws such foreign corporation is incorporated.

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PAR. 5. Section 1.904 is amended by revising section 904 and by adding a historical note. The amended section reads as follows:

§ 1.904 Statutory provisions; limitation on credit.

SEC. 904. *Limitation on credit*—(a) *Alternative limitations*—(1) *Per-country limitation.* In the case of any taxpayer who does not elect the limitation provided by paragraph (2), the amount of the credit in respect of the tax paid or accrued to any foreign country or possession of the United States shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(2) *Overall limitation.* In the case of any taxpayer who elects the limitation provided by this paragraph, the total amount of the credit in respect of taxes paid or accrued to all foreign countries and possessions of the United States shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(b) *Election of overall limitation*—(1) *In general.* A taxpayer may elect the limitation provided by subsection (a)(2) for any taxable year beginning after December 31, 1960. An election under this paragraph for any taxable year shall remain in effect for all subsequent taxable years, except that it may be revoked with the consent of the Secretary or his delegate with respect to any taxable year.

(2) *Election after revocation.* If a taxpayer has made an election under paragraph (1) and such election has been revoked, such taxpayer shall not be eligible to make a new election under paragraph (1) for any taxable year, unless the Secretary or his delegate consents to such new election.

(3) *Form and time of election and revocation.* An election under paragraph (1), and any revocation of such an election, may be made only in such manner as the Secretary or his delegate may by regulations prescribe. Such an election or revocation with respect to any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year.

(c) *Taxable income for purpose of computing limitation.* For purposes of computing the applicable limitation under subsection (a), the taxable income in the case of an individual, estate, or trust shall be computed without any deduction for personal exemptions under section 151 or 642(b).

(d) *Carryback and carryover of excess tax paid.* Any amount by which any such tax paid or accrued to any foreign country or possession of the United States for any taxable year beginning after December 31, 1957, for which the taxpayer chooses to have the benefits of this subpart exceeds the applicable limitation under subsection (a) shall be deemed tax paid or accrued to such foreign country or possesison of the United States in the second preceding taxable year in the first preceding taxable year, and in the first, second, third, fourth, or fifth succeeding taxable years, in that order and to the extent not deemed tax paid or accrued in a prior taxable year, in the amount by which the applicable limitation under subsection (a) for such preceding or succeeding taxable year exceeds the sum of the tax paid or accrued to such foreign country or possession for such preceding or succeeding taxable year and the amount of the tax for any taxable year earlier than the current taxable year which shall be deemed to have been paid or accrued in such preceding or subsequent taxable year (whether or not the taxpayer chooses to have the benefits of this subpart with respect to such earlier taxable year). Such amount deemed paid or accrued in any year may be availed of only as a tax credit and not as a deduction and only if taxpayer for such year chooses to have the benefits of this subpart as to taxes paid or accrued for that year to foreign countries or possessions. For purposes of this subsection, the terms "second preceding taxable year" and "first preceding taxable year" do not include any taxable year beginning before January 1, 1958.

(e) *Carrybacks and carryovers where overall limitation is elected*—(1) *Foreign taxes to be aggregated for purposes of subsection (d).* With respect to each taxable year of the taxpayer to which the limitation provided by subsection (a)(2) applies, the taxes referred to in the first sentence of subsection (d) shall, for purposes of applying such first sentence, be aggregated on an overall basis (rather than taken into account on a per-country basis).

(2) *Foreign taxes may not be carried from per-country year to overall year or from overall year to per-country year.* No amount paid or accrued for any taxable year to which the limitation provided by subsection (a)(1) applies shall (except for purposes of determining the number of taxable years which have elapsed) be deemed paid or accrued under subsection (d) in any taxable year to which the limitation provided by subsection (a)(2) applies. No amount paid or accrued for any taxable year to which the limitation provided by subsection (a)(2) applies shall (except for purposes of determining the number of taxable years which have elapsed) be deemed paid or accrued under subsection (d) in any taxable year to which the limitation provided by subsection (a)(1) applies.

(f) *Cross-reference.* For special rule relating to the application of the credit provided by section 901 in the case of affiliated groups which include Western Hemisphere trade corporations for years in which the limitation provided by subsection (a)(2) applies, see section 1503(d).

[Sec. 904 as amended by sec. 42(a), Technical Amendments Act 1958 (72 Stat. 1639); sec. 1, Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1010)]

PAR. 6. Section 1.904-1 is amended to read as follows:

§ 1.904-1 Limitation on credit for foreign taxes.

(a) *Per-country limitation*—(1) *General.* In the case of any taxpayer who does not elect the overall limitation under section 904(a)(2), the amount allowable as a credit for income or profits taxes paid or accrued to a foreign country or a possession of the United States is subject to the per-country limitation prescribed in section 904(a)(1). Such limitation provides that the credit for such taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) to each foreign country or possession of the United States shall not exceed that proportion of the tax against which credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(2) *Illustration of principles.* The operation of the per-country limitation under section 904(a)(1) on the credit for foreign taxes paid or accrued may be illustrated by the following examples:

Example (1). The credit for foreign taxes allowable for 1954 in the case of X, an unmarried citizen of the United States who in 1954 received the income shown below and had three exemptions under section 151, is $14,904, computed as follows:

Taxable income (computed without deductions for personal exemptions) from sources within the United States	$50,000
Taxable income (computed without deductions for personal exemptions) from sources within Great Britain	25,000
Total taxable income	75,000
United States income tax (based on taxable income computed with the deductions for personal exemptions)	44,712
British income and profits taxes	18,000
Per-country limitation ($\frac{25,000}{75,000}$ of $44,712)	14,904
Credit for British income and profits taxes (total British income and profits taxes, reduced in accordance with the per-country limitation)	14,904

Example (2). Assume the same facts as in example (1), except that the sources of X's income and taxes paid are as shown below. The credit for foreign taxes allowable to X is $13,442.40, computed as follows:

Taxable income (computed without deductions for personal exemptions) from sources within the United States	$50,000
Taxable income (computed without deductions for personal exemptions) from sources within Great Britain	15,000
Taxable income (computed without deductions for personal exemptions) from sources within Canada	10,000
Total taxable income	75,000
United States income tax (based on taxable income computed with the deductions for personal exemptions)	44,712
British income and profits taxes	10,800
Per-country limitation on British income and profits taxes ($\frac{15,000}{75,000}$ of $44,712)	8,942.40
Credit for British income and profits taxes as limited by per-country limitation	8,942.40
Canadian income and profits taxes	4,500.00
Per-country limitation on Canadian income and profits taxes ($\frac{10,000}{75,000}$ of $44,712)	5,961.60
Credit for Canadian income and profits taxes (total Canadian income and profits taxes, since such amount does not exceed the per-country limitation)	4,500.00
Total amount of credit allowable (sum of credits—$8,942.40 plus $4,500)	13,442.40

Example (3). A domestic corporation realized taxable income in 1954 in the amount of $100,000, consisting of $50,000 from United States sources and dividends of $50,000 from a French corporation, more than 10 percent of whose voting stock it owned. The French corporation paid income and profits taxes to France on its income and in addition paid a dividend tax for the account of its shareholders on income distributed to them, the latter tax being withheld and paid at the source. The domestic corporation's credit for foreign taxes is $23,250, computed as follows:

Taxable income from sources within the United States		$50,000
Taxable income from sources within France		50,000
Total taxable income		100,000
United States income tax		46,500
Dividend tax paid at source to France		19,000
Income and profits taxes deemed under section 902 to have been paid to France, computed as follows:		
Dividends received from French corporation during 1954	$50,000	
Income of French corporation during 1954	200,000	
Income and profits taxes paid to France on $200,000	30,000	
Accumulated profits ($200,000 minus $30,000)	170,000	
French taxes applicable to accumulated profits distributed: $\frac{50,000}{170,000}$ of $\frac{170,000}{200,000}$ of $30,000		7,500
Total income and profits taxes paid and deemed to have been paid to France		26,500
Per-country limitation $\left(\frac{50,000}{100,000}\right.$ of $46,500$\left.\right)$		23,250
Credit for French income and profits taxes as limited by per-country limitation		23,250

(b) *Overall limitation*—(1) *General.* In the case of any taxpayer who elects the overall limitation provided by section 904(a)(2), the total credit for taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) shall not exceed that proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(2) *Illustration of principles.* The operation of the overall limitation under section 904(a)(2) may be illustrated by the following example:

Example. Corporation X, a domestic corporation, for its taxable year beginning January 1, 1961, elects the overall limitation provided by section 904(a)(2). For taxable year 1961 corporation X has taxable income of $275,000 of which $200,000 is from sources without the United States. The United States income tax is $137,500. During the taxable year corporation X pays or accrues to foreign countries $105,000 in income and profits taxes, consisting of $45,000 paid or accrued to foreign country Y and $60,000 to foreign country Z. The credit for such foreign taxes is limited to $100,000, i.e., $\frac{200,000}{275,000} \times \$137,500$. The limitation would be the same whether or not some portion of the $200,000 of the taxable income from sources without the United States is from sources on the high seas or in a foreign country (other than Y and Z) which imposed no taxes allowable as a credit.

(c) *Special computation of taxable income.* For purposes of computing the limitations under paragraphs (a) and (b) of this section, the taxable income in the case of an individual, estate, or trust shall be computed without any deduction for personal exemptions under section 151 or 642(b).

(d) *Election of overall limitation*—(1) *General.* The initial election under section 904(b) of the overall limitation provided by section 904(a)(2) may be made by the taxpayer for any taxable year beginning after December 31, 1960, without securing the consent of the Commissioner. The taxpayer may, for the first taxable year for which the election is to be made, make such election at any time before the expiration of the period referred to in paragraph (d) of § 1.901–1 for choosing the benefits of section 901 for such taxable year. Having made the initial election, the taxpayer may, within the time prescribed for making such election for such taxable year, revoke such election without the consent of the Commissioner. If such revocation is timely and properly made, the taxpayer may make his initial election of the overall limitation for a later taxable year without the consent of the Commissioner. If, however, the taxpayer makes the initial election for a taxable year and the period prescribed for making such election for such taxable year expires, the taxpayer must continue the election of the overall limitation for all subsequent taxable years (whether or not foreign taxes were paid or accrued for any such year and notwithstanding that a deduction for foreign taxes under section 164 was claimed for any such year) until revoked with the consent of the Commissioner. See section 904(b)(1). If the election for any taxable year is revoked with the consent of the Commissioner, the taxpayer may not make a new election for such taxable year or for any subsequent taxable year without the consent of the Commissioner. If the election of the overall limitation is revoked for a taxable year, the per-country limitation shall apply to such taxable year and to all taxable years thereafter unless a new election of the overall limitation is made with the consent of the Commissioner.

(2) *Method of making the initial election.* The initial election of the overall limitation under section 904(b) shall be made on Form 1116 in the case of an individual or on Form 1118 in the case of a corporation. The form shall be attached to the appropriate income tax return for the taxable year to which such election applies. Such election may be made, however, only for a taxable year for which the taxpayer chooses to claim a credit under section 901. If the taxpayer revokes the initial election without the consent of the Commissioner, he must file amended Form 1116 or 1118 and amended income tax returns for the taxable years to which the revocation applies. For rules relating to the filing of such forms, see paragraph (a) of § 1.905–2.

(3) *Method of revoking an election and making a new election.* A request to revoke an election of the overall limitation under section 904(b) when such revocation requires the consent of the Commissioner, or to make a new election when such election requires the consent of the Commissioner, shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Washington, D.C., 20224. The request shall include the name and address of the taxpayer and shall be signed by the taxpayer or his duly authorized representative. It must specify the taxable year for which the revocation or new election is to be effective and shall be mailed before the close of the first taxable year for which it is desired to make the change. It must be accompanied by a statement specifying the nature of the taxpayer's business, the countries in which the business is carried on, or expected to be carried on, within the taxable year of the requested change, and the basic changes in the business considered as justifying the requested revocation or new election. The Commissioner may require such other information as may be necessary in order to determine whether the proposed change will be permitted. Generally, a request for consent to revoke an election or to make a new election will be granted only if the basic nature of the taxpayer's business changes. For example, a taxpayer who enters substantial operations in a new foreign country or who loses existing investments due to nationalization, expropriation, or war would be granted consent to revoke an election.

(e) *Joint return*—(1) *General.* In the case of a husband and wife making a joint return, the applicable limitation prescribed by section 904(a) on the credit for taxes paid or accrued to foreign countries and possessions of the United States shall be applied with respect to the aggregate taxable income from sources within each such country or possession, or from sources without the United States, as the case may be, and the aggregate taxable income from all sources, of the spouses.

(2) *Electing the overall limitation.* If a husband and wife make a joint return for the current taxable year, but made a separate return for the preceding taxable year and the overall limitation applied for such preceding taxable year to one spouse or to both spouses (whether or not then married), then, unless revoked with the consent of the Commissioner, the overall limitation shall apply for the current taxable year and for subsequent taxable years of both spouses, whether or not they remain married, whether or not joint returns are filed for such subsequent taxable years, and whether or not one of such spouses could have elected the overall limitation for the current taxable year only with the consent of the Commissioner if he had filed a separate return for such year.

PAR. 7. There are added immediately after § 1.904-1 the following two new sections:

§ 1.904-2 Carryback and carryover of unused foreign tax.

(a) *Credit for foreign tax carryback or carryover.* A taxpayer who chooses to claim a credit under section 901 for a taxable year is allowed a credit under that section not only for taxes otherwise allowable as a credit but also for taxes deemed paid or accrued in that year as a result of a carryback or carryover of an unused foreign tax under section 904 (d). However, the taxes so deemed paid or accrued shall not be allowed as a deduction under section 164(a). The following paragraphs of this section provide rules for the computation of carryovers and carrybacks under section 904(d).

(b) *Years to which carried*—(1) *General.* If the taxpayer chooses the benefits of section 901 for a taxable year beginning after December 31, 1957, any unused foreign tax (as defined in subparagraph (2) of this paragraph) for such year shall, under section 904(d), be carried to the second preceding taxable year, the first preceding taxable year, and the first, second, third, fourth, and fifth succeeding taxable years, in that order and to the extent not absorbed as taxes deemed paid or accrued, under paragraph (c) of this section, in a prior taxable year. The entire unused foreign tax for any taxable year shall first be carried to the earliest of the taxable years to which, under the preceding sentence, such unused foreign tax may be carried. Any portion of such unused foreign tax not deemed paid or accrued under paragraph (c) of this section in such earliest taxable year shall then be carried to the next earliest taxable year to which such unused foreign tax may be carried, and any portion not absorbed in that year shall then be carried to the next earliest year, and so on.

(2) *Definitions.* (i) When used with reference to a taxable year for which the per-country limitation provided in section 904(a)(1) applies, the term "unused foreign tax" means, with respect to a particular foreign country or possession of the United States, the excess of (*a*) the income, war profits, and excess profits taxes paid or accrued (or deemed paid or accrued other than by reason of section 904(d)) in such year to such foreign country or possession, over (*b*) the applicable per-country limitation under section 904(a)(1) for such year.

(ii) When used with reference to a taxable year for which the overall limitation provided in section 904(a)(2) applies, the term "unused foreign tax" means the excess of (*a*) the income, war profits, and excess profits taxes paid or accrued (or deemed paid or accrued other than by reason of section 904(d)) in such year to all foreign countries and possessions of the United States, over (*b*) the overall limitation under section 904(a)(2) for such year.

(3) *Taxable years beginning before January 1, 1958.* For purposes of this paragraph, the terms "second preceding taxable year" and "first preceding taxable year" do not include any taxable year beginning before January 1, 1958.

(c) *Tax deemed paid or accrued*—(1) *Unused foreign tax for per-country limitation year.* (i) The amount of an unused foreign tax with respect to a particular foreign country or possession of the United States, for a taxable year for which the per-country limitation under section 904(a)(1) applies, which shall be deemed paid or accrued in any taxable year to which such unused foreign tax may be carried under paragraph (b) of this section shall, except as provided in subdivision (iii) of this subparagraph, be equal to the smaller of—

(*a*) The portion of such unused foreign tax which, under paragraph (b) of this section, is carried to such taxable year, or

(*b*) Any excess limitation for such taxable year with respect to such unused foreign tax (as determined under subdivision (ii) of this subparagraph).

(ii) The excess limitation for any taxable year (hereinafter called the "excess limitation year") with respect to an unused foreign tax in respect of a particular foreign country or possession of the United States for another taxable year (hereinafter called the "year of origin") shall be the amount, if any, by which the limitation for the excess limitation year with respect to that foreign country or possession (computed under section 904(a)(1)) exceeds the sum of—

(*a*) The income, war profits, and excess profits taxes actually paid or accrued to such foreign country or possession in the excess limitation year,

(*b*) The income, war profits, and excess profits taxes deemed paid or accrued in such year to such foreign country or possession other than by reason of section 904(d), and

(*c*) The portion of the unused foreign tax, with respect to such foreign country or possession for any taxable year earlier than the year of origin, which is absorbed as taxes deemed paid or accrued in the excess limitation year under subdivision (i) of this subparagraph.

(iii) An unused foreign tax for a taxable year for which the per-country limitation provided in section 904(a)(1) applies shall not be deemed paid or accrued in a taxable year for which the overall limitation provided in section 904(a)(2) applies, notwithstanding that under paragraph (b) of this section such overall limitation year is counted as one of the years to which such unused foreign tax may be carried.

(iv) Any portion of an unused foreign tax with respect to a particular foreign country or possession of the United States which is deemed paid or accrued under section 904(d) in the year to which it is carried shall be deemed paid or accrued to the same foreign country or possession to which such foreign tax was paid or accrued (or deemed paid or accrued other than by reason of section 904(d)) for the year in which it originated.

(v) For determination of excess limitation for a year for which the taxpayer does not choose to claim a credit under section 901, see paragraph (d) of this section.

(2) *Unused foreign tax for overall limitation year.* (i) The amount of an unused foreign tax with respect to all foreign countries and possessions of the United States, for a taxable year for which the overall limitation provided in section 904(a)(2) applies, which shall be deemed paid or accrued in any taxable year to which such unused foreign tax may be carried under paragraph (b) of this section shall, except as provided in subdivision (iii) of this subparagraph, be equal to the smaller of—

(*a*) The portion of such unused foreign tax which, under paragraph (b) of this section is carried to such taxable year, or

(*b*) Any excess limitation for such taxable year with respect to such unused foreign tax (as determined under subdivision (ii) of this subparagraph).

(ii) The excess limitation for any taxable year (hereinafter called the "excess limitation year") with respect to an unused foreign tax in respect of all foreign countries and possessions of the United States for another taxable year (hereinafter called the "year of origin") shall be the amount, if any, by which the limitation for the excess limitation year with respect to all foreign countries and possessions of the United States (computed under section 904(a)(2)) exceeds the sum of—

(*a*) The income, war profits, and excess profits taxes actually paid or accrued to all foreign countries and possessions in the excess limitation year,

(*b*) The income, war profits, and excess profits taxes deemed paid or accrued in such year to all foreign countries and possessions other than by reason of section 904(d), and

(*c*) The portion of the unused foreign tax, with respect to all foreign countries and possessions for any taxable year earlier than the year of origin, which is absorbed as taxes deemed paid or accrued in the excess limitation year under subdivision (i) of this subparagraph.

(iii) An unused foreign tax for a taxable year for which the overall limitation provided in section 904(a)(2) applies shall not be deemed paid or accrued in a taxable year for which the per-country limitation provided in section 904(a)(1) applies, notwithstanding that under paragraph (b) of this section such per-country limitation year is counted as one of the years to which such unused foreign tax may be carried.

(iv) For determination of excess limitation for a year for which the taxpayer does not choose to claim a credit under section 901, see paragraph (d) of this section.

(d) *Determination of excess limitation for certain years.* An excess limitation for a taxable year may exist, and may absorb all or some portion of an unused foreign tax, even though the taxpayer does not choose to claim a credit under section 901 for such year. In such case, the amount of the excess limitation, if any, for such year (hereinafter called the "deduction year") shall be determined in the same manner as through the taxpayer had chosen to claim a credit under section 901 for that year. For purposes of the preceding sentence—

(1) If the taxpayer has not chosen the benefits of section 901 for any taxable year before the deduction year, the per-country limitation under section 904 (a)(1) shall be considered to be applicable for such year, and

(2) If the taxpayer has chosen the benefits of section 901 for any taxable year before the deduction year, the limitation (per-country or overall) applicable for the last taxable year (preceding such deduction year for) which a credit was claimed under section 901 shall be considered to be applicable for such deduction year.

(e) *Periods of less than 12 months.* A fractional part of a year which is a taxable year under sections 441(b) and 7701 (a)(23) is a preceding or a succeeding taxable year for the purpose of determining under section 904(d) the years to which the unused foreign tax may be carried, and any unused foreign tax or excess limitation for such fractional part of a year is the unused foreign tax or excess limitation for a taxable year.

(f) *Statement with tax return.* Every taxpayer claiming the benefit of a carryback or carryover of the unused foreign tax to any taxable year for which he chooses to claim a credit under section 901 shall file with his return (or with his claim for refund, if appropriate) for that year as an attachment to his Form 1116 or 1118, as the case may be, a statement setting forth the unused foreign tax deemed paid or accrued under this section and all material and pertinent facts relative thereto, including a detailed schedule showing the computation of the unused foreign tax so carried back or over.

(g) *Illustration of carrybacks and carryovers.* The application of this section may be illustrated by the following examples:

Example (1). (i) A, a calendar year taxpayer using the cash receipts and disbursements method of accounting, chooses to claim a credit under section 901 for each of the taxable years set forth below. Based upon the taxes actually paid to country X, and the section 904(a)(1) limitation applicable in respect of country X, in each of the taxable years, the unused foreign tax deemed paid under section 904(d) in each of the appropriate taxable years is as follows:

	Taxable years								
	1958	1959	1960	1961	1962	1963	1964	1965	1966
Per-country limitation	$175	$150	$100	$100	$100	$300	$400	$200	$600
Taxes actually paid to country X in taxable year	75	60	830	170	150	100	200	140	400
Unused foreign tax to be carried back or over from year of origin			730	70	50				
Excess limitation with respect to unused foreign tax for—									
1960	(100)	(90)				(200)	(200)	(60)	
1961									(200)
1962									(130)
Unused foreign tax absorbed as taxes deemed paid under the carryback and carryover provisions as carried from—									
1960	100	90				200	200	60	
1961									70
1962									50

(ii) The excess limitation for 1958, 1959, 1963, 1964, and 1965, respectively, which is available to absorb the unused foreign tax for 1960 is the amount by which the per-country limitation for each of those years exceeds the taxes actually paid to country X in each such year. The unused foreign tax for 1961 and 1962 are not taken into account, since neither of those years is a year earlier than 1960, the year of origin in respect of which the excess limitation is being determined. Thus, for example, the excess limitation for 1963 is $200, unreduced by the unused foreign tax for 1961 and 1962. There is no excess limitation for 1966 with respect to the unused foreign tax for 1960, since the unused foreign tax may be carried forward only 5 taxable years. The unused foreign tax ($730) for 1960 is thus absorbed as taxes deemed paid to the extent of the excess limitation for each of the taxable years 1958, 1959, 1963, 1964, and 1965, respectively, and in that order, leaving unused foreign tax in the amount of $80 which cannot be absorbed because it cannot be carried beyond 1965.

(iii) The amount of unused foreign tax for 1961 which is deemed paid in 1966 is $70, the smaller of (*a*) that portion of the unused foreign tax carried to 1966 ($70), or (*b*) the excess limitation for 1966 with respect to such unused foreign tax ($200). The unused foreign tax for 1962 ($50) is not taken into account for such purposes, since that year is not a year earlier than 1961, the year of origin in respect of which the excess limitation for 1966 is being determined.

(iv) The excess limitation for 1966 with respect to the unused foreign tax for 1962 is $130, the amount by which the limitation applicable under section 904(a)(1) for 1966 ($600) exceeds the sum of the taxes actually paid ($400) to country X in that year and the unused foreign tax ($70) for 1961 which is absorbed in 1966 as taxes deemed paid and which is carried from a taxable year earlier than 1962, the year of origin in respect of which the excess limitation is being determined. The unabsorbed part ($80) of the unused foreign tax for 1960, a year earlier than 1962, is not taken into account in computing the excess limitation for 1966, since the unused foreign tax for 1960 may not be carried beyond 1965. The unused foreign tax ($50) for 1962 is thus absorbed in full in 1966 as taxes deemed paid, since the unused foreign tax does not exceed the excess limitation ($130) for that year.

Example (2). Assume the same facts as those in example (1) except that the taxpayer does not choose to have the benefits of section 901 for 1961. In that case there is not unused foreign tax for that year to carry back or over to be absorbed in other taxable years as taxes deemed paid. Moreover, the excess limitation for 1966 which is available to absorb the unused foreign tax for 1962 is $200, instead of $130, that is, the amount by which the limitation applicable under section 904(a)(1) for 1966 ($600) exceeds the taxes actually paid ($400) to country X in that year. The amount of the unused foreign tax absorbed in each taxable year as taxes deemed paid is the same as in example (1) except for 1966. In that year only the unused foreign tax ($50) for 1962 is absorbed as taxes deemed paid.

Example (3). Assume the same facts as those in example (1) except that the taxpayer does not choose the benefits of section 901 for 1959. Since the excess limitation for a taxable year for which the taxpayer does not claim a credit under section 901 is determined in the same manner as though the taxpayer had chosen such credit, the excess limitation for 1959 is determined to be $90 just as in example (1). Moreover, even though such excess limitation absorbs a carryback of $90 from the unused tax for 1960, none of such $90 so deemed paid in 1959 is allowed as a deduction under section 164 or as a credit under section 901 for 1959 or for any other taxable year.

Example (4). (i) B, a calendar year taxpayer using the cash receipts and disbursements methods of accounting, chooses the benefits of section 901 for each of the taxable years 1957, 1958, and 1959. Based upon the taxes actually paid to country Y and the per-country limitation applicable with respect to country Y, in each of the taxable years, the unused foreign tax deemed paid under section 904(d) for taxable year 1959 is as follows:

	Taxable years		
	1957	1958	1959
Per-country limitation on credit for taxes paid to Y	$300	$200	$250
Taxes actually paid to Y in taxable year	200	300	150
Unused foreign tax to be carried back or over from year of origin		100	
Excess limitation applicable to unused credit			(100)
Unused foreign tax absorbed as taxes deemed paid			100

(ii) Since a taxable year beginning before January 1, 1958, cannot constitute a preceding taxable year in which the unused foreign tax for 1958 may be absorbed as taxes deemed paid, the entire unused foreign tax ($100) is absorbed as taxes deemed paid in 1959.

Example (5). (i) C, a calendar year taxpayer using an accrual method of accounting, accrues foreign taxes for the first time in 1961. C chooses the benefits of section 901 for each of the taxable years set forth below and for 1962 elects the overall limitation provided by section 904(a)(2) which, with the Commissioner's consent, is revoked for 1966. Based upon the taxes actually accrued with respect to foreign countries X and Y for each of the taxable years, the unused foreign tax deemed accrued under section 904(d) in the appropriate taxable years is as follows:

	Per country	Overall	Overall	Overall	Overall	Per country
Taxable years	1961	1962	1963	1964	1965	1966
Limitation:						
Country X	$175					$290
Country Y	125					95
Overall		$250	$800	$300	$400	
Taxes actually accrued:						
Country X	325					200
Country Y	85					100
Aggregate		350	380	425	450	
Unused foreign tax to be carried back or over from year of origin:						
Country X	150					
Country Y						5
Aggregate		100		125	50	
Excess limitation:						
Country X						90
Country Y	40					
Overall			420			
Unused foreign tax absorbed as taxes deemed accrued under section 904(d) and carried from—						
1961 (Country X)						(90)
1962 (Overall)			(100)			
1964 (Overall)			(125)			
1965 (Overall)			(50)			

(ii) Since the per-country limitation is applicable for 1961 and 1966 only, any unused foreign tax with respect to such years may not be deemed accrued in 1962, 1963, 1964, or 1965, years for which the overall limitation applies. However, the excess limitation for 1966 with respect to country X ($90) is available to absorb a part of the unused foreign tax for 1961 with respect to country X. The difference with respect to country X between the unused foreign tax for 1961 ($150) and the amount absorbed as taxes deemed accrued ($90) in 1966, or $60, may not be carried beyond 1966 since the unused foreign tax may be carried forward only 5 taxable years. There is no excess limitation with respect to country Y for 1961 in respect of the unused foreign tax of country Y for 1966, since the unused foreign tax may be carried back only 2 taxable years.

(iii) Since the overall limitation is applicable for 1962, 1963, 1964, and 1965, any unused foreign tax with respect to such years may not be absorbed as taxes deemed accrued in 1961 or 1966, years for which the per-country limitation applies. However, the excess limitation for 1963 ($420) computed on the basis of the overall limitation is available to absorb the unused foreign tax for 1962 ($100), the unused foreign tax for 1964 ($125), and the unused foreign tax for 1965 ($50), leaving an excess limitation above such absorption of $145 ($420—$275).

§ 1.904–3 Carryback and carryover of unused foreign tax by husband and wife.

(a) *In General.* This section provides rules, in addition to those prescribed in § 1.904–2, for the carryback and carryover of the unused foreign tax paid or accrued to a foreign country or possession by a husband and wife making a joint return for one or more of the taxable years involved in the computation of the carryback or carryover.

(b) *Joint unused foreign tax and joint excess limitation.* In the case of a husband and wife the joint unused foreign tax or the joint excess limitation for a taxable year for which a joint return is made shall be computed on the basis of the combined income, deductions, taxes, and credit of both spouses as if the combined income, deductions, taxes, and credit were those of one individual.

(c) *Continuous use of joint return.* If a husband and wife make a joint return for the current taxable year, and also make joint returns for each of the other taxable years involved in the computation of the carryback or carryover of the unused foreign tax to the current taxable year, the joint carryback or the joint carryover to the current taxable year shall be computed on the basis of the joint unused foreign tax and the joint excess limitations.

(d) *From separate to joint return.* If a husband and wife make a joint return for the current taxable year, but make separate returns for all of the other taxable years involved in the computation of the carryback or carryover of the unused foreign tax to the current taxable year, the separate carrybacks or separate carryovers shall be a joint carryback or a joint carryover to the current taxable year. If for such current year the per-country limitation applies, then only the unused foreign tax for a taxable year of a spouse for which the per-country limitation applied to such spouse may constitute a carryover or carryback to the current taxable year. If for such current taxable year the overall limitation applies, then only the unused foreign tax for a taxable year of a spouse for which the overall limitation applied to such spouse may constitute a carryover or carryback to the current taxable year.

(e) *Amounts carried from or through a joint return year to or through a separate return year.* It is necessary to allocate to each spouse his share of an unused foreign tax or excess limitation for any taxable year for which the spouses filed a joint return if—

(1) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried thereto from a taxable year for which they filed a joint return;

(2) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried to such taxable year from a year for which they filed separate returns but is first carried through a year for which they filed a joint return; or

(3) The husband and wife file a joint return for the current taxable year and an unused foreign tax is carried from a taxable year for which they filed joint returns but is first carried through a year for which they filed separate returns.

In such cases, the separate carryback or carryover of each spouse to the current taxable year shall be computed in the manner described in § 1.904–2 but with the modifications set forth in paragraph (f) of this section.

(f) *Allocation of unused foreign tax and excess limitation*—(1) *Limitation*—(i) *Per-country limitation.* The per-country limitation of a particular spouse with respect to a foreign country or United States possession for a taxable year for which a joint return is made shall be the portion of the limitation on the joint return which bears the same ratio to such limitation as such spouse's taxable income (with gross income and deductions taken into account to the same extent as taken into account on the joint return) from sources within such country or possession (but not in excess of the joint taxable income from sources within such country or possession) bears to the joint taxable income from such sources.

(ii) *Overall limitation.* The overall limitation of a particular spouse for a taxable year for which a joint return is made shall be the portion of the limitation on the joint return which bears the same ratio to such limitation as such spouse's taxable income (with gross income and deductions taken into account to the same extent as taken into account on the joint return) from sources without the United States (but not in excess of the joint taxable income from such sources) bears to the joint taxable income from such sources.

(2) *Unused foreign tax*—(i) *Per-country limitation.* The unused foreign tax of a particular spouse with respect to a foreign country or United States possession for a taxable year for which a joint return is made shall be the excess of his tax paid or accrued to such country or possession over his limitation determined under subparagraph (1)(i) of this paragraph.

(ii) *Overall limitation.* The unused foreign tax of a particular spouse for a taxable year to which the overall limitation applies and for which a joint return is made shall be the excess of his tax paid or accrued to foreign countries and United States possessions over his limitation determined under subparagraph (1)(ii) of this paragraph.

(3) *Excess limitation*—(i) *Per-country limitation taxpayer.* A spouse's excess limitation with respect to a foreign country or possession for a taxable year for which a joint return is made shall be the excess of his limitation determined under subparagraph (1)(i) of this paragraph over his taxes paid or accrued to such country or possession for such taxable year.

(ii) *Overall limitation.* A spouse's excess limitation for a taxable year to which the overall limitation applies and for which a joint return is made shall be the excess of his limitation determined under subparagraph (1)(ii) of this paragraph over his taxes paid or accrued to foreign countries and United States possessions for such taxable year.

(4) *Excess limitation to be applied.* The excess limitation of the particular spouse for any taxable year which is ap-

plied against the unused foreign tax of that spouse for another taxable year in order to determine the amount of the unused foreign tax which shall be carried back or over to a third taxable year shall be, in a case in which the excess limitation is determined on a joint return, the sum of the following amounts:

(i) Such spouse's excess limitation determined under subparagraph (3) of this paragraph reduced as provided in subparagraph (5) (i) of this paragraph, and

(ii) The excess limitation of the other spouse determined under subparagraph (3) of this paragraph for that taxable year reduced as provided in subparagraph (5) (i) and (ii) of this paragraph.

(5) *Reduction of excess limitation.* (i) The part of the excess limitation which is attributable to each spouse for the taxable year, as determined under subparagraph (3) of this paragraph, shall be reduced by absorbing as taxes deemed paid or accrued under section 904(d) in that year the unabsorbed separate unused foreign tax of such spouse, and the unabsorbed unused foreign tax determined under subparagraph (2) of this paragraph of such spouse, for taxable years which begin before the beginning of the year of origin of the unused foreign tax of the particular spouse against which the excess limitation so determined is being applied.

(ii) In addition, the part of the excess limitation which is attributable to the other spouse for the taxable year, as determined under subparagraph (3) of this paragraph, shall be reduced by absorbing as taxes deemed paid or accrued under section 904(d) in that year the unabsorbed unused foreign tax, if any, of such other spouse for the taxable year which begins on the same date as the beginning of the year of origin of the unused foreign tax of the particular spouse against which the excess limitation so determined is being applied.

(6) *Spouses using different limitations.* If an unused foreign tax is carried through a taxable year for which spouses made a joint return and the credit under section 901 for such taxable year is not claimed, and in the prior taxable year separate returns are made in which the per-country limitation applies to one spouse and the overall limitation applies to the other spouse, the amount treated as absorbed in the taxable year for which a joint return is made—

(i) With respect to the spouse for which the per-country limitation applies shall be determined on the basis of the excess limitation which would be allocated to such spouse under subparagraph (3) (i) of this paragraph had the per-country limitation applied for such year to both spouses;

(ii) With respect to the other spouse for which the overall limitation applies shall be determined on the basis of the excess limitation which would be allocated to such spouse under subparagraph (3) (ii) of this paragraph had the overall limitation applied for such year to both spouses.

This subparagraph shall be applied without regard to subparagraph (4) (ii) of this paragraph.

(g) *Illustrations.* This section may be illustrated by the following examples:

Example (1). (a) H and W, calendar year taxpayers, file joint returns for 1961 and 1963, and separate returns for 1962, 1964, and 1965; and for each of those taxable years they choose to claim a credit under section 901. For the taxable years involved, they had unused foreign tax, excess limitations, and carryovers and carrybacks of unused foreign tax as set forth below. The overall limitation applies to both spouses for all taxable years involved in this example. Neither H nor W had an unused foreign tax or excess limitation for any year before 1961 or after 1965. For purposes of this example, any reference to an excess limitation means such a limitation as determined under paragraph (b) (3) of § 1.904-2 but without regard to any taxes deemed paid or accrued under section 904(d):

Taxable year	1961	1962	1963	1964	1965
Return	Joint	Separate	Joint	Separate	Separate
H's unused foreign tax to be carried over or back, or excess limitation (enclosed in parentheses)	$500	$250	($650)	$400	($500)
W's unused foreign tax to be carried over or back, or excess limitation (enclosed in parentheses)	300	(200)	(300)	150	(100)
Total	800		(950)		
Carryovers absorbed:					
W's, from 1961		[1] 200W	100W		
H's, from 1961			[2] 500H		
H's, from 1962			150H 100W		
W's, from 1964					50W
H's, from 1964					400H
Carrybacks absorbed:					
W's, from 1964		0	100W		
H's, from 1964			0		

[1] W—absorbed by W's excess limitation.
[2] H—absorbed by H's excess limitation.

(b) Two hundred dollars of the $300 constituting W's part of the joint unused foreign tax for 1961 is absorbed by her separate excess limitation of $200 for 1962, and the remaining $100 of such part is absorbed by her part ($300) of the joint excess limitation for 1963. The excess limitation of $300 for 1963 is not required first to be reduced by any amount, since neither H nor W has any unused foreign tax for taxable years beginning before 1961.

(c) H's part ($500) of the joint unused foreign tax for 1961 is absorbed by his part ($650) of the joint excess limitation for 1963. The excess limitation of $650 for 1963 is not required first to be reduced by any amount, since neither H nor W has any unused foreign tax for taxable years beginning before 1961.

(d) H's unused foreign tax of $250 for 1962 is first absorbed (to the extent of $150) by H's part of the joint excess limitation for 1963, which must first be reduced from $650 to $150 by the absorption as taxes deemed paid or accrued in 1963 of H's unused foreign tax of $500 for 1961, which is a taxable year beginning before 1962. The remaining part ($100) of H's unused foreign tax for 1962 is then absorbed by W's part of the joint excess limitation for 1963, which must first be reduced from $300 to $200 by the absorption as taxes deemed paid or accrued in 1963 of the unabsorbed part ($100) of W's unused foreign tax for 1961, which is a taxable year beginning before 1962.

(e) W's unused foreign tax of $150 for 1964 is first absorbed (to the extent of $100) by W's part of the joint excess limitation for 1963, which must first be reduced from $300 to $100 by the absorption as taxes deemed paid or accrued in 1963 of the unabsorbed part ($100) of W's unused foreign tax for 1961 and the unabsorbed part ($100) of H's unused foreign tax for 1962, which are taxable years beginning before 1964. No part of W's unused foreign tax for 1964 is absorbed by H's part of the joint excess limitation for 1963, since H's part of that excess must first be reduced from $650 to $0 by the absorption as taxes deemed paid or accrued in 1963 of H's unused foreign tax of $500 for 1961 and of the unabsorbed part ($150) of H's unused foreign tax for 1962, which are taxable years beginning before 1964. The unabsorbed part ($50) of W's unused foreign tax for 1964 is then absorbed by W's excess limitation of $100 for 1965. No part of W's unused foreign tax for 1964 is absorbed by W's excess limitation for 1962, since that excess limitation must first be reduced from $200 to $0 by W's unused foreign tax for 1961, which is a taxable year begining before 1964.

(f) No part of H's unused foreign tax of $400 for 1964 is absorbed by H's part of the joint excess limitation for 1963, since H's part of that excess must first be reduced from $650 to $0 by the absorption as taxes deemed paid or accrued in 1963 of H's unused foreign tax of $500 for 1961 and of a part ($150) of H's unused foreign tax for 1962, which are taxable years beginning before 1964. Moreover, no part of H's unused foreign tax of $400 for 1964 is absorbed by W's part of the joint excess limitation for 1963, since W's part of that excess must first be reduced from $300 to $0 by the absorption as taxes deemed paid or accrued in 1963 of the unabsorbed part ($100) of W's unused foreign tax for 1961 and of the unabsorbed part ($100) of H's unused foreign tax for 1962, which are taxable years beginning before 1964, and also by the absorption of a part ($100) of W's unused foreign tax of $150 for 1964, which is a taxable year beginning on the same date as the beginning of H's taxable year 1964. The unabsorbed part ($400) of H's unused foreign tax for 1964 is then absorbed by H's excess limitation of $500 for 1965.

Example (2). (a) Assume the same facts as those in example (1) except that for 1964 W's unused foreign tax is $20, instead of $150. The carrybacks and carryovers absorbed are the same as in example (1) except as indicated in paragraphs (b) and (c) of this example.

(b) No part of W's unused foreign tax of $20 for 1964 is absorbed by W's excess limitation for 1962, since that excess must first be reduced from $200 to $0 by W's unused foreign tax for 1961, which is a taxable year beginning before 1964. W's unused foreign tax of $20 for 1964 is absorbed by W's part of the joint excess limitation for 1963, which must first be reduced from $300 to $100 by

the absorption as taxes deemed paid or accrued in 1963 of the unabsorbed part ($100) of W's unused foreign tax for 1961 and the unabsorbed part ($100) of H's unused foreign tax for 1962, which are taxable years beginning before 1964.

(c) For the reason given in paragraph (f) of example (1), no part of H's unused foreign tax of $400 for 1964 is absorbed by H's part of the joint excess limitation for 1963. H's unused foreign tax of $400 for 1964 is first absorbed (to the extent of $80) by W's part of the joint excess limitation for 1963, which must first be reduced from $300 to $80 by the absorption as taxes deemed paid or accrued in 1963 of the unabsorbed part ($100) of W's unused foreign tax for 1961 and of the unabsorbed part ($100) of H's unused foreign tax for 1962, which are taxable years beginning before 1964, and also by the absorption of W's unused foreign tax of $20 for 1964, which is a taxable year beginning on the same date as the beginning of H's taxable year 1964. The unabsorbed part ($320) of H's unused foreign tax for 1964 is then absorbed by H's excess limitation of $500 for 1965.

Example (3). The facts are the same as in example (1) except that the per-country limitation applies to both spouses for all taxable years involved in the example and that excess limitations and the unused foreign taxes relate to a single foreign country. The carryovers and carrybacks are the same as in example (1).

PAR. 8. Section 1.905-2 is amended by revising subparagraph (2) of paragraph (a) to read as follows:

§ 1.905-2 Conditions of allowance of credit.

(a) *Forms and information.* * * *

(2) The form must be carefully filled in with all the information called for and with the calculations of credits indicated. Except where it is established to the satisfaction of the district director that it is impossible for the taxpayer to furnish such evidence, the form must have attached to it (i) the receipt for each such tax payment if credit is sought for taxes already paid, or (ii) the return on which each such accrued tax was based if credit is sought for taxes accrued. This receipt or return so attached must be either the original, a duplicate original, a duly certified or authenticated copy, or a sworn copy. In case only a sworn copy of a receipt or return is attached, there must be kept readily available for comparison on request the original, a duplicate original, or a duly certified or authenticated copy. If the receipt or the return is in a foreign language, a certified translation thereof must be furnished by the taxpayer. Any additional information necessary for the determination under part I (section 861 and following), subchapter N, chapter 1 of the Code, of the amount of income derived from sources without the United States and from each foreign country shall, upon the request of the district director, be furnished by the taxpayer.

* * * * *

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

[F.R. Doc. 64-5926; Filed, June 15, 1964; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

[Docket No. AO 269-A 3]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement 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 in Indio, California, on March 9, 1964, after notice thereof published in the FEDERAL REGISTER (29 F.R. 2701) on proposals to amend the marketing agreement, as amended, and Order No. 897, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and the amended order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, 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 7, 1964, with the Hearing Clerk, United States Department of Agriculture, and notice thereof, affording opportunity to file written exceptions thereto, was published May 12, 1964, in the FEDERAL REGISTER (F.R. Doc. 64-4707; 29 F.R. 6257). No exception was filed.

The material issues, findings and conclusions, and general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 64-4707; 29 F.R. 6257) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California" and "Order Amending the Order, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of 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 producers who, during the period August 1, 1963, through May 31, 1964 (which period is hereby determined to be a representative period for the purpose of such referendum), have been engaged in the production of the Deglet Noor, Zahidi, Halawy, or Khadrawy variety of domestic dates produced or packed in the area of production (i.e., the Counties of Riverside, Orange, and Los Angeles, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California) to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of domestic dates produced or packed in a designated area of California.

Warren C. Noland, Edmund J. Blaine, 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 Market 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 Warren C. Noland, Los Angeles Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1031 South Broadway, Los Angeles, California, 90015.

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 11, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated area of California*

§ 987.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations

[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.

hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and the previously issued amendments thereto; and all of said prior findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 20 F.R. 5056; 23 F.R. 6904; 27 F.R. 6817.)

(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 Indio, California, on March 9, 1964, on a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of 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 domestic dates produced or packed in a designated area of California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) 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 area of production would not effectively carry out the declared policy of the act;

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

(5) All handling of domestic dates produced or packed in the area of production 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 domestic dates produced or packed in the area of production 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 § 987.9 insert "or Imperial County" after the second occurrence of the word "production", and change the period at the end of the sentence to a colon and add "*Provided,* That the Committee, with the approval of the Secretary, may modify the exception as to movement to storage but only as to movement to any such storage as may be in counties (including that part of San Bernardino County not included in the area of production) adjoining the area of production."

2. After the first sentence of § 987.45 (a) insert the following sentence: "The withholding requirement shall not apply to dates certified for delivery directly to an excess supply removal program of the Secretary."

3. In § 987.55 revise the second and third sentences to read as follows: "With the approval of the Secretary, the Committee may establish, by country or groups of countries, such special grade, size, container, or identification requirements for any variety of restricted dates for export as are deemed essential to the promotion of orderly marketing and facilitate sales of such dates in export, and may for such purposes participate in or negotiate, the sale of such dates to meet all or a substantial part of the needs of a particular country, and, in connection with each such sale, the Committee shall extend to all handlers an opportunity to participate therein, and shall distribute the returns therefrom to participating handlers according to their respective contributions of dates. Dates other than restricted dates may be disposed of in outlets prescribed pursuant to this section if they are inspected and certified as meeting the requirements for marketable dates or special requirements for export, as applicable."

4. At the end of § 987.56 substitute a colon for the period and add "*And provided further,* That whenever the Committee concludes and the Secretary finds that the disposition of substandard dates of any variety through any export outlet would tend to effectuate the declared policy of the act, the Secretary shall specify such export outlet, and dates of such variety that are inspected and certified as meeting such grade, size, container, and identification requirements as may be prescribed by the Committee with the approval of the Secretary for such outlet may be so exported."

5. Delete the first sentence of § 987.72 (a) and substitute therefor the following: "Each handler shall pay to the Committee, upon demand, on all dates he has certified as meeting the requirements for marketable dates including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f), his pro rata share of all expenses which the Secretary finds are reasonable and are likely to be incurred by the Committee during each crop year."

6. In the last sentence of § 987.72(a) delete "shipping weight" and substitute therefor "weight of such dates."

[F.R. Doc. 64-5968; Filed, June 15, 1964; 8:52 a.m.]

[7 CFR Part 1048]

MILK IN GREATER YOUNGSTOWN-WARREN, OHIO, MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Greater Youngstown-Warren, Ohio, marketing area is being considered for the months of June and July 1964.

The provision proposed to be suspended is: In § 1048.12(a)(1) the words "supply plants" for the months of June and July 1964, relating to the pool plant qualification requirements for distributing plants.

The proposed suspension would enable distributing plants to maintain pool status during these two flush production months when it will be necessary for them to handle additional supplies of milk.

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

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

Signed at Washington, D.C., on June 11, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-5969; Filed, June 15, 1964; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

COMPONENTS OF PAPER AND PAPERBOARD

Notice of Proposed Rule Making

The Commissioner of Food and Drugs has received petitions from the following persons for the issuance of regulations to provide for the use of certain substances as components of the uncoated or coated food-contact surface of paper and paperboard intended for use in contact with aqueous and fatty foods:

American Bitumuls & Asphalt Company, 320 Market Street, San Francisco 20, Calif. (FAP 881).

American Cyanamid Company, 30 Rockefeller Plaza, New York 20, N.Y. (FAP 508).

American Cyanamid Company, Post Office Box 383, Princeton, N.J. (FAP 355).

American Cyanamid Company, Berdan Avenue, Wayne, N.J. (FAP 1218, 1363).

Baker Castor Oil Company, Bayonne, N.J. (FAP 448).

BASF, Inc., 375 Park Avenue, New York 22, N.Y. (FAB 492).

Continental Can Company, Inc., 7622 South Racine Avenue, Chicago, Ill. (FAP 725).

Dow-Corning Corporation, Midland, Mich. (FAP 407).

Drew Chemical Corporation, 416 Division Street, Boonton, N.J. (FAP 885).
E. I. du Pont de Nemours and Company, Inc., Wilmington 98, Del. (FAP 209, 318).
Franklin Research Company, 5134 Lancaster Avenue, Philadelphia 31, Pa. (FAP 657).
General Electric Company, Silicone Products Department, Waterford, N.Y. (FAP 36, 321).
General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis 26, Minn. (FAP 1178).
The General Tire and Rubber Company, 1708 Englewood Avenue, Akron 9, Ohio (FAP 862).
Glassine and Greaseproof Manufacturers Association, 122 East 42d Street, New York, N.Y. (FAP 515).
W. R. Grace and Company, Dewey and Almy Chemical Division, Cambridge 40, Mass. (FAP 540).
Hercules Powder Company, Wilmington 99, Del. (FAP 672, 752, 774, 1130).
The Keratene Company, Inc., Winstead, Conn. (FAP 579).
Marathon, Division of American Can Company, Menasha, Wis. (FAP 409).
National Association of Sanitary Milk Bottle Closure Manufacturers, 1532 Philadelphia National Bank Building, Philadelphia 7, Pa. (FAP 804).
National Starch and Chemical Corporation, 1700 West Front Street, Plainfield, N.J. (FAP 246).
Nopco Chemical Company, 60 Park Place, Newark 1, N.J. (FAP 368, 410).
Paper Can Association, 1532 Philadelphia National Bank Building, Philadelphia 7, Pa. (FAP 805).
Paper Cup and Container Institute, 250 Park Avenue, Room 1020, New York 17, N.Y. (FAP 794).
Pennsylvania Industrial Chemical Corporation, 120 North State Street, Clairton, Pa. (FAP 1211).
Polyvinyl Acetate Emulsion Industry Technical Committee, % Colton Chemical Company, Division of Air Reduction Company, Inc., 6620 Union Avenue, Cleveland 5, Ohio (FAP 189).
Reichhold Chemicals, Inc., 525 North Broadway, White Plains, N.Y. (FAP 118, 357).
Rohm and Haas Company, Washington Square, Philadelphia 5, Pa. (FAP 523, 856).
Sealright-Oswego Falls Corporation, Fulton, N.Y. (FAP 837).
Mr. George Simmons, 1000 Connecticut Avenue NW., Washington 6, D.C. (FAP 1018).
Stein, Hall and Company, Inc., 285 Madison Avenue, New York 17, N.Y. (FAP 722).
Syracuse University Research Corporation, 1075 Comstock Avenue, Syracuse 10, N.Y. (FAP 1188).
Union Carbide Corporation, 270 Park Avenue, New York 17, N.Y. (FAP 493, 494, 1258).
United Carbon Company, A Division of Ashland Oil and Refining Company, P.O. Box 1503, Houston 1, Tex. (FAP 937).
R. T. Vanderbilt Company, Inc., 230 Park Avenue, New York 17, N.Y. (FAP 968).

In addition, the Commissioner has received objections to the provision of paragraph (e)(2) of § 121.2557 *Defoaming agents used in coatings* which requires that the use of the defoaming agents in the preparation and application of coatings for paper and paperboard be in conformity with the limitations prescribed in § 121.2526(c). The Commissioner has also received various comments concerning § 121.2573 *Wet-strength papers,* including an objection that the regulation imposes limitations on gross undifferentiated extractives from wet-strength paper and paperboard products that may consist wholly of substances that are exempt from the law under the food additives amendment to the Federal Food, Drug, and Cosmetic Act.

On the basis of the information submitted in the petitions, the Commissioner proposes that § 121.2526 be amended as hereinafter outlined, to provide for the use of certain substances as components of the food-contact surface of paper and paperboard intended for use in contact with aqueous and fatty foods.

In response to the comments received concerning § 121.2557, the Commissioner agrees that the subject defoaming agents themselves may be safely used in the preparation and coating of paper and paperboard without requiring compliance with the extractives limitations prescribed in § 121.2526(c). Therefore, the Commissioner proposes to amend § 121.-2557(e)(2) by deleting the words "and such use is in conformity with the limitations prescribed in § 121.2526(c)."

In response to the objections to § 121.2573, the Commissioner proposes to revoke § 121.2573 in its entirety, since the use of wet-strength papers will be adequately covered by the proposed amendment to § 121.2526 included in this notice.

The Commissioner proposes, on his own initiative, that § 121.2519 *Defoaming agents used in the manufacture of paper and paperboard* be amended to clearly indicate that the subject defoaming agents are limited to use prior to and during the sheet-forming operation in the manufacture of paper and paperboard; that § 121.2571 *Components of paper and paperboard in contact with dry food* be amended to clearly indicate that it includes both uncoated and coated paper and paperboard and that the term "dry food" refers to dry solids with the surface containing no free fat or oil; and that § 121.2517 *Emulsifiers used in the manufacture of paper and paperboard* and § 121.2521 *Emulsifiers used in the manufacture of coatings for paper and paperboard* * * * be revoked, since the use of the subject emulsifiers will be adequately covered by the proposed amendment (No. 4) to § 121.2526 included in this notice.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 as amended; 21 U.S.C. 348) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner proposes to amend the food additive regulations as set forth below and hereby invites all interested persons to submit written views and comments thereon, preferably in quintuplicate, addressed to the Hearing Clerk, Room 5440, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C., 20201, within 15 days from the date this notice is published in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief in support thereof.

§ 121.2517 [Revoked]

1. It is proposed to revoke § 121.2517 *Emulsifiers used in the manufacture of paper and paperboard.*

§ 121.2519 [Amended]

2. It is proposed to amend paragraph (b) of § 121.2519 *Defoaming agents used in the manufacture of paper and paperboard* to read:

(b) The defoaming agents are used to prevent or control the formation of foam during the manufacture of paper and paperboard prior to and during the sheet-forming operation.

§ 121.2521 [Revoked]

3. It is proposed to revoke § 121.2521 *Emulsifiers used in the manufacture of coatings for paper and paperboard in food packaging.*

4. It is proposed to amend § 121.2526 to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

Substances identified in this section may be safely used as components of the uncoated or coated food-contact surface of paper and paperboard intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding aqueous and fatty foods, subject to the provisions of this section. Components of paper and paperboard in contact with dry food of the type identified under category VIII of table 1 in paragraph (c) of this section are subject to the provisions of § 121.2571.

(a) Substances identified in subparagraphs (1) through (5) of this paragraph may be used as components of the food-contact surface of paper and paperboard. Paper and paperboard products shall be exempted from compliance with the extractives limitations prescribed in paragraph (c) of this section: *Provided,* That the components of the food-contact surface consist entirely of one or more of the substances identified in this paragraph: *And provided further,* That if the paper or paperboard when extracted under the conditions prescribed in paragraph (c) of this section exceeds the limitations on extractives contained in paragraph (c) of this section, information shall be available from manufacturing records from which it is possible to determine that only substances identified in this paragraph (a) are present in the food-contact surface of such paper or paperboard.

(1) Substances generally recognized as safe in food.

(2) Substances generally recognized as safe for their intended use in paper and paperboard products used in food packaging.

(3) Substances used in accordance with a prior sanction or approval.

(4) Substances that by regulation in this Part 121 may be safely used without extractives limitations as components of the uncoated or coated food-contact surface of paper and paperboard in contact with aqueous or fatty food, subject to the provisions of such regulation.

(5) Substances identified in this subparagraph, as follows:

List of substances	Limitations
Acetylated monoglycerides	Complying with §121.1018.
Acetyl peroxide	For use only as polymerization catalyst.
Acrylamide-β-methacryloxyethyltrimethylammonium methyl sulfate copolymer resins containing not more than 5 molar percent of β-methacryloxyethyltrimethylammonium methyl sulfate and containing less than 0.2% of residual acrylamide monomer.	For use only as a retention aid and flocculant employed prior to the sheet-forming operation in the manufacture of paper and paperboard.
tert-Alkyl(C_8-C_{14})mercaptans	For use only as polymerization-control agent.
Aluminum acetate	
Ammonium persulfate	
Ammonium thiosulfate	
Asphalt, steam and vaccum refined to meet the following specifications: Softening point 190° F.—200° F., as determined by ASTM Method D-36; penetration at 77° F. not to exceed 0.3 mm., as determined by ASTM Method D-5; and maximum weight loss not to exceed 3% when distilled to 700° F., nor to exceed an additional 1.1% when further distilled between 700° F. and thermal decomposition.	For use only as a component of internal sizing of paper and paperboard intended for use in contact only with raw fruits, raw vegetables, and dry food of the type identified under category VIII of table 1 in paragraph (c) of this section, and provided that the asphalt is used at a level not to exceed 5% by weight of the finished dry paper and paperboard fibers.
Azo-bis-isobutyronitrile	For use only as polymerization catalyst.
Benzoyl peroxide	Do.
tert-Butyl hydroperoxide	Do.
Carrageenan and salts of carrageenan as described in §§121.1066 and 121.1067.	
Castor oil, hydrogenated	
Castor oil, sulfated or sulfonated	
Castor oil, sulfated or sulfonated, potassium salt.	
Cellulose, regenerated	
Chloracetamide	For use only as polymerization-control agent.
Cobaltous acetate	For use only as polymerization catalyst.
Cumene hydroperoxide	Do.
Cyanoguanidine	For use only: 1. As a modifier for amino resins. 2. As a fluidizing agent in starch and protein coatings for paper and paperboard.
Dialdehyde guar gum	For use only as a wet-strength agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard and used at a level not to exceed 1% by weight of the finished dry paper and paperboard fibers.
Dialdehyde locust bean gum	Do.
2,5-Di-*tert*-butyl hydroquinone	For use only as an antioxidant for fatty based coating adjuvants provided it is used at a level not to exceed 0.005% by weight of coating solids.
Diethanolamine	For use only as an adjuvant to control pulp absorbency and pitch content in the manufacture of paper and paperboard prior to the sheet-forming operation.
Diethylenetriamine	For use only as a modifier for amino resins.
1,2-Dihydro-2,2,4-trimethylquinoline, polymerized.	For use only as an anti-oxidant for natural rubber latex coatings provided it is used at a level not to exceed 0.1% by weight of the coating solids.
N,N-Diisopropanolamide of tallow fatty acids.	For use only as an adjuvant to control pulp absorbency and pitch content in the manufacture of paper and paperboard prior to the sheet-forming operation.
Diphenylamine	For use only as an antioxidant for fatty based coating adjuvants provided it is used at a level not to exceed 0.005% by weight of coating solids.
Dipropylene glycol	
Fatty acids derived from animal and vegetable fats and oils, and salts of such acids, single or mixed, as follows: Aluminum. Ammonium. Calcium. Magnesium. Potassium. Sodium. Zinc.	
Ferric chloride	
Ferrous ammonium sulfate	
Fish oil, hydrogenated	
Fish oil, hydrogenated, potassium salt.	
Furcelleran and salts of furcelleran as described in §§121.1068 and 121.1069.	
Glyceryl lactostearate	
Glyceryl mono-12-hydroxystearate.	
Glyceryl monoricinoleate	
Hexamethylenetetramine	For use only as polymerization cross-linking agent for protein, including casein.
Hydroquinone and the monomethyl or monoethyl ethers of hydroquinone.	For use only as an inhibitor for monomers.
Isopropyl *m*- and *p*-cresols (thymol derived).	For use only as an anti-oxidant for fatty based coating adjuvants provided it is used at a level not to exceed 0.005% by weight of coating solids.
Isopropyl peroxydicarbonate	For use only as polymerization catalyst.
Japan wax	
Lanolin	
Lauryl peroxide	For use only as polymerization catalyst.
Lauryl sulfate salts: Ammonium. Magnesium. Potassium. Sodium.	
Lecithin, hydroxylated	
Lignin sulfonate and its calcium, potassium, and sodium salts.	
Mineral oil, white	
Monoglyceride citrate	
Mustardseed oil, sulfated	
Nitrocellulose, 10.9-12.2% nitrogen.	
Oleic acid, sulfated	
N-Oleoyl-*N'*-stearoylethylenediamine.	
Oxystearin	
Paraformaldehyde	For use only as setting agent for protein.
Phenothiazine	For use only as antioxidant in dry rosin size.
Polyethylene glycol (molecular weight greater than 300).	
Polyethylene glycol (200) dilaurate.	For use only as an adjuvant employed in the manufacture of paper and paper board prior to the sheet-forming operation.
Polyethylene glycol (400) dioleate.	
Polyethylene glycol (400) esters of coconut oil fatty acids.	
Polyethylene glycol (600) esters of tall oil fatty acids.	
Polyethylene glycol (400) monolaurate.	
Polyethylene glycol (600) monolaurate.	
Polyethylene glycol (400) monooleate.	
Polyethylene glycol (600) monooleate.	
Polyethylene glycol (400) monostearate.	
Polyethylene glycol (600) monostearate.	
Polyethylene glycol (3,000) monostearate.	
Polyoxyethylene (20) sorbitan monolaurate.	
Polyoxyethylene (20) sorbitan tristearate.	
Polypropylene glycol (minimum molecular weight 1,000).	
Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).	Conforming to the identity prescribed in § 121.1030.
Polysorbate 80	Conforming to the identity prescribed in § 121.1009.
Protein hydrolysate from animal hides or soybean protein condensed with oleic and/or stearic acid.	
Pyrethrins in combination with piperonyl butoxide.	For use only in outside plies of multiwall bags.
Rapeseed oil, sulfated	
Ricebran oil, sulfated	
Potassium persulfate	
Propylene glycol alginate	
Sodium dioctyl sulfosuccinate	
Sodium formaldehyde sulfoxylate	For use only as polymerization catalyst.
Sodium hypochlorite	
Sodium methyl naphthalene sulfonate condensed with formaldehyde.	For use only as an adjuvant to control pulp absorbency and pitch content in the manufacture of paper and paperboard prior to the sheet-forming operation.
Sodium *N*-methyl-*N*-oleyltaurate	Do.
Sodium nitrite	For use only at levels not to exceed 0.2% by weight of lubricants or release agents applied at levels not to exceed 1 lb. per ton of finished paper or paperboard.
Sodium persulfate	
Sodium polyacrylate	For use as a thickening agent for natural rubber latex coatings, provided it is used at a level not to exceed 2% by weight of coating solids.
Sodium xylene sulfonate condensed with formaldehyde.	For use only as an adjuvant to control pulp absorbency and pitch content in the manufacture of paper and paperboard prior to the sheet-forming operation.
Sorbitan monostearate	
Sorbitan trioleate	
Sperm oil, sulfated	
Stearyl-2-lactylic acid and its calcium salt.	
Styrene-methacrylic acid copolymer, potassium salt (minimum molecular weight 30,000).	For use only as a coating thickening agent at a level not to exceed 1% by weight of coating solids.
Tallow	
Tallow alcohol	

List of substances	Limitations
Tallow fatty acid, hydrogenated.	
Tallow hydrogenated.	
Tallow, sulfated.	
Tetraethylenepentamine.	For use only as a modifier for amino resins.
Tin oleate.	
Triethanolamine.	For use only to adjust pH during the manufacture of amino resins permitted for use as components of paper and paperboard.
Triethylenetetramine.	For use only as a modifier for amino resins.
Viscose rayon fibers.	
Wax, petroleum.	Conforming to specifications in a regulation in this Subpart F.
Zinc formaldehyde sulfoxylate.	For use only as polymerization catalyst.
Zinc octoate.	

(b) Substances identified in subparagraphs (1) and (2) of this paragraph may be used as components of the food-contact surface of paper and paperboard, provided that the food-contact surface of the paper or paperboard complies with the extractives limitations prescribed in paragraph (c) of this section.

(1) Substances identified in § 121.2514 (b)(3) with the exception of those identified in paragraph (b)(3) (xxxi) and (xxxii) of that section and paragraph (a) of this section.

(2) Substances identified in this subparagraph are as follows:

List of substances	Limitations
Acrylic copolymers produced by copolymerizing 2 or more of the acrylate monomers butyl acrylate, ethyl acrylate, ethyl methacrylate, methyl acrylate, methyl methacrylate, and *n*-propyl methacrylate, or produced by copolymerizing one or more of such acrylate monomers together with one or more of the monomers acrylic acid, acrylonitrile, butadiene, 2-ethylhexyl acrylate, glycidyl methacrylate, *n*-hexyl methacrylate, itaconic acid, methacrylic acid, styrene, vinyl acetate, vinyl chloride, and vinylidene chloride. The finished copolymers shall contain at least 50 weight percent of polymer units derived from one or more of the monomers butyl acrylate, ethyl acrylate, ethyl methacrylate, methyl acrylate, methyl methacrylate, and *n*-propyl methacrylate; and shall contain no more than 5 weight percent of total polymer units derived from acrylic acid, 2-ethylhexyl acrylate, glycidyl methacrylate, *n*-hexyl methacrylate, itaconic acid, and methacrylic acid.	
Butyl benzyl phthalate.	
Butyl oleate, sulfated.	
Butyraldehyde.	
Captan (*N*-trichloromethylmercapto-4-cyclohexene-1,2-dicarboximide).	For use only as a mold- and mildew-proofing agent in coatings intended for use in contact with food only of the types identified in paragraph (c) of this section, table 1, under categories I, II, VI, and VIII.
Copper 8-quinolinolate.	For use only as preservative for coating formulations.
Dibutyl phthalate.	
Dibutyl sebacate.	
Dicyclohexyl phthalate.	
Diethylene glycol ester of the adduct of terpene and maleic anhydride.	
Dihydroxy dichlorodiphenyl methane.	For use only as preservative for coating formulations.
Dimethylpolysiloxane, 100 centistokes viscosity.	
Dimethylpolysiloxane-beta-phenylethyl methyl polysiloxane copolymer (2:1), 200 to 400 centistokes viscosity.	
N,N'-Dioleoylethylenediamine.	
N,N'-Distearoylethylenediamine.	
EDTA (ethylenediaminetetraacetic acid) and its sodium and/or calcium salts.	
Glyceryl monobutyl ricinoleate.	
Maleic anhydride adduct of butadiene-styrene copolymer.	
α-Methylstyrene-vinyltoluene copolymer resins.	For use only in coatings for paper and paperboard intended for use in contact with food only of the type identified in paragraph (c) of this section, table 1, under categories I, II, IV-B, VI, VII, VIII, and IX.
p-tert-Octyl-phenoxy-polyethoxyethanol (40 moles ethylene oxide and a hydroxyl number of 20 to 26).	
Pentaerythritol tetrastearate.	
Petroleum sulfonate produced by sulfonating a straight-chain aliphatic hydrocarbon of the C_{12}-C_{18} range.	
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.	
Polyester resin produced by reacting the acid groups in montan wax with ethylene glycol.	Basic polymer.
Polyoxyethylated (40 moles) tallow alcohol sulfate, sodium salt.	Not to exceed 300 p.p.m. in finished coated paper or paperboard.
Polyoxypropylene-polyoxyethylene block polymers (minimum molecular weight 6,800).	
Polyvinyl alcohol.	
Propylene glycol mono- and diesters of fats and fatty acids.	
Sodium alkyl(C_{10}-C_{14})benzene sulfonate.	
Sodium dihexyl sulfosuccinate.	
Sodium 2-ethylhexyl sulfate.	
Sodium oleyl isopropanolamide sulfosuccinate.	
Sodium pentachlorophenate.	For use only as preservative for coating formulations.
Sodium *o*-phenylphenate.	Do.
Sodium vinyl sulfonate, polymerized.	
Styrene-butadiene copolymers containing not more than 5 weight percent of polymer units derived by copolymerization with one or more of the following monomers: Acrylic acid. Itaconic acid. Methacrylic acid.	
Toluenesulfonamide-formaldehyde resins.	
Vinyl acetate copolymers produced by copolymerizing vinyl acetate with one or more of the monomers acrylamide, acrylic acid, acrylonitrile, bicyclo-[2.2.1] *hept*-2-ene-6-methyl acrylate, butyl acrylate, crotonic acid, decyl acrylate, diallyl fumarate, diallyl maleate, diallyl phthalate, dibutyl itaconate, di(2-ethylhexyl) maleate, divinyl benzene, ethyl acrylate, 2-ethylhexyl acrylate, fumaric acid, itaconic acid, maleic acid, methacrylic acid, methyl methacrylate, mono(2-ethylhexyl) maleate, monoethyl maleate, styrene, vinyl butyrate, vinyl crotonate, vinyl hexoate, vinylidene chloride, vinyl pelargonate, vinyl propionate, vinyl stearate, and vinyl sulfonic acid. The finished copolymers shall contain at least 50 weight percent of polymer units derived from vinyl acetate and shall contain no more than 5 weight percent of polymer units derived from acrylamide, acrylic acid, crotonic acid, decyl acrylate, dibutyl itaconate, di(2-ethylhexyl) maleate, 2-ethylhexyl acrylate, fumaric acid, itaconic acid, maleic acid, methacrylic acid, mono(2-ethylhexyl) maleate, monoethyl maleate, vinyl butyrate, vinyl hexoate, vinyl pelagonate, vinyl propionate, vinyl stearate, and vinyl sulfonic acid.	
Vinyl chloride-vinyl acetate copolymers containing not more than 5 weight percent of polymer units derived by copolymerization with maleic anhydride.	
Vinylidene chloride copolymers produced by copolymerizing vinylidene chloride with one or more of the monomers acrylamide, acrylic acid, acrylonitrile, butyl acrylate, butyl methacrylate, ethyl acrylate, ethyl methacrylate, fumaric acid, itaconic acid, methacrylic acid, methyl acrylate, methyl methacrylate, octadecyl methacrylate, propyl acrylate, propyl methacrylate, and vinyl sulfonic acid. The finished copolymers shall contain at least 50 weight percent of polymer units derived from vinylidene chloride; and shall contain no more than 5 weight percent total polymer units derived from acrylamide, acrylic acid, fumaric acid, itaconic acid, methacrylic acid, octadecyl methacrylate, and vinyl sulfonic acid.	

(c) The food-contact surface of the paper and paperboard, in the finished form in which it is to contact food, when extracted with the solvent or solvents characterizing the type of food, and under conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of this paragraph, shall yield net chloroform-soluble extractives (corrected for wax, mineral oil, and zinc extractives as zinc oleate) not to exceed 0.5 milligram per square inch of food-contact surface as determined by the methods described in paragraph (d) of this section.

TABLE 1—TYPES OF RAW AND PROCESSED FOODS

I. Nonacid, aqueous products; may contain salt or sugar or both (pH above 5.0).
II. Acidic, aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.
III. Aqueous, acid or nonacid products containing free oil or fat; may contain salt, and including water-in-oil emulsions of low- or high-fat content.
IV. Dairy products and modifications:
  A. Water-in-oil emulsions, high- or low-fat.
  B. Oil-in-water emulsion, high- or low-fat.
V. Low-moisture fats and oils.
VI. Beverages:
  A. Containing up to 8 percent of alcohol.
  B. Nonalcoholic.
  C. Containing more than 8 percent of alcohol.
VII. Bakery products.
VIII. Dry solids with the surface containing no free fat or oil (no end test required).
IX. Dry solids with the surface containing free fat or oil.

TABLE 2—TEST PROCEDURES WITH TIME TEMPERATURE CONDITIONS FOR DETERMINING AMOUNT OF EXTRACTIVES FROM THE FOOD-CONTACT SURFACE OF UNCOATED OR COATED PAPER AND PAPERBOARD, USING SOLVENTS SIMULATING TYPES OF FOODS AND BEVERAGES

Condition of use	Types of food (see table 1)	Food-simulating solvents			
		Water	Heptane [1]	8 percent alcohol	50 percent alcohol
		Time and temperature	*Time and temperature*	*Time and temperature*	*Time and temperature*
A. High temperature heat-sterilized (e.g., over 212° F.).	I, IV-B	250° F., 2 hr			
	III, IV-A, VII	250° F., 2 hr	150° F., 2 hr		
B. Boiling water sterilized	II	212° F., 30 min.			
	III, VII	212° F., 30 min.	120° F., 30 min.		
C. Hot filled or pasteurized above 150° F.	II, IV-B	Fill boiling, cool to 100° F.			
	III, IV-A	Fill boiling, cool to 100° F.	120° F., 15 min.		
	V		120° F., 15 min.		
D. Hot filled or pasteurized below 150° F.	II, IV-B, VI-B	150° F., 2 hr			
	III, IV-A	150° F., 2 hr	100° F., 30 min.		
	V		100° F., 30 min.		
	VI-A, VI-C			150° F., 2 hr.	150° F., 2 hr.
E. Room temperature filled and stored no thermal treatment in the container).	I, II, IV-B, VI-B	120° F., 24 hr			
	III, IV-A	120° F., 24 hr	70° F., 30 min.		
	V, VII, IX		70° F., 30 min.		
	VI-A, VI-C			120° F., 24 hr.	120° F. ,24 hr.
F. Refrigerated storage no thermal treatment in the container).	III, IV-A, VII	70° F., 48 hr	70° F., 30 min.		
	I, II, IV-B, VI-B	70° F., 48 hr			
	VI-A, VI C			70° F., 48 hr.	70° F., 48 hr.
G. Frozen storage (no thermal treatment in the container).	I, II, III, IV-B, VII.	70° F., 24 hr			
H. Frozen or refrigerated storage: Ready-prepared foods intended to be reheated in container at time of use:					
1. Aqueous or oil-in-water emulsion of high- or low-fat.	I, II, IV-B	212° F., 30 min.			
2. Aqueous, high- or low-free oil or fat.	III, IV A, VII	212° F., 30 min.	120° F., 30 min.		

[1] Heptane extractability results must be divided by a factor of 5 in arriving at the extractability for a food product having water-in-oil emulsions or free oil or fat.

(d) *Analytical methods*—(1) *Selection of extractability conditions.* First ascertain the type of food product (table 1, paragraph (c) of this section) that is being packed commercially in the paper or paperboard and the normal conditions of thermal treatment used in packaging the type of food involved. Using table 2, paragraph (c) of this section, select the food-simulating solvent or solvents and the time-temperature exaggerations of the paper or paperboard use conditions. Having selected the appropriate food-simulating solvent or solvents and the time-temperature exaggeration over normal use, follow the applicable extraction procedure.

(2) *Selection of test method.* Paper or paperboard ready for use in packaging shall be tested by the extraction cell described in ASTM Method F-63T, except that formed paper and paperboard products that are coated after or during forming shall be tested in the container by adapting the in-container methods described in § 121.2514(e).

(3) *Selection of samples.* For in-container testing, quadruplicate samples should be tested, using for each replicate sample the number of cups, containers, or preformed or converted products nearest to an area of 100 square inches.

(4) *Determination of amount of extractives*—(i) *Total residues.* At the end of the exposure period, remove the test container or test cell from the oven, if any, and combine the solvent for each replicate in a clean Pyrex (or equivalent) flask or beaker being sure to rinse the test container or cell with a small quantity of clean solvent. Evaporate the food-simulating solvents to about 100 milliliters in the flask, and transfer to a clean, tared platinum dish, washing the flask three times with small portions of solvent used in the extraction procedure, and evaporate to a few milliliters on a nonsparking low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at a temperature of 212° F. Cool the platinum dish in a desiccator for 30 minutes and weigh the residue to the nearest 0.1 milligram, (*e*). Calculate the extractives in milligrams per square inch of the container or sheeted paper or paperboard surface.

(*a*) *Water and 8- and 50-percent alcohol.* Milligrams extractives per square inch $=\frac{e}{s}$.

(*b*) *Heptane.* Milligrams extractives per square inch $=\frac{e}{(s)(F)}$.

Where:

e = Milligrams extractives per sample tested.
s = Surface area tested, in square inches.
F = Five, the ratio of the amount of extractives removed by heptane under exaggerated time-temperature test conditions compared to the amount extracted by a fat or oil under exaggerated conditions of thermal sterilization and use.
e' = Chloroform-soluble extractives residue.
ee' = Corrected chloroform-soluble extractives residue.

e' or ee' is substituted for e in the above formulas when necessary.

If when calculated by the equations in (*a*) and (*b*) of this subdivision, the extractives in milligrams per square inch exceed the limitations prescribed in paragraph (c) of this section, proceed to subdivision (ii) of this subparagraph (method for determining the amount of chloroform-soluble extractives residue).

(ii) *Chloroform-soluble extractives residue.* Add 50 milliliters of chloroform (freshly distilled reagent grade or a grade having an established consistently low blank) to the dried and weighed residue, (*e*), in the platinum dish obtained in subdivision (i) of this subparagraph. Warm carefully, and filter through Whatman No. 41 filter paper in a Pyrex (or equivalent) funnel, collecting the filtrate in a clean, tared platinum dish. Repeat the chloroform extraction, washing the filter paper with this second portion of chloroform. Add this filtrate to the original filtrate and evaporate the total down to a few milliliters on a low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at 212° F. Cool the platinum dish in a desiccator for 30 minutes and weigh to the nearest 0.1 milligram to get the chloroform-soluble extractives residue (e'). This e' is substituted for e in the formulas in (*a*) and (*b*) of subdivision (i) of this subparagraph. If the chloroform-soluble extractives in milligrams per square inch still exceeds the limitation prescribed in paragraph (c) of this section, proceed to subdivision (iii) of this subparagraph (method for determining corrected chloroform-soluble extractives residue).

(iii) *Corrected chloroform-soluble extractives residue*—(*a*) *Correction for zinc extractives.* Ash the residue in the platinum dish by heating gently over a Meeker-type burner to destroy organic matter and hold at red heat for about 1 minute. Cool in the air for 3 minutes, and place the platinum dish in the desiccator for 30 minutes and weigh to the nearest 0.1 milligram. Analyze this ash for zinc by standard Association of Official Agricultural Chemists methods or equivalent. Calculate the zinc in the ash as zinc oleate, and subtract from the weight of chloroform-soluble extractives residue (e') to obtain the zinc-corrected chloroform-soluble extractives residue ($e\acute{e}$). This $e\acute{e}$ is substituted for e in the equations in (*a*) and (*b*) of subdivision (i) of this subparagraph.

(*b*) *Correction for wax and mineral oil*—(*1*) *Preparation of column.* Place a snug pledget of fine glass wool in the bottom of a chromatographic tube (or 50-milliliter buret) with an inside diameter of approximately 16–18 millimeters and with stopcock of glass, perfluorocarbon resins, or equivalent material. Overlay the glass wool pledget with a 15-20 millimeter deep layer of fine sand. Measure in a graduated cylinder 15 milliliters of aluminum oxide that has been tightly settled by tapping the cylinder. Tranfer the aluminum oxide to the chromatographic tube, tapping the tube during and after the transfer so as to tightly settle the aluminum oxide. Overlay the layer of aluminum oxide with a 1.0–1.5 centimeter deep layer of anhydrous sodium sulfate and on top

of this place an 8-10 millimeter thick plug of fine glass wool. Next carefully add about 25 milliliters of petroleum ether to the column with stopcock open, and allow the petroleum ether to pass through the column until the top level of the liquid just passes into the top glass wool plug in the column and close stopcock.

(2) *Chromatographing of sample extract.* To the dried and weighed chloroform-soluble extract residue in the platinum dish, obtained in subdivision (ii) of this subparagraph, add 5 milliliters of ethyl ether, stir about 15 seconds, then add 15 milliliters of petroleum ether, stir again to dissolve soluble material. Transfer the liquid solution to the column (or buret). Rinse the dish with 10 milliliters of additional petroleum ether and add to column. Allow the liquid to pass through the column into a clean, tared platinum dish at a dropwise rate of about 2 milliliters per minute until the liquid surface reaches the top glass wool plug; then close the stopcock temporarily. Rinse the Pyrex flask which contained the filtrate with an additional 10-1 milliliters of petroleum ether and add to the column. Wash (elute) the column with more petroleum ether collecting about 100 milliliters of total eluate including that already collected in the platinum dish. Evaporate the combined eluate in platinum dish to dryness on a steam bath. Dry the residue for 15 minutes in an oven maintained at a temperature of 212° F. Cool the platinum dish in a desiccator for 30 minutes and weigh the residue to the nearest 0.1 milligram. Subtract the weight of the residue from the weight of chloroform-soluble extractives residue (*e'*) to obtain the wax- and mineral oil-corrected chloroform soluble extractives residue (*ee'*). This *ee'* is substituted for *e* in the equations in (*a*) and (*b*) of subdivision (*i*) of this subparagraph.

§ 121.2557 [Amended]

5. It is proposed to amend paragraph (e) (2) of § 121.2557 *Defoaming agents used in coatings* to read:

(2) The defoaming agents are used in the preparation and application of coatings for paper and paperboard.

6. It is proposed to amend the introduction to § 121.2571 to read:

§ 121.2571 Components of paper and paperboard in contact with dry food.

The substances listed in this section may be safely used as components of the uncoated or coated food-contact surface of paper and paperboard intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding dry food of the type identified in § 121.2526 (c), table 1, under category VIII, subject to the provisions of this section.

§ 121.2573 [Revoked]

7. It is proposed to revoke § 121.2573 *Wet-strength papers.*

Dated: June 8, 1964.

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

[F.R. Doc. 64-5844; Filed, June 15, 1964; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 6022]

AIRWORTHINESS DIRECTIVES

Sud Aviation SE 210 Caravelle VIR Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Sud Aviation SE 210 Caravelle VIR aircraft. Fatigue tests conducted on this aircraft have revealed that the landing gear steel axle beams are subject to fatigue failure. Accordingly, this AD requires inspections and modifications of the main landing gear steel axle beams to prevent fatigue failure.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 17, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

SUD AVIATION. Applies to all SE 210 Caravelle VIR aircraft.

Compliance required as indicated.

In order to prevent fatigue failure of the main landing gear steel axle beams accomplish the following:

(a) Within 400 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 400 hours' time in service from the last inspection, visually inspect all main landing gear steel axle beams, P/N's 269028B and 269029B, for cracks around threaded holes, as specified in Hispano Suiza Aeroservice Bulletin No. 91 Section 1, No. 34 dated January 4, 1963. (Note: This inspection may be made without disassembly of tubing support components.)

(b) Within 800 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 800 hours' time in service from the last inspection, remove the lower tubing support shield and visually inspect with a magnifying glass the lower threaded holes in the main landing gear steel axle beams for cracks.

(c) Remove the lower tubing support shielding and inspect for cracks all lower threaded holes in the main landing gear steel axle beams and surrounding areas using fluorescent magnetic particle inspection or FAA-approved equivalent at the following times:

(1) For landing gear with between 4,500 hours and 5,100 hours total time in service as of the effective date of this AD accomplish the inspection before the accumulation of 5,500 hours total time in service.

(2) For landing gear with 5,100 or more hours total time in service as of the effective date of this AD accomplish the inspection within 400 hours total time in service after the effective date of this AD.

(d) Within 8,000 hours total time in service rework all the lower threaded holes on axle beams as specified in Hispano Suiza Aeroservice Bulletin No. 91 Section 1, No. 34 dated January 4, 1963, or an FAA-approved equivalent. The inspections of paragraphs (a) and (b) may be discontinued after this rework has been accomplished.

(e) Within 12,000 hours total time in service rework in accordance with Hispano Suiza Aeroservice Bulletin No. 91 Section 1, No. 34 dated January 4, 1963, or an FAA-approved equivalent all holes in the landing gear which have not previously been reworked in accordance with paragraph (d). This AD no longer applies to aircraft on which this rework has been accomplished.

(f) Replace any parts found cracked before further flight.

(g) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Division, Paris, France, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Hispano Suiza Aeroservice Bulletin No. 91 Section 1, No. 34 dated January 4, 1963, covers this same subject.)

Issued in Washington, D.C., on June 10, 1964.

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

[F.R. Doc. 64-5908; Filed, June 15, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control Office

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM JAPAN AND THE REPUBLIC OF KOREA

Available Certifications by Governments of Japan and Republic of Korea

Notice is hereby given that:

(1) Certificates of origin issued by the Ministry of International Trade and Industry of the Government of Japan under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Japan of the following additional commodity:

Ingen-mame, raw, canned or otherwise prepared

(2) Certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodity:

Rhubarb.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Foreign Assets Control.

[F.R. Doc. 64-5942; Filed, June 15, 1964; 8:49 a.m.]

Office of the Secretary

[Dept. Circ. 570; 1963 Rev.; Supp. 36]

AMERICAN INDEPENDENT REINSURANCE CO.

Termination of Authority To Qualify as Reinsuring Company Only on Federal Bonds

JUNE 9, 1964.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to American Independent Reinsurance Company, Orlando, Florida, under Treasury Department Circular No. 297, July 5, 1922, as amended, 31 CFR Part 223, to qualify as a reinsuring company only on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, is hereby terminated effective as of the close of business April 8, 1964.

American Fire and Casualty Company, a Florida corporation, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to a Plan and Agreement of Merger, as amended, approved by the Insurance Commissioner of Florida, April 8, 1964, filed with the Secretary of State of the State of Florida, April 8, 1964, and effective as of the close of business April 8, 1964, American Fire and Casualty Company, Orlando, Florida, acquired all of the assets and assumed all of the liabilities of American Independent Reinsurance Company, Orlando, Florida. A copy of this document is on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

No action need be taken by bond-approving officers, by reason of the merger, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before April 8, 1964, by American Independent Reinsurance Company, Orlando, Florida, pursuant to the Certificate of Authority issued to the Company by the Secretary of the Treasury.

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

[F.R. Doc. 64-5927; Filed, June 15, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Small Tract Classification 128]

ALASKA

Small Tract Classification

Correction

In F.R. Doc. 64-4806, appearing at page 6362 of the issue for Thursday, May 14, 1964, the following correction is made in the first paragraph of the land description under item 1: The phrase reading "unsurveyed sections 20 and 21, T. 31 N., R. W., S.M.," should read "unsurveyed Sections 20 and 21, T. 31 N., R. 4 W., S.M.,".

Office of Secretary

FINISHED PRODUCTS OTHER THAN RESIDUAL FUEL OIL TO BE USED AS FUEL

Adjustment in Maximum Level of Imports; Puerto Rico

The maximum level of imports into Puerto Rico of finished products, other than residual fuel oil to be used as fuel, established by Presidential Proclamation 3279, as amended, is modified pursuant to paragraph (d) of section 2 of the Proclamation to permit, during the period January 1, 1964 through June 30, 1964, an increase of 20,000 total barrels in the imports of asphalt to meet the increased demand in Puerto Rico.

All non-Governmental holders of allocations of imports of finished products, other than residual fuel oil to be used as fuel, into Puerto Rico, have been canvassed with respect to their interest in supplying the increased requirement. With the exception of the Shell Oil Companies, all others have stated that they have no interest. Accordingly, the allocation made for the period mentioned above to the Shell Oil Companies will be increased to permit them to import into Puerto Rico an additional 20,000 total barrels of asphalt.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 9, 1964.

[F.R. Doc. 64-5924; Filed, June 15, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23-891]

RON JACQUES RADIOVISION LTD. AND RON JACQUES

Order Denying Export Privileges for an Indefinite Period

In the matter of Ron Jacques Radiovision Ltd. and Ron Jacques, 14 Church Street, Rushden, Northants, England; Respondents.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specially requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that Ron Jacques Radiovision Ltd., is a corporation with a place of business in Rushden, Northants, England; that Ron Jacques is the managing director of said corporation; that the respondents purchased and received certain strategic electronic equipment of U.S. origin; that the aforesaid Investigations Division is conducting an investigation into the handling and disposition of said commodities by respondents. It is impracticable to subpoena the respondents and relevant and material interrogatories and request to furnish certain specific documents relating to said transaction

were served on them pursuant to § 382.15 of the Export Regulations. Said respondents have failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered, That:

I. All outstanding validated export licenses in which the respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

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

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

This order shall become effective on June 16, 1964.

Dated: June 3, 1964.

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

[F.R. Doc. 64-5940; Filed, June 15, 1964; 8:49 a.m.]

[Case 330]

MANASCO, INC., AND MAX NATHAN

Order Denying Export Privileges

In the matter of Manasco, Inc., and Max Nathan, 1860 Broadway, New York, New York; Respondents.

By charging letter dated March 2, 1964, the respondents Manasco, Inc., and Max Nathan, president, were charged by the Director, Investigations Division, Office of Export Control, Bureau of International Commerce, with violations of the Export Control Act of 1949, as amended, and regulations thereunder. The respondents appeared by counsel and filed an answer to the charges denying that they had committed any violations.

In accordance with the provisions of § 382.10 of the Export Regulations, with agreement of the Director, Investigations Division, the respondents have proposed that a consent order, substantially in the form hereinafter set forth, be entered against them. The respondents in consenting to such an order and for the purposes of this proceeding only admitted the jurisdiction of this forum, did not contest the charges alleged in the charging letter, waived all right to an oral hearing before the Compliance Commissioner and all rights of administrative appeal from, and judicial review of such order, notwithstanding the answer filed on their behalf.

The charging letter, respondents' answer and their proposal, together with evidentiary and other supplemental material were presented to the Compliance Commissioner. He has reviewed such material, approved the proposal, and reported the facts of the case to the undersigned with his recommendations that the consent proposal be accepted.

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

1. The respondent, Manasco, Inc., is a corporation with a place of business in New York City. Along with its predecessors, for many years it has been an exporter of U.S. manufactured materials, including a wide range of products used in constructing various types of buildings and plants. The respondent Max Nathan, a resident of New York City, is president of Manasco, Inc. and has been for a number of years. The transactions hereinafter set forth were carried out for and on behalf of the corporation by or under the direction of said Max Nathan.

2. On March 25, 1961 Manasco, Inc. exported from New York City, a shipment of commodities used in construction, including some which were oil refinery parts. The shipment, valued at $16,000, was consigned to a firm having a place of business in Mexico City, Mexico, for off-loading at Coatzacoalcos, Mexico.

3. When the exportation was made the respondents knew or had reason to know that the consignee in Mexico was to act only as an intermediary and would on-ship the commodities to a customer in Cuba in violation of the U.S. Export Regulations.

4. Notwithstanding the aforesaid knowledge the respondents caused to be certified and represented to the Collector of Customs and to the U.S. Department of Commerce on the Shipper's Export Declaration under which the shipment was cleared, that the Mexican firm was the ultimate consignee, that Mexico was the country of ultimate destination, and that the shipment was properly exportable under General License GRO. These representations were false.

5. After arrival of the goods in Mexico, the Mexican firm, without obtaining authorization from the United States Government, caused the said goods on April 8, 1961, to be shipped from Mexico to a consignee in Havana, Cuba.

Based on the foregoing I have concluded that the respondents: sold and exported commodities from the United States with knowledge that violations of the Export Control Act and regulations thereunder were about to and intended to occur; made false representations to, and

concealed material facts from, the Department of Commerce and the Collector of Customs regarding the true ultimate consignee and destination of said commodities. All of said conduct being in violation of § 381.2, 381.4, and 381.5 of the Export Regulations.

After considering the record herein, the consent proposal, and the Compliance Commissioner's report and recommendations, I have concluded that the sanctions proposed are fair and reasonable and calculated to achieve effective enforcement of the law.

Accordingly, it is hereby ordered,

I. Except as qualified in Part III hereof the respondents for a period of 12 months from the effective date hereof are hereby denied all privileges of participating, directly or indirectly, in any transaction involving commodities or technical data exported from the United States, or which are otherwise subject to the Export Regulations, to any foreign destination, including Canada.

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

III. Three months after the effective date hereof, without further order by the Office of Export Control, the privileges denied under Part I hereof shall be restored conditionally and thereafter the respondents shall be on probation for the remainder of the denial period. The conditions of probation are that the respondents shall fully comply with all the requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

During the three-month period of effective denial of privileges the respondents may negotiate contracts, but may not deliver in fulfillment of contracts thus negotiated.

There is hereby excluded from the restrictive provisions of this order certain export transactions which are specifically set forth in a communication to respondents' attorneys, and also excluded are exportations which are destined to, for, or in behalf of the United States Government.

IV. Upon a finding by the Director, Investigations Division, or such other officials as may be exercising the duties now exercised by him that respondents have knowingly failed to comply with the conditions of this order or with the conditions of probation he may apply to the Compliance Commissioner, after giving respondents oral or written notice of such proposed application, for an order revoking all export privileges, including those relating to transactions which are excepted from the terms of this order, for the remaining period of probation. Such action, if taken, will in no way preclude the Bureau of International Commerce from taking further action for any violation as may be deemed warranted. Any application to revoke probation and the proceedings conducted thereunder shall be in accordance with the provisions of § 382.16 of the Export Regulations.

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

This order shall become effective on June 15, 1964.

Dated: June 6, 1964.

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

[F.R. Doc. 64-5939; Filed, June 15, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 27-39]

CALIFORNIA NUCLEAR, INC.

Proposed Issuance of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission proposes to issue to California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Indiana, a license to receive and possess waste byproduct, source and special nuclear material and to transport such material to authorized land burial sites for disposal. Under the license, California Nuclear, Inc., would not possess more than 1,000 curies of byproduct material, 4,000 pounds of source material, and 500 grams of special nuclear material of which not more than 20 grams of Uranium 235 or 1 gram of Uranium 233 and Plutonium would be in any single package.

The license would provide only for the receipt, possession, and transportation of the waste material. There would be no storage under the license. California Nuclear, Inc., maintains a storage facility at Cowell, California. California has assumed regulatory authority over activities conducted in the State of California. The storage of waste material is accomplished under California regulatory authority and is subject to the restrictions and limitations of the California license.

The Commission has found that:

A. The applicant's equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to use the material in such manner as to protect health and minimize danger to life or property;

C. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, and is for a purpose authorized by that act.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Director of Regulation will issue the license fifteen (15) days from the date of publication in the FEDERAL REGISTER.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto and (2) the related hazard analysis prepared by the Isotopes Branch of the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item (2) above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Materials Licensing.

The text of the proposed license is attached to this notice.

Dated at Bethesda, Md., June 8, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

4. The transportation of AEC-licensed material shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard, and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container so that it does not exceed 10 mrem/24 hours at any time during transportation.

ATOMIC ENERGY COMMISSION

[License 13-10042-1]

Washington, D.C., 20545.

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," 10 CFR Part 70, "Special Nuclear Material," and in reliance upon the statements and representations contained in the application dated October 23, 1963, and amendments thereto dated December 9, 1963, and April 21, 1964, a license is hereby issued to California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Indiana, to receive and possess sealed packages containing waste byproduct, source and special nuclear material at customers' facilities in any state of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150, and to transport the sealed packages to authorized land burial sites for disposal.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than 1,000 curies of byproduct material, 4,000 pounds of source material, and 500 grams of special nuclear material of which not more than 20 grams of Uranium 235 or 1 gram of Uranium 233 and Plutonium shall be in any single package.

2. Byproduct, source and special nuclear material shall be received and transported by, or under the supervision and in the physical presence of, Frederick P. Beierle or William D. Johnson.

3. A copy of the "Radiological Physics Safety Manual for Atomic Energy Commission Operations" dated April 21, 1964, shall be supplied to each employee involved in the receipt and transportation of byproduct, source and special nuclear material.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium or curium or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. *Vehicle Lettering.* Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "Dangerous—Radioactive Material."

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission, and should contain sufficient information to support such a request.

5. The licensee shall not store byproduct, source and special nuclear material in any of the states in which the licensee is authorized to receive and possess such material under the terms of this license.

6. Except as specifically provided otherwise by this license, the licensee shall receive, possess, and transport byproduct, source and special nuclear material in accordance with the conditions, limitations, and procedures contained in the application dated October 23, 1963, and amendments thereto dated December 9, 1963, and April 24, 1964.

This license shall be effective on the date issued and shall expire two years from the last day of the month in which this license is issued.

For the Atomic Energy Commission.

Date of issuance:

MEMORANDUM BY DIVISION OF MATERIALS LICENSING

By application dated October 23, 1963, and amendments thereto dated December 9, 1963, and April 21, 1964, California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Indiana, has applied for a byproduct, source and special nuclear material license which would authorize the receipt and possession of radioactive waste material and transportation of such material to authorized land burial sites.

The proposed license would provide for possession at any one time of 1,000 curies of byproduct material, 4,000 pounds of source material, and 500 grams of special nuclear material of which not more than 20 grams of Uranium 235 or 1 gram of Uranium 233 and Plutonium would be in any single package.

The applicant will not store radioactive wastes in any of the States in which the proposed license would be valid. Storage, if any, would be at the applicant's facility in Cowell, California. Possession of radioactive materials is accomplished under California regulatory authority and is subject to the restrictions and limitations of the California license.

Personnel with adequate training and experience in radiation will be responsible for and physically present during receipt of radioactive waste material from customers and subsequent transportation to authorized land burial sites. Frederick P. Beierle and William P. Johnson are the individuals who will be physically present and responsible for the receipt and transportation of the radioactive waste material.

Mr. Beierle completed three years of college, majoring in mechanical engineering. He was a reactor operator at Hanford for a period of 3½ years; a reactor technician for 2 years at the General Electric Test Reactor where he assisted with the GETR initial startup, preparation of operating procedures, and conduct of acceptance tests; a shift instructor for 1½ years at the Elk River reactor where he assisted in conducting preoperational tests and in preparation of operating procedures; and most recently was reactor shift supervisor at the Elk River reactor.

Mr. Johnson was employed at Hanford for 9 years where he was a chemical process operator for 5 years, a reactor operator for one year, and a radiation monitor for 3 years. For a period of 4 years, he was a supervisor for Nuclear Engineering Company, Inc., and subsequently manager of operations with responsibility for packaging radioactive materials for both sea and land disposal. For a short time prior to his employment by California Nuclear, Inc., Mr. Johnson was employed as a health physicist by Reynolds Electric and Engineering at the Nevada Test Site.

Transportation of waste material will be conducted in accordance with the applicable regulations of the Interstate Commerce Commission and other agencies of the United States having appropriate jurisdiction. In any instance where such regulations are not applicable, such as in intrastate transportation, the transportation of radioactive material must be carried out in accordance with a detailed license condition the requirements of which are substantially the same as those of the Interstate Commerce Commission regulations.

The applicant may possess only prepackaged wastes in those states in which the proposed license would be valid. The applicant has prepared adequate written procedures for the proposed activities. These procedures provide for actual pickup instructions including personnel monitoring equipment to be worn, instrumentation, surveys, transportation, and steps to be taken in the event of an emergency.

The applicant's equipment, personnel, and procedures are adequate for the handling of the quantities of radioactive materials for which application has been made in such a manner as to protect health and minimize danger to life or property.

[F.R. Doc. 64-5905; Filed, June 15, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14945; Order No. E-20917]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Joint Conference Agreement Regarding Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of June 1964.

An agreement adopted by Joint Traffic Conference 1-2 of the International

Air Transport Association relating to fares, Docket 14945, Agreement C.A.B. 17815.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Traffic Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement amends Resolutions 064a and 064b (North and Mid-Atlantic Economy Class Fares) to clarify the manner of computing fares for transatlantic journeys involving travel in one direction in the peak season and in the other direction in the off-peak season.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolutions JT12(Mail 375)064a and JT12(Mail 375)064b, which are incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement C.A.B. 17815 be and hereby is approved.

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

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-5949; Filed, June 15, 1964; 8:50 a.m.]

[Docket No. 13777; Order No. E-20919]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Joint Conference Agreement Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of June 1964.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates, Docket 13777, Agreement C.A.B. 17456, R-7.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum SFO Board/10/JT31-Rates 341, names an additional specific commodity rate as follows:

Item 8209—Musical Instruments, Phonograph Records, Tape Recordings, Sheet Music, and parts thereof.

Rate: 353 cents per kilogram, minimum weight 45 kilograms, from West Coast to Sydney.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

That Agreement C.A.B. 17456 R-7, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-5950; Filed, June 15, 1964; 8:50 a.m.]

[Docket No. 13777; Order No. E-20920]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Joint Conference Agreement Regarding Specific Commodity Rates

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket 13777, Agreement C.A.D. 17666, R-31 through R-37.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of June 1964.

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

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, amends one description and names additional specific commodity rates as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17666, R-31 through R-37, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-5951; Filed, June 15, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15496; FCC 64-495]

HI-DESERT MICROWAVE, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re applications of Hi-Desert Microwave, Inc., Docket No. 15496, for renewal of facilities and for construction permits to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service, File Nos. 3740/3741/3742/3743-C1-P-63, File Nos. 8/9-C1-R-63.

The Commission has before it for consideration the applications of Hi-Desert Microwave, Inc. (Hi-Desert), (a) to renew authorizations to operate as a communications common carrier providing three (3) channels of microwave transmission service to a related community antenna television (CATV) system customer at Hines Butte, Oregon; and (b) for authority to construct and operate new microwave facilities in order to serve a related CATV in Lakeview, Oregon and to augment present service to Hines Butte.

1. On October 30, 1961, the Commission authorized Hi-Desert to operate stations KPN78 at Pine Mountain, Oregon and KPN79 at Squaw Butte, Oregon in order to provide three (3) channels of

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[1] Attachment filed as part of original document.

microwave transmission service to its related CATV customer, Burns-Hines TV, Inc., Hines Butte, Oregon. Said authorizations expired on February 1, 1963. On January 14, 1963, Hi-Desert filed applications to renew the licenses of stations KPN78 and KPN79. On February 1, 1963, the applications for construction permits were filed.

2. Hi-Desert presently serves its related CATV in Hines Butte, Oregon by a two-hop system whereby the signals of KOIN-TV (CBS), KGW-TV (NBC) and KPTV (IND), all of Portland, Oregon, are picked up off-the-air at station KPN78 and transmitted to relay station KPN79 for subsequent delivery to the CATV. Hi-Desert proposes herein to construct a new station at Olallie Butte, Oregon, in order to pick up the signals of KGW-TV, KPTV and educational station, KOAP, Portland, and transmit them to the current off-the-air pickup point at Pine Mountain (the KOIN-TV signal will still be picked up at this point). Thence, the four signals would be relayed to Hines Butte via Pine Mountain and Squaw Butte. At these two points an additional channel will be installed to accomodate the fourth signal. At Pine Mountain there will be a power-split which will direct three (3) channels toward Lakeview, Oregon via a proposed relay station at Round Pass, Oregon.[1] In summary, Hi-Desert seeks authorizations to deliver an additional channel of service to Hines Butte, making a total of four (4) Portland TV signals delivered to this location, and to provide three channels of the aforementioned Portland TV signals to Lakeview TV, Inc., its proposed CATV customer at Lakeview, Oregon.

3. The CATVs involved herein are both related to the applicant, Hi-Desert. Hi-Desert's stockholders own 100 percent of the outstanding stock of Burns-Hines TV, Inc. in the same proportion as their ownership of stock in Hi-Desert, and the directors of Hi-Desert also serve as directors of the CATV. Three Hi-Desert shareholders owning 40 percent of the stock of Hi-Desert, own 100 percent of the stock of Lakeview TV, Inc., Lakeview, Oregon and also serve as its officers and directors. Two of these stockholders also hold positions as officers in Burns-Hines TV, Inc., and the general manager of the applicant—who is a stockholder in all three entities—is the general manager of Burns-Hines TV, Inc. as well.

4. Since any grant of the applications for new authorizations would be contingent upon the renewal of Hi-Desert's existing authorizations for stations KPN78 and KPN79, this memorandum will be directed towards a consideration of Hi-Desert's entire system and will necessarily encompass both the renewal applications and the applications for construction permits.

5. On October 30, 1961, the date of Hi-Desert's initial authorizations, the Commission by letter, advised Hi-Desert about the necessity of making the showing required by § 21.709 of the Commission's rules[2] with respect to renewal applications.[3] In connection with the processing of Hi-Desert's renewal applications, the Commission, on July 3, 1963, sent a letter to the carrier which requested that certain information relevant to its operations and proprietorship be furnished. The Commission again made specific reference to § 21.709 and stated that, "From the material furnished to date it appears that you are unable to make the requisite showing under § 21.-709(a) of the Commission's rules."[4] The Commission requested that Hi-Desert further amend its renewal applications to provide specific information concerning its rendition of the public communications service contemplated by the Commission's rules.

6. By an amendment filed August 27, 1963, Hi-Desert responded to the Commission's letter and averred that several attempts had been made to attract new customers to its system but that no firm orders for service had been placed with the carrier. As regards Hi-Desert's present service to related customers, the amendment neither controverted nor minimized the community of interest existing between the carrier and its customer at Hines Butte and proposed customer at Lakeview. Thus, at the present time, all of the channels delivered and the sum total of hours of service rendered by the carrier are directed at related customers. Furthermore, it appears that Hi-Desert not only failed to make persuasive showings in respect of firm orders for service from unrelated customers, but could offer no indications that such persons might reasonably be expected to order service in the near future.[5] In point of fact, its alleged efforts to attract unrelated customers have in no instance been rewarded. Accordingly, if the above-entitled applications are granted and if no other unrelated customers materialize, Hi-Desert would be rendering a total of seven (7) channels of microwave transmission service exclusively to entities which are directly related to the carrier. Such a situation appears to be inconsistent with the Commission's stated views in the Columbia Basin case concerning the usage of common carrier frequencies.[6] There it was stressed that:

> Columbia also correctly points out that the correct test of common carrier status is generally whether the carrier holds itself out to serve the public without discrimination. However, where there is no public need for a common carrier facility, it cannot be disputed that the Commission has the authority in fact, the duty—to deny the utilization of a frequency, reserved for service to the public, solely for the operation of a private business—*particularly since other frequencies are allocated and available for the purpose of providing private non-common carrier microwave service*. Evidence of public need may be found in the existence of subscribers unconnected with the applicant, or in facts which indicate a reasonable likelihood that the facilities will in the future be used by nonrelated subscribers. On the other hand, a lack of public subscribers and a failure to show a reasonable likelihood of future use by the public strongly indicate an absence of public need [italics added].

Thus, substantial questions exist here as to whether Hi-Desert has demonstrated that its facilities will be used to serve public subscribers, whether it is a bona fide common carrier and whether its continued operations would be in the public interest.

7. In view of the foregoing and pursuant to § 309(d) of the Communications Act of 1934, as amended: *It is ordered*, This 3d day of June 1964, that the above-entitled renewal applications and the above-entitled applications for construction permits, are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified on the following issues:

(a) To determine the past, present, and proposed usage of applicant's microwave facilities.

(b) To determine the facts with respect to the business activities of Hi-Desert relating to efforts to make Domestic Public Point-to-Point Microwave Radio Service available to the general public, and to secure public customers, i.e., unrelated and unaffiliated customers.

(c) To determine whether Hi-Desert has held itself out and has operated as a bona fide common carrier.

(d) To determine the facts with respect to applicant's investment in the reference microwave system, the cost of maintaining said system, the condition thereof, the extent to which applicant's investment therein has been amortized by applicant and the period of time required by applicant to recover any unamortized portion of its investment.

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[1] Hi-Desert's proposed CATV customer in Lakeview, Oregon is Lakeview TV, Inc., which has already placed its order for three channels of microwave service. Lakeview TV, Inc. will have its choice of any three of the aforementioned Portland, Oregon TV signals.

[2] Section 21.709 provides in part as follows: "(a) Upon filing application for renewal of station license of a radio system in the Domestic Public Point-to-Point Microwave Radio Service, each such common carrier licensee who does not also operate a telephone or telegraph wireline system shall make a factual showing that, during the preceding license period, at least 50 percent of the total hours of service rendered over the radio system, and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with, the applicant.

"(b) If the applicant is unable to meet the criteria set forth in paragraph (a) of this section, he shall make a factual showing of the extent of such service rendered, the specific nature, extent, and dates of any efforts the licensee has made to achieve use of the service by the public, and offer such further showing or explanation as he may deem appropriate."

[3] See station files for Stations KPN78 and KPN79.

[4] See note 2 *supra*.

[5] The only obvious expression of interest in future service came from a CATV called Bend TV Cable Co. Its letter to Burns-Hines TV, Inc., dated January 18, 1963 requested a quotation of rates and asked when microwave service might be expected "if we made our decision in the next two or three weeks." Said letter was filed with the Commission by Hi-Desert as an attachment to its August 27, 1963 amendment. Apparently, there has been no further correspondence on this subject between either Hi-Desert or Burns-Hines TV, Inc., and Bend TV Cable Co.

[6] Memorandum Opinion and Order of the Commission, Columbia Basin Microwave Company (FCC 63-367), released April 25, 1963.

(e) To determine the facts with respect to the cost to applicant of installing and maintaining new equipment for use in the Business Radio Service, the suitability of that equipment in light of the requirements of the applicant's system, the trade-in value of its present equipment and the cost of converting its present equipment for use in the Business Radio Service.

(f) To determine in light of the evidence adduced on the foregoing issues whether a grant of the renewal of the existing licenses and a grant of additional common carrier frequencies is warranted and would serve the public interest, convenience or necessity.

(g) To determine, in the event that the conclusion is reached, under Issue (f) that the above-entitled applications should be denied, whether in view of the evidence adduced on Issues (d) and (e), the effective date of the Commission's final decision should be stayed for a reasonable period of time in order to afford applicant an opportunity within which to recover the unamortized portion of its investment.

8. *It is further ordered*, That the burden of proceeding with the introduction of evidence upon the above issues, except Issues (f) and (g), is placed with the applicant, Hi-Desert Microwave, Inc.

9. *It is further ordered*, That the parties desiring to participate herein shall file their appearances in accordance with 47 CFR 1.140.

Released: June 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[7]

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

[F.R. Doc. 64-5946; Filed, June 15, 1964; 8:50 a.m.]

[Docket Nos. 15474, 15475; FCC 64M-527]

ROSWELL TELEVISION AND TAYLOR BROADCASTING CO.

Order Continuing Prehearing Conference

In re applications of R. H. Parker and John Burroughs, d/b as Roswell Television, Roswell, New Mexico, Docket No. 15474, File No. BPCT-3196; Taylor Broadcasting Company, Roswell, New Mexico, Docket No. 15475, File No. BPCT-3215; for construction permit for a new television broadcast station.

On the Examiner's own motion: *It is ordered*, this 10th day of June 1964, that the prehearing conference in the above-entitled proceeding now scheduled for 10:00 a.m., June 15, 1964, is continued to 10:00 a.m., June 22, 1964.

Released: June 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 64-5947; Filed, June 15, 1964; 8:50 a.m.]

[7] Commissioner Bartley absent; Commissioner Loevinger dissenting.

[Docket Nos. 15417, 15418; FCC 64M-528]

UNITED AUDIO CORP. AND NORTHLAND BROADCASTING CORP.

Order Continuing Prehearing Conference

In re applications of United Audio Corporation, Rochester, Minnesota, Docket No. 15417, File No. BPH-3973; Northland Broadcasting Corporation, Rochester, Minnesota, Docket No. 15418, File No. BPH-3975; for construction permits.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 10th day of June 1964, that the hearing presently scheduled to commence on June 23, 1964, be and the same is hereby continued to a date to be fixed at a further session of the prehearing conference.

Released: June 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 64-5948; Filed, June 15, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

FAR EAST CONFERENCE

Notice of Filing of Amendments to Exclusive Patronage Contract

Notice is hereby given that the Far East Conference has filed with the Commission, pursuant to section 14b of Public Law 87-346, a request for permission to amend their Exclusive Patronage (Dual Rate) Contract, approved April 4, 1964, Docket No. 1023, to eliminate certain articles or clauses which have caused concern as to "issues of jurisdiction."

Interested parties may inspect a copy of the contract and each amendment thereto at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary*.

[F.R. Doc. 64-5953; Filed, June 15, 1964; 8:50 a.m.]

GULF/MEDITERRANEAN PORTS CONFERENCE

Notice of Filing of Amendments to Exclusive Patronage Contract

Notice is hereby given that the Gulf/Mediterranean Ports Conference has filed with the Commission, pursuant to section 14b of Public Law 87-346, a request for permission to amend their Exclusive Patronage (Dual Rate) Contract, approved April 4, 1964, Docket No. 1001 to eliminate certain articles or clauses which have caused concern as to "issues of jurisdiction."

Interested parties may inspect a copy of the contract and each amendment thereto at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 5 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary*.

[F.R. Doc. 64-5954; Filed, June 15, 1964; 8:50 a.m.]

NEW YORK FREIGHT BUREAU (HONG KONG)

Notice of Filing of Amendments to Exclusive Patronage Contract

Notice is hereby given that the New York Freight Bureau (Hong Kong) has filed with the Commission, pursuant to section 14b of Public Law 87-346, a request for permission to amend their Exclusive Patronage (Dual Rate) Contract, approved April 4, 1964, Docket No. 1031, to eliminate certain articles or clauses which have caused concern as to "issues of jurisdiction."

Interested parties may inspect a copy of the contract and each amendment thereto at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5955; Filed, June 15, 1964; 8:50 a.m.]

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

Notice of Filing of Amendments to Exclusive Patronage Contract

Notice is hereby given that the North Atlantic Baltic Freight Conference has filed with the Commission, pursuant to section 14b of Public Law 87-346, a request for permission to amend their Exclusive Patronage (Dual Rate) Contract, approved April 4, 1964, Docket No. 1037, to eliminate certain articles or clauses which have caused concern as to "issues of jurisdiction."

Interested parties may inspect a copy of the contract and each amendment thereto at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5956; Filed, June 15, 1964; 8:51 a.m.]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Notice of Filing of Amendments to Exclusive Patronage Contract

Notice is hereby given that the North Atlantic French Atlantic Freight Conference has filed with the Commission, pursuant to section 14b of Public Law 87-346, a request for permission to amend their Exclusive Patronage (Dual Rate) Contract, approved April 4, 1964, Docket No. 1033, to eliminate certain articles or clauses which have caused concern as to "issues of jurisdiction."

Interested parties may inspect a copy of the contract and each amendment thereto at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5957; Filed, June 15, 1964; 8:51 a.m.]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Notice of Filing of Amendments to Exclusive Patronage Contract

Notice is hereby given that the North Atlantic Mediterranean Freight Conference has filed with the Commission, pursuant to section 14b of Public Law 87-346, a request for permission to amend their Exclusive Patronage (Dual Rate) Contract, approved April 4, 1964, Docket No. 1034, to eliminate certain articles or clauses which have caused concern as to "issues of jurisdiction."

Interested parties may inspect a copy of the contract and each amendment thereto at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, and original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5958; Filed, June 15, 1964; 8:51 a.m.]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Notice of Filing of Amendments to Exclusive Patronage Contract

Notice is hereby given that the North Atlantic United Kingdom Freight Conference has filed with the Commission, pursuant to section 14b of Public Law 87-346, a request for permission to amend their Exclusive Patronage (Dual Rate) Contract, approved April 4, 1964, Docket No. 1039, to eliminate certain articles or clauses which have caused concern as to "issues of jurisdiction."

Interested parties may inspect a copy of the contract and each amendment thereto at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5959; Filed, June 15, 1964; 8:51 a.m.]

PACIFIC WESTBOUND CONFERENCE

Notice of Filing of Amendments to Exclusive Patronage Contract

Notice is hereby given that the Pacific Westbound Conference has filed with the Commission, pursuant to Section 14b of Public Law 87-346, a request for permission to amend their Exclusive Patronage (Dual Rate) Contract, approved April 4, 1964, Docket No. 1002 to eliminate certain articles or clauses which have caused concern as to "issues of jurisdiction."

Interested parties may inspect a copy of the contract and each amendment thereto at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 5 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5960; Filed, June 15, 1964; 8:51 a.m.]

SOUTH ATLANTIC STEAMSHIP CONFERENCE

Notice of Filing of Amendments to Exclusive Patronage Contract

Notice is hereby given that the South Atlantic Steamship Conference has filed with the Commission, pursuant to section 14b of Public Law 87-346, a request for permission to amend their Exclusive Patronage (Dual Rate) Contract, approved April 4, 1964, Docket No. 1053, to eliminate certain articles or clauses which have caused concern as to "issues of jurisdiction."

Interested parties may inspect a copy of the contract and each amendment thereto at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5961; Filed, June 15, 1964; 8:52 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE

Notice of Filing of Amendments to Exclusive Patronage Contract

Notice is hereby given that the Trans-Pacific Freight Conference has filed with the Commission, pursuant to section 14b of Public Law 87-346, a request for permission to amend their Exclusive Patronage (Dual Rate) Contract, approved April 4, 1964, Docket No. 1050, to eliminate certain articles or clauses which have caused concern as to "issues of jurisdiction."

Interested parties may inspect a copy of the contract and each amendment thereto at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5962; Filed, June 15, 1964; 8:52 a.m.]

UNITED STATES ATLANTIC & GULF-HAITI CONFERENCE

Notice of Petition for Permission To Modify Contract Coverage of Dual Rate System

Notice is hereby given that the parties to Agreement 8120 have filed a request pursuant to section 14b of the Shipping Act, 1916, for permission to modify their merchants' freighting agreement (Agreement No. 8120), which is maintained for the use of the United States Atlantic & Gulf-Haiti Conference. Under the proposed modification, the contract will cover all commodities except those specifically excluded by statute, whereas the present contract covers automobiles only.

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

Dated: June 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5963; Filed, June 15, 1964; 8:52 a.m.]

UNITED STATES ATLANTIC & GULF-SANTO DOMINGO CONFERENCE

Notice of Petition for Permission To Institute Dual Rate System

Notice is hereby given that the parties to Agreement No. 6080, United States Atlantic & Gulf-Santo Domingo Conference have filed a request pursuant to section 14b of the Shipping Act, 1916, for permission to institute a dual rate system in the conference trade.

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

Dated: June 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5964; Filed, June 15, 1964; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Project 2465]

DUKE POWER CO. AND DUKE POWER COMPANY OF NORTH CAROLINA

Notice of Joint Application for License

JUNE 4, 1964.

Public notice is hereby given that joint application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Duke Power Company and Duke Power Company of North Carolina (correspondence to: Carl Horn, Jr., Vice President and General Counsel, Duke Power Company and Duke Power Company of North Carolina, Power Building, Charlotte, North Carolina) for license for constructed Project No. 2465, known as the Holidays Bridge Station, located on Saluda River, in Greenville and Anderson Counties, South Carolina.

The project consists of: A dam 644.43 feet long, creating a reservoir of 465.5 acres at elevation 634.0 feet, the dam comprising: a 386.33 foot gravity spillway section with crest at elevation 628.6 feet and top of flashboards at elevation 634.0 feet, two concrete gravity bulkheads, two corewalls and an intake structure; a canal 950 feet long controlled by four 8 feet by 10 feet gates within the intake structure, which contains an auxiliary spillway with crest at elevation 633.5 feet with top of flashboards at elevation 634.6 feet, and which leads to an integral intake powerhouse containing four operating generating units totalling 3,500 kilowatts and one non-operating unit, and six transformers with total capacity of 3,000 kva; and appurtenant 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 3, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5918; Filed, June 15, 1964; 8:46 a.m.]

[Docket CP64-210]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

JUNE 9, 1964.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Applicant), Phillipsburg, Phillips County, Kansas, filed an application on March 23, 1964, in Docket No. CP64-210, pursuant to sections 7 (a) and (c) of the Natural Gas Act for (1) a certificate of public convenience and necessity authorizing the construction and operation of facilities to serve two small communities in Nebraska, and (2) an Order directing Northern Natural Gas Company (Northern) to establish physical connection of

its transmission facilities with the proposed facilities of, and to sell natural gas to Applicant for distribution and resale in the town of Western, Nebraska, all as more fully set forth in the application on file with the Commission, and open to public inspection.

Applicant proposes to construct and operate (1) a distribution system in the community of Milligan, Nebraska, and install a town border metering and regulating station together with 1.3 miles of 2-inch connecting lateral extending to the transmission system of Northern and (2) construct and operate a distribution system in the community of Western, Nebraska, and approximately 0.5-mile of 2-inch connecting lateral extending to the measuring station of Northern on Northern's 10-inch transmission line.

The application reflects that the Applicant estimates the number of customer connections for Milligan and Western will increase from 64 for 1964 to 169 at the end of three years, and will reach 182 in 1968, requiring an estimated peak day demand of 135 Mcf for the winter season of 1964–65 and reaching 285 Mcf for the winter of 1967–68, and 310 Mcf by 1968–69. The annual requirements are stated to be 4720 Mcf for 1964, and 26,290 Mcf for 1967, and 29,655 for 1968. Third year rate of return is shown to be 3 percent for Milligan reaching 4.9 percent in the fifth year, and 5.1 percent for Western reaching 7.5 percent in the fifth year.

The estimated cost of jurisdictional facilities is $9,000 for the Milligan lateral and border station, and $2,250 for the Western lateral.

On May 1, 1964, Northern filed an answer to the application and stated therein it had no objection to the granting of the application.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 30, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5919; Filed, June 15, 1964; 8:46 a.m.]

[Dockets RP61-21, etc.]

MISSISSIPPI RIVER FUEL CORP. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Order Deferring Action on Motion, Giving Notice of Intent To Amend and Withdraw Applications, and Continuing Proceeding, and Prescribing Procedure and Setting Date of Further Hearing

JUNE 9, 1964.

On May 27, 1964, the above-named applicants filed a motion captioned, "Motion for Approval of Stipulation and Agreement, Termination of Rate Proceedings, and Issuance of Certificate in Docket CP63-12 as Amended in Accordance with such Stipulation." Attached to said motion was a document titled "Stipulation and Agreement Dated March 12, 1964, as Revised May 6, 1964."

By the above referred to Stipulation Agreement the Applicants would settle out the issues presented in Docket Nos. RP61-21 and RP63-2 and thereby terminate those proceedings, contingent, however, upon the amending of the application in Docket No. CP63-12 and withdrawal of the application in Docket No. CP63-13 so as to conform with the proposed Stipulation Agreement, as amended, and further contingent upon the issuance of a certificate of public convenience and necessity to Mississippi Transmission in Docket No. CP63-12, as amended. The consolidated proceeding in these latter two dockets, now before a Presiding Examiner for hearing, has been indefinitely postponed upon the request of Applicants. The proceeding in Docket No. RP63-2 is presently before this Commission upon exceptions taken to an Examiner's decision. The proceeding in Docket No. RP61-21, now pending before a Presiding Examiner for hearing, has also been postponed.

The applications in Docket Nos. CP63-12 and CP63-13 were filed pursuant to section 7 of the Natural Gas Act. Parties in opposition to the proposals contained therein who have not agreed to the grant of the applications as proposed to be amended and withdrawn were permitted to intervene and participate in the proceedings held thereon to date. Accordingly, any action on the motion to the extent it seeks approval of the proposed settlement agreement is premature; acceptance or rejection of the proposed Stipulation and Agreement, as amended, must await our disposition of the matters presented in Docket Nos. CP63-12 and CP63-13, which in turn must be based on the formal record and evidence related to those applications that shall ultimately come before us. We are, however, in a position to take action here to establish the appropriate further procedures in the certificate proceedings so that this matter may be promptly presented to us for our consideration.

The Commission orders:

(A) Notice is hereby given of the Applicants' intent to amend the application in Docket No. CP63-12 and withdraw the application in Docket No. CP63-13 so as to conform with Applicants' proposals in its proposed Stipulation and Agreement, as amended.

(B) Leave is hereby given to the Applicants' to file a formal amendment to the application in Docket No. CP63-12 and a request for withdrawal of the application in Docket No. CP63-13, in full compliance with the Commission's Rules of Practice and Procedure.

(C) In the event that such amendments are filed as provided in ordering clause above by June 15, 1964, and by that date the Applicants serve, upon all parites to the proceeding in those dockets, copies of said filings along with copies of any additional testimony and exhibits to be submitted in the proceeding in support of said filings, as well as all workpapers in support of such testimony and exhibits, the hearing on such applications or application as amended shall resume on July 6, 1964, with cross-examination to immediately follow introduction of any such additional direct presentation by the parties. If the amended application, additional testimony or exhibits and workpapers are filed and served at any time after June 15, 1964, the date for the resumed hearing shall be postponed for an equivalent period. In the event no such filings are made by July 15, 1964, the hearing on the applications as originally presented shall resume on July 22, 1964.

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5920; Filed, June 15, 1964; 8:46 a.m.]

[Docket CP64-253]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JUNE 9, 1964.

Take notice that on April 23, 1964, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois, 60603, filed an application at Docket No. CP64-253, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities consisting of a meter station and connection on Natural's existing transmission facilities in LaSalle County, Illinois, and to transport, sell and deliver natural gas to Illinois Power Company, an existing customer of Natural, for resale and local distribution by Illinois Power Company, in the Villages of Sheridan, Newark and Millington and the unincorporated Communities of Norway and Millbrook, Illinois, all as more fully set forth in the application on file with the Commission and open to public inspection.

Natural estimates the cost of the proposed facilities to be $15,700, which cost will be met from funds on hand.

Illinois Power Company proposes to serve the Villages of Sheridan, Newark and Millington and the unincorporated Communities of Norway and Millbrook, Illinois from the quantities of natural gas which Natural has heretofore been authorized to sell and deliver to Illinois Power Company; and the sale and delivery by Natural to Illinois Power Company will be made pursuant to, and in accordance with, Natural's FPC Gas Tariff.

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

Take further notice that, preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act,

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[1] Commissioner Black's dissenting statement filed as part of original document.

and the Commission's Rules of Practice and Procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5921; Filed, June 15, 1964; 8:47 a.m.]

[Docket CP64-165]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

JUNE 9, 1964.

Take notice that on January 24, 1964, Tennessee Gas Transmission Company (Applicant), Tennessee Building, Houston, Texas, filed in Docket No. CP64-165 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order to increase its system annual average day delivery capacity by 84,000 Mcf of natural gas and to sell and deliver additional volumes of natural gas to meet the increased requirements of existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 197.09 miles of 26- to 36-inch mainline loops; 19,000 additional compressor horsepower at new and existing compressor stations and approximately 39.44 miles of 6- to 10-inch pipeline replacement.

The application indicates that of the proposed increased annual average day delivery capacity of 84,000 Mcf, Applicant proposes to utilize 62,060 Mcf for increased deliveries to contract demand, general service and storage service customers. Applicant states that the proposed facilities will increase its system annual average day delivery capacity from 2,840,000 Mcf to 2,924,000 Mcf.

The application shows the total estimated cost of the proposed facilities to be $49,997,000, which cost will be financed by the sale of first mortgage bonds, debentures and preferred stock.

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

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

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

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 1, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5922; Filed, June 15, 1964; 8:47 a.m.]

[Docket CP64-159]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 9, 1964.

Take notice that on January 10, 1964, as supplemented on January 30, 1964, Transcontinental Gas Pipe Line Corporation (Applicant) a Delaware corporation, with its principal place of business in Houston, Texas, filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the following described facilities:

(1) 5,417 feet of 4-inch transmission purchase lateral pipeline known as the "Sour Lake Lateral" running from M.P. 396.24 on Applicant's 30-inch main line to a point in the Sour Lake Field, Hardin County, Texas;

(2) 1,851 feet of 3-inch transmission purchase lateral pipeline, three purchase meter stations, one field booster compressor unit (No. 17) and one dehydration unit, collectively known as the "Mission Bridge Facilities" located in the Staff Area off Transco's 24-inch McMullen Lateral in Victoria County, Texas; and

(3) One field booster compressor unit (No. 6) located adjacent to and connected with Applicant's 14-inch Goebel Lateral in the Tynan Field, Bee County, Texas, approximately 18.14 miles northwesterly from Transco's 24-inch main line;

all as more fully represented in the application which is on file with the Commission and open to public inspection.

These facilities originally were utilized in taking into Applicant's pipeline system natural gas purchased from independent producers in the respective fields in which such facilities are located. Deliveries of gas by means of these facilities from each of the sources has now ceased due to exhaustion of reserves.

Applicant intends to salvage the "Mission Bridge Facilities" and hold them in storage for future use at other locations or for possible sale; to use the Tynan Field booster compressor unit to replace a unit in the Oakville Area recently destroyed by fire; and to abandon the "Sour Lake Lateral" in place.

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

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

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 26, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5923; Filed, June 15, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2377]

COMMUNICATIONS SATELLITE CORP.

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

JUNE 10, 1964.

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

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company which has filed a Form 10 application to register the stock on several national securities exchanges. The order granting unlisted trading privileges will not be granted unless and until the security has become duly listed, registered and admitted to trading on a national securities exchange.

Communications Satellite Corporation ---------- File 7-2377

Upon receipt of a request, on or before June 26, 1964 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 64-5912; Filed, June 15, 1964; 8:46 a.m.]

[File 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

JUNE 10, 1964.

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

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period June 11, 1964, through June 20, 1964, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-5913; Filed, June 15, 1964; 8:46 a.m.]

[File 811-1248]

ELCO INVESTMENT CO.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 9, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Elco Investment Company ("applicant"), 1401 Central Trust Tower, Cincinnati, Ohio, 45202, an Ohio corporation and a management closed-end diversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Applicant filed its notification of registration on Form N-8A pursuant to section 8(a) of the Act on February 17, 1964. On February 20, 1964, applicant made an Offer for Tender of Shares to all shareholders, which offer was extended from time to time and which expired on April 30, 1964. As of May 12, 1964 there were 222,644 shares of stock outstanding and it had no other securities outstanding. It is further represented that no corporate shareholder owns 10 percent or more of the company's outstanding voting securities and that the securities of the corporation are beneficially owned by less than 100 persons. In addition, applicant represents that the company is not making and does not presently propose to make a public offering of its securities.

Section 3(c)(1) of the Act provides, in pertinent part, that any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 25, 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 set forth 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. 64-5914; Filed, June 15, 1964; 8:46 a.m.]

[File 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

JUNE 10, 1964.

The common stock, 67-cent par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period June 11, 1964, through June 20, 1964, both dates inclusive.

By the Commission.

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

[F.R. Doc. 64-5916; Filed, June 15, 1964; 8:46 a.m.]

[File 811-829]

THE PALMER CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 10, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that The Palmer Company ("applicant"), 416 North Bedford Drive, Beverly Hills, California, a Delaware corporation and a registered closed-end non-diversified management investment company, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant represents that a Plan of Complete Liquidation and Dissolution ("Plan") was approved by both the holders of the preferred stock and the common stock of applicant at a special meeting of shareholders which was held on December 16, 1963. Pursuant to this Plan, on January 17, 1964, the assets of applicant which were then available for distribution, 86,194 shares of common stock of California Packing Corporation and 44,965 shares of common stock of Knox Glass, Inc., were deposited with Bank of America National Trust and Savings Association ("Trustee"), and have since been distributed to shareholders. On May 19, 1964, all of the applicant's liabilities had been paid or provided for. Its only assets on that date consisted of $38,501.90, of which $37,561.50 was cash, and $756.73 and $183.67 represented receivables on account of refundable California Franchise taxes and refundable Federal taxes respectively. The cash was deposited with the Trustee, who distributed it to the shareholders. The sum of the two receivables, $940.40, was deducted from the cash payable by the Trustee to Dr. Louis A. Siegel, President of applicant, on account of the shares of applicant owned by him. As, if and where these refunds are received, they will be paid to Dr. Siegel.

The trustee has received, and delivered to applicant for cancellation, all of the preferred stock and all except 942 shares of the common stock of applicant. The latter shares are held by approximately 60 shareholders. The assets which the Trustee holds for such shareholders will be retained by the Trustee until such shareholders surrender their shares of common stock of applicant or until the Trustee is required to remit such assets to the proper authorities under the then applicable escheat laws. The applicant intends to dissolve pursuant to Delaware law prior to June 30, 1964.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 26, 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. 64-5915; Filed, June 15, 1964; 8:46 a.m.]

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