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Pages 10483–10557

FEDERAL REGISTER

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Contents

(*Continued on next page*)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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

5 CFR

1204 10499

7 CFR

51 10486
401 (17 documents) 10487–10493
402 10493
404 10493
405 10494
406 10494
701 (2 documents) 10494
722 10494
777 10495
908 10495
1407 10495
1464 10497

8 CFR

205 10498
243 10498
299 10498

13 CFR

107 10499

14 CFR

71 [New] (6 documents) 10501, 10502
75 [New] 10502
507 (4 documents) 10503, 10504
PROPOSED RULES:
507 (2 documents) 10523

16 CFR

13 (7 documents) 10504–10506

17 CFR

PROPOSED RULES:
150 10522

21 CFR

121 10506
141a 10510
146a 10510

26 CFR

PROPOSED RULES:
1 10516

32 CFR

513 10512
734 10512

33 CFR

207 10513

38 CFR

1 10513

41 CFR

9–15 10515

47 CFR

89 10514
93 10515
PROPOSED RULES:
2 (2 documents) 10524, 10525
73 10524
87 10525

Now Available

CODE OF FEDERAL REGULATIONS

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Title 46 (Parts 146–149)

(Semi-annual Supp. as of July 1, 1964)

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Rules and Regulations

Title 7—AGRICULTURE

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

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

Subpart—United States Standards for Grades of Greenhouse Leaf Lettuce [1]

On June 18, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 7770) regarding a proposed revision of United States Standards for Grades of Greenhouse Leaf Lettuce (§§ 51.3455–51.3466).

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

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

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

GRADES

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

UNCLASSIFIED

51.3457 Unclassified

TOLERANCES

51.3458 Tolerances.

APPLICATION OF TOLERANCES

51.3459 Application of tolerances.

DEFINITIONS

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

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

GRADES

§ 51.3455 U.S. Fancy.

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

§ 51.3456 U.S. No. 1.

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

UNCLASSIFIED

§ 51.3457 Unclassified.

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

TOLERANCES

§ 51.3458 Tolerances.

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

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

APPLICATION OF TOLERANCES

§ 51.3459 Application of tolerances.

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

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

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

DEFINITIONS

§ 51.3460 Similar varietal characteristics.

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

§ 51.3461 Well grown.

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

§ 51.3462 Well trimmed.

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

§ 51.3463 Fairly well trimmed.

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

§ 51.3464 Injury.

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

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

§ 51.3465 Damage.

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

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

§ 51.3466 Serious damage.

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

The United States Standards for Grades of Greenhouse Leaf Lettuce contained in this subpart shall become effective September 1, 1964, and will thereupon supersede the United States Stand-

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

ards for Greenhouse Leaf Lettuce which have been in effect since October 1, 1934.

Dated: July 23, 1964.

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

[F.R. Doc. 64-7495; Filed, July 28, 1964; 8:47 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for dry bean crop insurance for the 1965 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

COLORADO

State and county	*Class(es) of dry beans insured*
Boulder	Pinto.
Larimer	Pinto.
Logan	Pinto.
Morgan	Pinto.
Sedgwick	Pinto.
Washington	Pinto.
Weld	Pinto.

IDAHO

Canyon	Great Northern, Pinto, Small Red.
Cassia	Great Northern, Pinto, Small Red.[1]
Gooding	Great Northern, Pinto, Small Red.[1]
Jerome	Great Northern, Pinto, Small Red.[1]
Lincoln	Great Northern, Pinto, Small Red.
Minidoka	Great Northern, Pinto, Small Red.[1]
Twin Falls	Great Northern, Pinto, Small Red.[1]

MICHIGAN

Bay	Pea and Medium White.
Gratiot	Pea and Medium White.
Huron	Pea and Medium White.
Saginaw	Pea and Medium White.
St. Clair	Pea and Medium White.
Sanilac	Pea and Medium White.
Shiawassee	Pea and Medium White.
Tuscola	Pea and Medium White.

NEBRASKA

Box Butte	Great Northern, Pinto.
Morrill	Great Northern, Pinto.
Scotts Bluff	Great Northern, Pinto.

WASHINGTON

Adams	Great Northern, Pinto, Small Red, Flat Small White, Pink.
Franklin	Great Northern, Pinto, Small Red, Flat Small White, Pink.
Grant	Great Northern, Pinto, Small Red, Flat Small White, Pink.

[1] Insurance is also provided on bush varieties of garden seed beans.

WYOMING

State and county	*Class(es) of dry beans insured*
Goshen	Great Northern, Pinto.
Platte	Great Northern, Pinto.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7500; Filed, July 28, 1964; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for citrus crop insurance for the 1965 crop year.

FLORIDA

Brevard.	Manatee.
Hardee.	Orange.
Highlands.	Pasco.
Hillsborough.	Polk.
Indian River.	St. Lucie.
Lake.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7502; Filed, July 28, 1964; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1965 crop year. The crops on which insurance is offered are shown opposite the name of the county.

MINNESOTA

State and county	*Crop(s)*
Goodhue	Corn, Oats, Soybeans.
Stevens	Barley, Corn, Flax, Oats, Soybeans, Wheat.
Swift	Barley, Corn, Soybeans, Flax, Oats, Wheat.

NORTH DAKOTA

Barnes	Barley, Flax, Oats, Rye, Wheat.
Dickey	Barley, Flax, Oats, Wheat.
Grand Forks	Barley, Flax, Oats, Wheat.
La Moure	Barley, Flax, Oats, Wheat.
Pierce	Barley, Flax, Oats, Rye, Wheat.
Ransom	Barley, Corn, Flax, Oats, Wheat.
Richland	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
Sargent	Barley, Corn, Flax, Oats, Wheat.
Steele	Barley, Flax, Oats, Wheat.

SOUTH DAKOTA

State and county	*Crop(s)*
Day	Barley, Corn, Flax, Oats, Rye, Wheat.
Deuel	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
Hamlin	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
Kingsbury	Barley, Corn, Flax, Oats, Wheat.
Lake	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
McCook	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7503; Filed, July 28, 1964; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1965 crop year.

COLORADO

Boulder.	Sedgwick.
Larimer.	Washington.
Logan.	Weld.
Morgan.	

ILLINOIS

Adams.	Logan.
Bond.	McDonough.
Carroll.	McLean.
Cass.	Macon.
Champaign.	Macoupin.
Christian.	Madison.
Clark.	Marshall.
Clinton.	Mason.
Coles.	Menard.
Cumberland.	Monroe.
Crawford.	Montgomery.
De Kalb.	Morgan.
De Witt.	Moultrie.
Douglas.	Ogle.
Edgar.	Piatt.
Effingham.	Pike.
Fayette.	St. Clair.
Ford.	Sangamon.
Fulton.	Schuyler.
Greene.	Scott.
Grundy.	Shelby.
Hancock.	Stephenson.
Iroquois.	Tazewell.
Jasper.	Vermilion.
Jersey.	Washington.
Jo Daviess.	Winnebago.
La Salle.	Woodford.
Livingston.	

INDIANA

Adams.	Fulton.
Allen.	Grant.
Benton.	Hancock.
Blackford.	Henry.
Boone.	Howard.
Carroll.	Huntington.
Cass.	Jackson.
Clay.	Jasper.
Clinton.	Jay.
Decatur.	Johnson.
De Kalb.	Kosciusko.
Delaware.	Madison.
Fountain.	Marshall.

Miami.
Montgomery.
Morgan.
Noble.
Pulaski.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Tippecanoe.
Tipton.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

IOWA

Adair.
Audubon.
Benton.
Black Hawk.
Boone.
Bremer.
Buchanan.
Buena Vista.
Butler.
Calhoun.
Carroll.
Cass.
Cerro Gordo.
Cherokee.
Chickasaw.
Clay.
Clayton.
Crawford.
Dallas.
Delaware.
Dickinson.
Emmet.
Fayette.
Floyd.
Franklin.
Fremont.
Greene.
Grundy.
Guthrie.
Hamilton.
Hancock.
Hardin.
Howard.
Humboldt.
Ida.
Iowa.
Jasper.
Jefferson.
Johnson.
Jones.
Keokuk.
Kossuth.
Linn.
Lyon.
Madison.
Mahaska.
Marshall.
Mills.
Mitchell.
Montgomery.
O'Brien.
Osceola.
Page.
Palo Alto.
Plymouth.
Pocahontas.
Polk.
Pottawattamie.
Poweshiek.
Sac.
Shelby.
Sioux.
Story.
Tama.
Union.
Warren.
Washington.
Webster.
Winnebago.
Winneshiek.
Woodbury.
Worth.
Wright.

KANSAS

Atchison.
Bourbon.
Brown.
Crawford.
Doniphan.
Douglas.
Franklin.
Jackson.
Jefferson.
Linn.
Marshall.
Miami.
Nemaha.
Osage.
Shawnee.
Washington.

KENTUCKY

Daviess.
McLean.

MARYLAND

Kent.
Queen Annes.

MICHIGAN

Branch.
Calhoun.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Ingham.
Ionia.
Jackson.
Kalamazoo.
Lenawee.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Shiawassee.
Tuscola.
Washtenaw.

MINNESOTA

Big Stone.
Blue Earth.
Brown.
Chippewa.
Cottonwood.
Dakota.
Dodge.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Lac Qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.
Murray.
Nicollet.
Nobles.
Olmsted.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Traverse.
Wabasha.
Waseca.
Washington.
Watonwan.
Yellow Medicine.

MISSOURI

Adair.
Andrew.
Atchison.
Audrain.
Barton.
Bates.
Buchanan.
Caldwell.
Calloway.
Carroll.
Cass.
Chariton.
Clark.
Cooper.
Daviess.
De Kalb.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jasper.
Johnson.
Knox.
Lafayette.
Lawrence.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Monroe.
Montgomery.
Nodaway.
Pettis.
Pike.
Ralls.
Ray.
St. Charles.
Saline.
Scotland.
Shelby.
Sullivan.
Vernon.
Worth.

NEBRASKA

Antelope.
Boone.
Burt.
Butler.
Cass.
Cedar.
Colfax.
Cuming.
Dixon.
Dodge.
Gage.
Johnson.
Knox.
Lancaster.
Madison.
Nemaha.
Otoe.
Pawnee.
Pierce.
Platte.
Richardson.
Saunders.
Stanton.
Washington.
Wayne.
York.

NORTH CAROLINA

Pamlico.
Washington.

NORTH DAKOTA

Cass.
Ransom.
Richland.
Sargent.

OHIO

Allen.
Ashland.
Auglaize.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fayette.
Fulton.
Greene.
Hancock.
Hardin.
Henry.
Huron.
Knox.
Licking.
Logan.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Paulding.
Pickaway.
Preble.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Stark.
Tuscarawas.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

PENNSYLVANIA

Chester.
Cumberland.
Dauphin.
Lancaster.
Lebanon.
York.

SOUTH DAKOTA

Beadle.
Bon Homme.
Brookings.
Clark.
Clay.
Codington.
Davison.
Deuel.
Grant.
Hamlin.
Hanson.
Hutchinson.
Kingsbury.
Lake.
Lincoln.
McCook.
Miner.
Minnehaha.
Moody.
Roberts.
Turner.
Union.
Yankton.

TENNESSEE

Franklin.
Obion.

VIRGINIA

Nansemond.
Southampton.

WISCONSIN

Buffalo.
Columbia.
Dane.
Dodge.
Dunn.
Fond du Lac.
Grant.
Green.
Iowa.
Jefferson.
Kenosha.
La Crosse.
Lafayette.
Pepin.
Pierce.
Racine.
Rock.
St. Croix.
Sauk.
Trempealeau.
Vernon.
Walworth.
Waukesha.

WYOMING

Goshen.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7504; Filed, July 28, 1964; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1965 crop year.

ALABAMA

Blount.
Cherokee.
Chilton.
Coffee.
Colbert.
Covington.
Crenshaw.
Cullman.
Dale.
De Kalb.
Etowah.
Geneva.
Hale.
Henry.
Houston.
Jackson.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Pickens.
Pike.
Tuscaloosa.

ARKANSAS

Arkansas.
Clay.
Craighead.
Crittenden.
Cross.
Jackson.
Jefferson.
Lee.
Lincoln.
Lonoke.
Mississippi.
Monroe.
Phillips.
Poinsett.
Saint Francis.
Woodruff.

FLORIDA

Jackson.

GEORGIA

Baker. Early.
Brooks. Irwin.
Bulloch. Lee.
Calhoun. Miller.
Candler. Mitchell.
Clay. Randolph.
Coffee. Terrell.
Colquitt. Tift.
Cook. Worth.

KENTUCKY

Fulton.

LOUISIANA

Avoyelles. Natchitoches.
Bossier. Rapides.
Caddo. Red River.
East Carroll. Richland.
Evangeline. Saint Landry.
Franklin. Tensas.
Madison. West Carroll.
Morehouse.

MISSISSIPPI

Alcorn. Monroe.
Bolivar. Panola.
Coahoma. Pontotoc.
De Soto. Prentiss.
Hinds. Quitman.
Holmes. Sharkey.
Humphreys. Sunflower.
Issaquena. Tallahatchie.
Jefferson Davis. Tunica.
Lee. Union.
Leflore. Washington.
Madison. Yazoo.

NEW MEXICO

Chaves. Eddy.
Dona Ana. Lea.

NORTH CAROLINA

Bertie. Mecklenburg.
Cleveland. Moore.
Cumberland. Nash.
Edgecombe. Northampton.
Franklin. Pitt.
Greene. Richmond.
Halifax. Robeson.
Harnett. Rutherford.
Hertford. Sampson.
Hoke. Warren.
Iredell. Wayne.
Johnston. Wilson.
Lincoln.

OKLAHOMA

Beckham. Jackson.
Caddo. Kiowa.
Grady. Tillman.
Harmon. Washita.

SOUTH CAROLINA

Allendale. Hampton.
Anderson. Laurens.
Barnwell. Lee.
Calhoun. Marion.
Chester. Marlboro.
Chesterfield. Orangeburg.
Clarendon. Saluda.
Darlington. Spartanburg.
Dillon. Sumter.
Edgefield. Williamsburg.
Florence. York.
Greenville.

TENNESSEE

Carroll. Lake.
Crockett. Lauderdale.
Dyer. Lincoln.
Fayette. McNairy.
Franklin. Madison.
Gibson. Obion.
Giles. Shelby.
Hardeman. Tipton.
Haywood. Weakley.
Henderson.

TEXAS

Bailey. Hockley.
Bell. Hunt.
Brazos. Lamar.
Burleson. Lamb.
Castro. Limestone.
Cochran. Lubbock.
Collin. Lynn.
Crosby. McLennan.
Dawson. Milam.
Deaf Smith. Navarro.
Denton. Nueces.
Ellis. Parmer.
El Paso. Refugio.
Falls. Robertson.
Fannin. San Patricio.
Floyd. Swisher.
Fort Bend. Terry.
Garza. Travis.
Grayson. Wharton.
Hale. Wilbarger.
Hill. Williamson.

VIRGINIA

Greensville. Southampton.

(Secs. 506, 516, 52 Stat. 73, as amended 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7505; Filed, July 28, 1964; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1965 crop year.

MINNESOTA

Becker. Norman.
Big Stone. Ottertail.
Brown. Pennington.
Chippewa. Pipestone.
Clay. Polk.
Cottonwood. Pope.
Grant. Red Lake.
Jackson. Redwood.
Kittson. Renville.
Lac Qui Parle. Rock.
Lincoln. Roseau.
Lyon. Stevens.
Mahnoman. Swift.
Marshall. Traverse.
Martin. Wilkin.
Murray. Yellow Medicine.
Nobles.

NORTH DAKOTA

Barnes. Mountrail.
Benson. Nelson.
Bottineau. Pembina.
Burleigh. Pierce.
Cass. Ramsey.
Cavalier. Ransom.
Dickey. Renville.
Eddy. Richland.
Emmons. Rolette.
Foster. Sargent.
Grand Forks. Sheridan.
Griggs. Steele.
Kidder. Stutsman.
La Moure. Towner.
Logan. Traill.
McHenry. Walsh.
McIntosh. Ward.
McLean. Wells.

SOUTH DAKOTA

Brookings. Hamlin.
Brown. Kingsbury.
Campbell. Lake.
Clark. McPherson.
Codington. Marshall.
Corson. Miner.
Day. Moody.
Deuel. Roberts.
Edmunds. Walworth.
Grant.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7506; Filed, July 28, 1964; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1965 crop year.

KANSAS

Brown. Meade.
Butler. Morris.
Chase. Nemaha.
Clay. Osage.
Coffey. Reno.
Cowley. Republic.
Dickinson. Rice.
Elk. Saline.
Finney. Scott.
Grant. Sedgwick.
Greenwood. Seward.
Harvey. Stafford.
Haskell. Stanton.
Kearny. Stevens.
Lyon. Sumner.
Marion. Washington.
Marshall. Wichita.
McPherson.

NEBRASKA

Adams. Jefferson.
Butler. Lancaster.
Cass. Nuckells.
Clay. Saline.
Fillmore. Seward.
Gage. Thayer.

OKLAHOMA

Alfalfa. Jackson.
Blaine. Kay.
Caddo. Kiowa.
Canadian. Mayes.
Craig. Nowata.
Delaware. Ottawa.
Garfield. Texas.
Grady. Tillman.
Grant. Washita.

TEXAS

Bailey. Hill.
Bell. Hockley.
Castro. Hunt.
Collin. Lamb.
Crosby. Lubbock.
Deaf Smith. McLennan.
Denton. Milam.
Ellis. Navarro.
Falls. Nueces.
Floyd. Parmer.
Grayson. Randall.
Hale. Refugio.

San Patricio. Wilbarger.
Swisher. Williamson.
Travis.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for oat crop insurance for the 1965 crop year.

CALIFORNIA

Modoc.

IDAHO

Canyon. Latah.

ILLINOIS

Carroll. Ogle.
Jo Daviess. Stephenson.

IOWA

Adair. Jefferson.
Audubon. Johnson.
Benton. Jones.
Black Hawk. Keokuk.
Boone. Kossuth.
Bremer. Linn.
Buchanan. Lyon.
Buena Vista. Madison.
Butler. Mahaska.
Calhoun. Marshall.
Carroll. Mills.
Cass. Mitchell.
Cerro Gordo. Montgomery.
Cherokee. O'Brien.
Chickasaw. Osceola.
Clay. Page.
Clayton. Palo Alto.
Crawford. Plymouth.
Dallas. Pocahontas.
Delaware. Polk.
Dickinson. Pottawattamie.
Emmet. Poweshiek.
Fayette. Sac.
Floyd. Shelby.
Franklin. Sioux.
Greene. Story.
Grundy. Tama.
Guthrie. Union.
Hamilton. Warren.
Hancock. Washington.
Hardin. Webster.
Howard. Winnebago.
Humboldt. Winneshiek.
Ida. Woodbury.
Iowa. Worth.
Jasper. Wright.

MICHIGAN

Gratiot. Jackson.

MINNESOTA

Becker. Fillmore.
Big Stone. Freeborn.
Blue Earth. Goodhue.
Brown. Grant.
Chippewa. Houston.
Clay. Jackson.
Cottonwood. Kandiyohi.
Dakota. Kittson.
Dodge. Lac Qui Parle.
Faribault. Le Sueur.
Lincoln. Redwood.
Lyon. Renville.
McLeod. Rice.
Marshall. Rock.
Martin. Scott.
Meeker. Sibley.
Mower. Stearns.
Murray. Steele.
Nicollet. Stevens.
Nobles. Swift.
Norman. Traverse.
Olmsted. Wabasha.
Ottertail. Waseca.
Pennington. Washington.
Pipestone. Watonwan.
Polk. Wilkin.
Pope. Yellow Medicine.
Red Lake.

NORTH DAKOTA

Barnes. Morton.
Benson. Nelson.
Burleigh. Pembina.
Cass. Ramsey.
Cavalier. Ransom.
Dickey. Richland.
Eddy. Sargent.
Foster. Stark.
Grand Forks. Steele.
Griggs. Stutsman.
Kidder. Towner.
La Moure. Traill.
Logan. Walsh.

OREGON

Klamath.

PENNSYLVANIA

Chester. Dauphin.
Cumberland.

SOUTH DAKOTA

Beadle. Kingsbury.
Bon Homme. Lake.
Brookings. Lincoln.
Brown. McCook.
Clark. Marshall.
Clay. Miner.
Codington. Minnehaha.
Davison. Moody.
Day. Roberts.
Deuel. Spink.
Grant. Turner.
Hamlin. Union.
Hanson. Yankton.
Hutchinson.

WISCONSIN

Buffalo. Lafayette.
Columbia. Pepin.
Dane. Pierce.
Dodge. Racine.
Dunn. Rock.
Fond du Lac. St. Croix.
Grant. Sauk.
Green. Trempealeau.
Iowa. Vernon.
Jefferson. Walworth.
Kenosha. Waukesha.
La Crosse.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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Federal Crop Insurance Corporation.

[F.R. Doc. 64-7508; Filed, July 28, 1964; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEA (CANNING AND FREEZING) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby designated for pea (canning and freezing) crop insurance for the 1965 crop year.

IDAHO

Nez Perce.

MINNESOTA

Faribault. Martin.

OREGON

Umatilla. Union.

WASHINGTON

Columbia. Whitman.
Walla Walla.

WISCONSIN

Columbia. Dodge.
Dane. Fond du Lac.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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[F.R. Doc. 64-7510; Filed, July 28, 1964; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEA (DRY) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby designated for pea (dry) crop insurance for the 1965 crop year.

OREGON

Umatilla. Union.

IDAHO

Benewah. Lewis.
Kootenai. Nez Perce.
Latah.

WASHINGTON

Adams. Spokane.
Franklin. Walla Walla.
Grant. Whitman.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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[F.R. Doc. 64-7511; Filed, July 28, 1964; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby designated for peanut crop insurance for the 1965 crop year. The type(s) of peanuts on which insurance is offered in each county is shown opposite the county name.

ALABAMA

Coffee—Runner.
Covington—Runner.
Crenshaw—Runner.
Dale—Runner.
Geneva—Runner.
Henry—Runner.
Houston—Runner.
Pike—Runner.

FLORIDA

Jackson—Runner, Spanish, Virginia.

GEORGIA

Baker—Runner, Spanish, Virginia.
Bulloch—Runner, Spanish, Virginia.
Calhoun—Runner, Spanish, Virginia.
Clay—Runner, Spanish, Virginia.
Coffee—Runner, Spanish, Virginia.
Colquitt—Runner, Spanish, Virginia.
Cook—Runner, Spanish, Virginia.
Early—Runner, Spanish, Virginia.
Irwin—Runner, Spanish, Virginia.
Lee—Runner, Spanish, Virginia.
Miller—Runner, Spanish, Virginia.
Mitchell—Runner, Spanish, Virginia.
Randolph—Runner, Spanish, Virginia.
Terrell—Runner, Spanish, Virginia.
Tift—Runner, Spanish, Virginia.
Worth—Runner, Spanish, Virginia.

NORTH CAROLINA

Bertie—Virginia Type.
Bladen—Virginia Type.
Edgecombe—Virginia Type.
Halifax—Virginia Type.
Hertford—Virginia Type.
Martin—Virginia Type.
Northampton—Virginia Type.
Washington—Virginia Type.

OKLAHOMA

Caddo—Spanish.
Grady—Spanish.

VIRGINIA

Dinwiddie—Virginia Type.
Greensville—Virginia Type.
Isle of Wight—Virginia Type.
Nansemond—Virginia Type.
Prince George—Virginia Type.
Southampton—Virginia Type.
Surry—Virginia Type.
Sussex—Virginia Type.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
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[F.R. Doc. 64-7512; Filed, July 28, 1964; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR POTATO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby designated for potato crop insurance for the 1965 crop year.

CALIFORNIA

Modoc.

IDAHO

Bannock.
Bingham.
Bonneville.
Cassia.
Minidoka.

OREGON

Klamath.
Malheur.

WASHINGTON

Grant.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 64-7513; Filed, July 28, 1964; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR RICE CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for rice crop insurance for the 1965 crop year.

ARKANSAS

Arkansas.
Clay.
Craighead.
Cross.
Jackson.
Jefferson.
Lonoke.
Monroe.
Poinsett.
St. Francis.
Woodruff.

LOUISIANA

Acadia.
Calcasieu.
Evangeline.
Jefferson Davis.
St. Landry.

MISSISSIPPI

Bolivar.
Washington.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7515; Filed, July 28, 1964; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR SAFFLOWER CROP INSURANCE

Pursuant to authority contained in §401.1 of the above-identified regulations, as amended, the following counties have been designated for safflower crop insurance for the 1965 crop year.

NEBRASKA

Deuel.
Cheyenne.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for soybean crop insurance for the 1965 crop year.

ALABAMA

Baldwin.
Jackson.
Madison.

ARKANSAS

Arkansas.
Clay.
Craighead.
Crittenden.
Cross.
Jackson.
Jefferson.
Lee.
Lincoln.
Lonoke.
Mississippi.
Monroe.
Phillips.
Poinsett.
St. Francis.
Woodruff.

FLORIDA

Escambia.

ILLINOIS

Adams.
Bond.
Cass.
Champaign.
Christian.
Clark.
Clinton.
Coles.
Crawford.
Cumberland.
De Kalb.
De Witt.
Douglas.
Edgar.
Effingham.
Fayette.
Ford.
Fulton.
Greene.
Grundy.
Hancock.
Iroquois.
Jasper.
Jersey.
La Salle.
Livingston.
Logan.
Macon.
Marshall.
McDonough.
McLean.
Macoupin.
Madison.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Moultrie.
Ogle.
Piatt.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion.
Washington.
Winnebago.
Woodford.

INDIANA

Adams.
Allen.
Benton.
Blackford.
Boone.
Carroll.
Cass.
Clay.
Clinton.
Decatur.
De Kalb.
Delaware.
Fountain.
Fulton.
Grant.
Hancock.
Henry.
Howard.
Huntington.
Jackson.
Jasper.
Jay.
Johnson.
Kosciusko.
Madison.
Marshall.
Miami.
Montgomery.
Morgan.
Noble.
Pulaski.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Tippecanoe.
Tipton.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

IOWA

Adair.
Audubon.
Benton.
Black Hawk.
Boone.
Bremer.
Buchanan.
Buena Vista.
Butler.
Calhoun.
Carroll.
Cass.
Cerro Gordo.
Cherokee.
Chickasaw.
Clay.
Crawford.
Dallas.
Delaware.
Dickinson.
Emmet.
Fayette.
Floyd.
Franklin.
Fremont.
Greene.
Grundy.
Guthrie.
Hamilton.
Hancock.
Hardin.
Howard.
Humboldt.
Ida.

Iowa.
Jasper.
Jefferson.
Johnson.
Jones.
Keokuk.
Kossuth.
Linn.
Lyon.
Madison.
Mahaska.
Marshall.
Mills.
Mitchell.
Montgomery.
O'Brien.
Osceola.
Page.
Palo Alto.
Plymouth.
Pocahontas.
Polk.
Pottawattamie.
Poweshiek.
Sac.
Shelby.
Sioux.
Story.
Tama.
Union.
Warren.
Washington.
Webster.
Winnebago.
Winneshiek.
Woodbury.
Worth.
Wright.

KANSAS

Anderson.
Bourbon.
Cherokee.
Coffey.
Crawford.
Franklin.
Labette.
Linn.
Lyon.
Osage.

KENTUCKY

Daviess.
Fulton.
McLean.

LOUISIANA

Avoyelles.
East Carroll.
Franklin.
Madison.
Morehouse.
Richland.
Tensas.
West Carroll.

MARYLAND

Kent.
Queen Annes.

MICHIGAN

Clinton.
Gratiot.
Hillsdale.
Lenawee.
Monroe.
Saginaw.
St. Joseph.
Shiawassee.
Washtenaw.

MINNESOTA

Big Stone.
Blue Earth.
Brown.
Chippewa.
Clay.
Cottonwood.
Dakota.
Dodge.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Lac Qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.
Murray.
Nicollet.
Nobles.
Norman.
Olmsted.
Ottertail.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Traverse.
Wabasha.
Waseca.
Washington.
Watonwan.
Wilkin.
Yellow Medicine.

MISSISSIPPI

Bolivar.
Coahoma.
De Soto.
Holmes.
Humphreys.
Issaquena.
Lee.
Leflore.
Panola.
Prentiss.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tunica.
Union.
Washington.
Yazoo.

MISSOURI

Adair.
Andrew.
Audrain.
Barton.
Bates.
Buchanan.
Caldwell.
Callaway.
Carroll.
Cass.
Chariton.
Clark.
Cooper.
Daviess.
De Kalb.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jasper.
Johnson.
Knox.
Lafayette.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Monroe.
Montgomery.
Nodaway.
Pettis.
Pike.
Ralls.
Ray.
St. Charles.
Saline.
Scotland.
Shelby.
Sullivan.
Vernon.
Worth.

NEBRASKA

Cuming.
Dodge.
Saunders.
Washington.

NORTH CAROLINA

Beaufort.
Craven.
Pamlico.
Washington.

NORTH DAKOTA

Cass.
Richland.
Traill.

OHIO

Allen.
Ashland.
Auglaize.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fayette.
Fulton.
Greene.
Hancock.
Hardin.
Henry.
Huron.
Knox.
Licking.
Logan.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Paulding.
Pickaway.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

OKLAHOMA

Craig.
Ottawa.

SOUTH CAROLINA

Allendale.
Barnwell.
Calhoun.
Clarendon.
Darlington.
Florence.
Hampton.
Lee.
Marlboro.
Orangeburg.
Sumter.

SOUTH DAKOTA

Brookings.
Clay.
Deuel.
Grant.
Hamlin.
Lincoln.
Minnehaha.
Moody.
Roberts.
Turner.
Union.
Yankton.

TENNESSEE

Crockett.
Dyer.
Fayette.
Gibson.
Haywood.
Lake.
Lauderdale.
Obion.
Shelby.
Tipton.
Weakley.

VIRGINIA

Nansemond.
Southampton.

WISCONSIN

Buffalo.
Dunn.
Jefferson.
Kenosha.
Pepin.
Pierce.
Racine.
Rock.
St. Croix.
Trempealeau.
Walworth.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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Federal Crop Insurance Corporation.

[F.R. Doc. 64-7517; Filed, July 28, 1964; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for tobacco crop insurance for the 1965 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the county name.

FLORIDA

Alachua	14
Columbia	14
Hamilton	14
Madison	14
Suwannee	14

GEORGIA

Appling	14
Atkinson	14
Bacon	14
Berrien	14
Brooks	14
Bulloch	14
Candler	14
Coffee	14
Colquitt	14
Cook	14
Evans	14
Irwin	14
Jeff Davis	14
Lanier	14
Lowndes	14
Mitchell	14
Pierce	14
Tattnall	14
Tift	14
Toombs	14
Ware	14
Wayne	14
Worth	14

KENTUCKY

Adair	31
Allen	31, 35
Anderson	31
Barren	31
Bath	31
Bourbon	31
Bracken	31
Breckinridge	31
Caldwell	22, 31, 35
Calloway	23, 35
Casey	31
Christian	22, 31, 35
Clark	31
Daviess	31, 36
Fayette	31
Fleming	31
Franklin	31
Garrard	31
Grant	31
Graves	23, 31, 35
Green	31
Harrison	31
Hart	31
Henry	31
Larue	31
Lewis	31
Lincoln	22, 31, 35
Logan	31
Madison	

KENTUCKY—Continued

Marion	31
Mason	31
McLean	31, 36
Mercer	31
Metcalfe	31
Montgomery	31
Nelson	31
Nicholas	31
Ohio	31, 36
Owen	31
Pendleton	31
Pulaski	31
Robertson	31
Russell	31
Scott	31
Shelby	31
Simpson	22, 31, 35
Spencer	31
Todd	22, 31, 35
Trigg	22, 31, 35
Warren	31, 35
Washington	31
Wayne	31
Woodford	31

MARYLAND

Calvert	32
Charles	32
Prince Georges	32
St. Marys	32

NORTH CAROLINA

Alamance	11a
Beaufort	12
Bertie	12
Bladen	13
Brunswick	13
Buacombe	31
Carteret	12
Caswell	11a
Chatham	11b
Columbus	13
Craven	12
Cumberland	13
Davidson	11a
Duplin	12
Durham	11b
Edgecombe	12
Forsyth	11a
Franklin	11b
Granville	11b
Greene	12
Guilford	11a
Halifax	12
Harnett	11b
Haywood	31
Hertford	12
Hoke	13
Iredell	11a
Johnston	12
Jones	12
Lee	11b
Lenoir	12
Madison	31
Martin	12
Moore	11b
Nash	12
Northampton	12
Onslow	12
Orange	11b
Pamlico	12
Person	11a
Pender	12
Pitt	12
Richmond	11b
Robeson	13
Rockingham	11a
Sampson	12
Stokes	11a
Surry	11a
Vance	11b
Wake	11b
Warren	11b
Washington	12
Wayne	12
Wilson	12
Yadkin	11a
Yancey	31

OHIO

Adams	31
Brown	31
Highland	31

PENNSYLVANIA

Lancaster	41
Lebanon	41
York	41

SOUTH CAROLINA

Chesterfield	13
Clarendon	13
Darlington	13
Dillon	13
Florence	13
Horry	13
Lee	13
Marion	13
Marlboro	13
Sumter	13
Williamsburg	13

TENNESSEE

Claiborne	31
Carter	31
Cocke	31
DeKalb	31
Dickson	22
Franklin	31
Giles	31
Grainger	31
Greene	31
Hamblen	31
Hawkins	31
Jackson	31
Jefferson	31
Johnson	31
Lincoln	31
Loudon	31
Marshall	31
McMinn	31
Maury	31
Monroe	31
Montgomery	22, 31
Obion	23, 35
Putnam	31
Robertson	22, 31, 35
Sevier	31
Smith	31
Stewart	22, 31
Sullivan	31
Sumner	22, 31, 35
Trousdale	31
Unicoi	31
Washington	31
Weakley	23, 35
Williamson	31
Wilson	31

VIRGINIA

Amelia	11a, 21
Appomattox	11a, 21
Brunswick	11a, 21
Campbell	11a, 21
Charlotte	11a, 21
Cumberland	11a, 21, 37
Dinwiddie	11a, 21
Greensville	11a
Halifax	11a
Lee	31
Lunenburg	11a
Mecklenburg	11a
Nottoway	11a, 21
Pittsylvania	11a
Prince Edward	11a, 21, 37
Prince George	11a
Russell	31
Scott	31
Smyth	31
Sussex	11a
Washington	31

WISCONSIN

Dane	54
Trempealeau	55
Vernon	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7518; Filed, July 28, 1964; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR TOMATO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for tomato crop insurance for the 1965 crop year.

INDIANA

Grant.	Miami.
Howard.	Tipton.

OHIO

Fulton.	Putnam.
Henry.	Sandusky.
Lucas.	Wood.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7519; Filed, July 28, 1964; 8:49 a.m.]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1964 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR RAISIN CROP INSURANCE

Pursuant to authority contained in § 402.20 of the above-identified regulations, the following counties have been designated for raisin crop insurance for the 1965 crop year.

CALIFORNIA

Fresno.	Merced.
Kern.	Stanislaus.
Kings.	Tulare.
Madera.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7514; Filed, July 28, 1964; 8:48 a.m.]

PART 404—APPLE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 404.1 of the above-identified regulations, as amended, the following coun-

ties have been designated for apple crop insurance for the 1965 crop year.

WASHINGTON

Chelan. Okanogan.
Douglas.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7499; Filed, July 28, 1964; 8:47 a.m.]

PART 405—CHERRY CROP INSURANCE

Subpart—Regulations for Red Tart Cherries for the 1963 and Succeeding Crop Years

APPENDIX—COUNTY DESIGNATED FOR CHERRY CROP INSURANCE

Pursuant to authority contained in § 405.1 of the above-identified regulations, the following county has been designated for cherry crop insurance for the 1965 crop year.

MICHIGAN

Oceana.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7501; Filed, July 28, 1964; 8:47 a.m.]

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

APPENDIX—COUNTY DESIGNATED FOR ORANGE CROP INSURANCE

Pursuant to authority contained in § 406.1 of the above-identified regulations, the following county has been designated for orange crop insurance for the 1965 crop year.

CALIFORNIA

Tulare.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-7509; Filed, July 28, 1964; 8:48 a.m.]

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[ACP—1965]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1965

The provisions of §§ 701.1 to 701.93 (26 F.R. 6881), as amended, shall be effective for the 1965 National Agricultural Conservation Program for the period July 1, 1964, through December 31, 1965, except for the following changes and such other changes as may hereafter be made.

1. For purposes of the 1965 program, references to the years 1963, 1964, and 1965 shall be construed as references to the years 1964, 1965, and 1966, respectively.

2. The allocation of funds among the States for the 1965 program is published in an amendment to § 701.2, in this issue of the FEDERAL REGISTER.

(Sec. 4, 49 Stat. 164, secs. 7 to 17, 49 Stat. 1148, as amended; 71 Stat. 176, 71 Stat. 425, 72 Stat. 864; 16 U.S.C. 590d, 590g–590q)

Signed at Washington, D.C., on July 23, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-7550; Filed, July 28, 1964; 8:52 a.m.]

[ACP-1965, Supp. 1]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1965

STATE FUNDS

Paragraph (a) of § 701.2 is amended, for purposes of the 1965 program, to read as follows:

§ 701.2 State funds.

(a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1964 distribution. The allocation of funds among the States is as follows:

Alabama	$5,931,000
Alaska	65,000
Arizona	1,657,000
Arkansas	4,788,000
California	5,686,000
Colorado	3,673,000
Connecticut	465,000
Delaware	314,000
Florida	3,211,000
Georgia	7,125,000
Hawaii	176,000
Idaho	1,995,000
Illinois	8,545,000
Indiana	5,560,000
Iowa	9,358,000
Kansas	6,681,000
Kentucky	6,913,000
Louisiana	4,315,000
Maine	1,037,000
Maryland	1,266,000
Massachusetts	541,000
Michigan	4,976,000
Minnesota	6,290,000
Mississippi	6,380,000
Missouri	8,780,000
Montana	4,644,000
Nebraska	6,228,000
Nevada	560,000
New Hampshire	521,000
New Jersey	696,000
New Mexico	2,223,000
New York	4,700,000
North Carolina	6,364,000
North Dakota	4,998,000
Ohio	5,886,000
Oklahoma	7,085,000
Oregon	2,452,000
Pennsylvania	4,691,000
Puerto Rico	838,000
Rhode Island	$78,000
South Carolina	3,521,000
South Dakota	4,434,000
Tennessee	5,150,000
Texas	19,826,000
Utah	1,359,000
Vermont	1,075,000
Virginia	4,417,000
Virgin Islands	13,000
Washington	2,615,000
West Virginia	1,567,000
Wisconsin	5,551,000
Wyoming	2,120,000
Total	$209,330,000

(Sec. 4, 49 Stat. 164, secs. 7 to 17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g–590q)

Signed at Washington, D.C., on July 23, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-7551; Filed, July 28, 1964; 8:52 a.m.]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—National Marketing Quota, National Allotment and Apportionment to the States and Counties for the 1964 Crop of Extra Long Staple Cotton

NORMAL YIELDS

Section 722.347 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), as amended by Title I of the Agricultural Act of 1964. The purpose of this section is to establish county normal yields for the 1964 crop of extra long staple cotton. Since immediate action by State and county ASC committees is required, it is essential that § 722.347 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and § 722.347 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.347 County normal yields for 1964 crop of extra long staple cotton.

The following table sets forth the normal yields for the 1964 crop year for extra long staple cotton which are established for the respective counties.

ARIZONA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Cochise	604	Pima	625
Gila	429	Pinal	505
Graham	649	Santa Cruz	611
Maricopa	517	Yuma	507

CALIFORNIA

Imperial	391	Riverside	428

FLORIDA

Alachua	179	Marion	226
Lake	149	Seminole	174
Madison	148	Sumter	153

GEORGIA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Berrien	284	Lanier	283
Cook	296		

NEW MEXICO

Chaves	379	Luna	379
Dona Ana	458	Otero	364
Eddy	379	Sierra	375
Hidalgo	379		

TEXAS

Brewster	383	Pecos	449
Culberson	597	Presidio	416
El Paso	572	Reeves	447
Hudspeth	477	Ward	482
Loving	465		

PUERTO RICO

North	172

(Sec. 301, 78 Stat. 173; 7 U.S.C. 1301)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 24, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-7552; Filed, July 28, 1964; 8:53 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

Correction

In F.R. Doc. 64-6292, appearing at page 7983 of the issue for Wednesday, June 24, 1964, the following corrections are made:

1. In the tabular matter of § 777.14(c), the entry for malted wheat flour should read "2.075" instead of "2.283".

2. Item (11) of Appendix II should read as follows:

(11) Enter in Item 5E the weight of all wheat removed from any elevator operated by the processor at the processing plant location servicing the processing plant or from the processing plant for shipment, sale, delivery to the owner or other dispositions as wheat, including transfers to other plants. Such quantity shall be the gross weight of the wheat removed less any officially determined dockage. If any wheat is removed and no official dockage determination made, and if the food processor reduces the quantity of wheat received for unofficially determined dockage, the dockage for which the reduction is made must be determined in accordance with usually accepted testing methods and rounded down to the nearest half percent. Also include in Item 5E the quantity of any wheat destroyed. Do not include the weight of any by-products of food products or the weight of any screenings or other residue from cleaning wheat used or to be used by the food processor for processing into food products.

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

[Valencia Orange Reg. 93, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Finding. (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 908.393 (Valencia Orange Regulation 93, 29 F.R. 9704) are hereby amended to read as follows:

§ 908.393 Valencia Orange Regulation 93.

* * * * *

(b) * * *

(1) * * *

(ii) District 2: 500,000 cartons.

* * * * *

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

Dated: July 24, 1964.

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

[F.R. Doc. 64-7496; Filed, July 28, 1964; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

PART 1407—SUSPENSION AND DEBARMENT

Sec.

1407.1 Purpose.
1407.2 Definitions.
1407.3 Scope of this part.
1407.4 Suspension.
1407.5 Causes for debarment.
1407.6 Notice of proposed debarment, decision of authorized official and right to hearing.
1407.7 Period of debarment.
1407.8 Restrictions on suspended and debarred persons.
1407.9 Miscellaneous.

AUTHORITY: The provisions of this Part 1407 issued under sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b.

§ 1407.1 Purpose.

This part prescribes the terms and conditions under which persons may be suspended and debarred from contracting with Commodity Credit Corporation and from otherwise participating in programs administered or financed by Commodity Credit Corporation.

§ 1407.2 Definitions.

(a) The term "Department" means the U.S. Department of Agriculture.

(b) The term "CCC" means Commodity Credit Corporation.

(c) The term "Executive Vice President" means the Executive Vice President of CCC.

(d) The term "Vice President" means a Vice President of CCC.

(e) The term "person" means an individual or any form of business entity, e.g., a proprietorship, partnership, corporation, association or cooperative.

(f) The term "authorized official" means any official of the Department authorized, as provided in this part, to suspend and debar persons.

(g) The term "suspend" or "suspension" means the withholding from a person temporarily of the privilege of contracting with or otherwise participating in programs financed or administered by CCC.

(h) The term "debar" or "debarment" means the final action of withholding the privilege of contracting with or otherwise participating in programs financed or administered by CCC.

(i) The term "Contract Disputes Board" means the Contract Disputes Board for CCC.

§ 1407.3 Scope of this part.

(a) The provisions of this part shall apply to all suspensions and debarments: *Provided*, That the provisions of this part shall not apply to or otherwise affect the conditions under which:

(1) Price support or other benefits may be made available by CCC to a person in his capacity as a producer in accordance with applicable statutes and regulations.

(2) CCC may require persons to establish and maintain financial responsibility and other qualifications as conditions precedent to contracting with CCC or otherwise participating in programs administered or financed by CCC.

(3) CCC may cancel or terminate a contract under the provisions thereof or for failure of the contractor to comply therewith or may take administrative action to require a contractor or participant to correct deficiencies in the performance of contract or program provisions.

(4) Persons are debarred under the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 37) and Davis-Bacon Act (40 U.S.C. 276a—2(a)).

(b) All suspensions and debarments under the provisions of this part shall extend to and include any proprietorship, corporation, partnership, association, or other business entity, the policies or business practices of which are decided or materially influenced by the suspended or debarred person if such proprietorship, corporation, partnership, association, or other business entity is specifically named in the notice of suspension or debarment.

(c) The provisions of this part shall not be construed to require the suspension and debarment of any person but shall be deemed a statement of the terms and conditions under which suspension and debarment action may be taken by the Executive Vice President or an authorized official when such action is deemed to be in the best interests of CCC.

§ 1407.4 Suspension.

(a) An authorized official may suspend any person for such periods of time not in excess of those specified in this part, upon written notice and without hearing,

(1) in the event of a criminal conviction or civil judgment affecting such person's responsibility as a contractor with CCC or as a participant in programs administered or financed by CCC; or

(2) upon probable cause for belief that, or pending investigation to determine whether, the person concerned has committed fraud or engaged in other conduct showing a substantial lack of responsibility as a contractor with CCC or as a participant in programs administered or financed by CCC.

(b) All such suspensions shall be for temporary periods not in excess of the following:

(1) If the notice of suspension is based upon alleged fraud incident to obtaining or performing a CCC contract or incident to participation in a program administered or financed by CCC or is based upon any other alleged conduct showing a lack of business integrity or honesty, the initial period of suspension shall not exceed one year from the date of the notice of suspension, unless the Attorney General or his designee determines and notifies CCC that administrative action looking toward debarment would be substantially harmful to the Government's law enforcement activities in the case, in which event the suspension may continue for an additional six month period: *Provided*, That, if the person concerned is criminally charged by Federal indictment or information or becomes a party to a suit in which the United States or CCC is an opposing party, within such period or extension thereof, the subject matter of which indictment or suit includes the substance of the cause for issuance of the notice of suspension, the suspension shall continue for the duration of any judicial proceedings in the Federal court of first instance and 120 days thereafter, or for such longer period as may be permitted under § 1407.6(c) because of appeal proceedings before the Contract Disputes Board. Termination of any suspension under this provision shall not prejudice the right of CCC to proceed with debarment action nor shall such termination preclude the reimposition of a suspension pending disposition of judicial proceedings, and the period of time thereafter provided in this paragraph (b)(1), should an indictment, information, or suit be returned or instituted following termination of a suspension under this part.

(2) If the notice of suspension is issued for reasons other than those stated in subparagraph (1) of this paragraph, the period of suspension shall not exceed 120 days. Any such suspension may thereafter be extended from time to time for additional periods not in excess of 120 days each upon a written determination by the Executive Vice President or Vice President of the reasons and necessity therefor. Notice of each such determination shall be furnished the suspended person. The termination of any such suspension or extension thereof shall not prejudice any debarment action which may be or have been taken in the case, nor shall any such determination preclude reimposition of suspension on written determination by the Executive Vice President or Vice President of the reasons and necessity for such reimposition of suspension. In no event, however, shall any suspension or extension thereof under this paragraph (b)(2) exceed one year, or such longer period as may be permitted under § 1407.6(c) because of appeal proceedings before the Contract Disputes Board.

§ 1407.5 Causes for debarment.

Any authorized official may debar a person whenever he determines, in the manner specified in this part, that one or more of the following causes for debarment exists:

(a) The person concerned has been convicted of a criminal offense involving CCC or has been adjudged liable to the United States by a court of competent jurisdiction under the civil False Claims Statute (31 U.S.C. 231), or other Federal statute, in connection with a CCC program.

(b) The person concerned has been debarred or otherwise forbidden from contracting with or participating in contracts or programs administered or financed by another agency of the United States Government.

(c) The person concerned has failed to perform obligations or carry out representations or warranties to CCC under circumstances considered to be of such a serious and compelling nature as to justify debarment.

(d) The person concerned has committed other acts of misconduct, including but not limited to fraudulent activities, showing such a serious lack of business integrity or business honesty as to warrant debarment.

§ 1407.6 Notice of proposed debarment, decision of authorized official and right to hearing.

(a) Debarment proceedings shall be instituted by any authorized official by sending a notice of proposed debarment to the person concerned, at his last known address, by certified mail return receipt requested. Such notice shall set forth:

(1) The name of the person concerned together with the names of all other individuals or business entities whose policies are decided or materially influenced by such person,

(2) One or more of the causes for debarment specified in this part,

(3) A brief statement of facts showing the basis for the belief that one or more of the causes for debarment specified in this part exist, and

(4) A statement that all persons included in the debarment may, within the period stated in the notice, present information for consideration in their behalf.

(b) If no response is received from any such persons within the time limit specified in the notice or any written extension thereof, the issue of debarment shall be determined by the authorized official upon the basis of such information as may be available to him bearing upon the causes for debarment specified in the notice. If such persons, in response to the notice of proposed debarment, submit information for consideration on their behalf, such information, together with such other data as may be available to the authorized official, shall be considered by him in making his determination on the issue of debarment.

(c) All such persons shall be notified of the decision of the authorized official, of the findings of fact on which it is based, and the period of debarment, if any is imposed, by certified mail return receipt requested, addressed to the last known address of the persons concerned. In the event of debarment the authorized official shall also notify the persons concerned that they may appeal the debarment action to the Contract Disputes Board within 30 days after the date such persons receive notice of debarment. Any such appeal shall be subject to the Rules of the Contract Disputes Board (7 CFR Part 1400). In the event of appeal the debarment shall be deferred pending decision of the Contract Disputes Board, but such person may be suspended or continued in a suspended status pending final decision: *Provided*, That the suspension shall not exceed a period of 120 days from the date of appeal, or the period specified in § 1407.4, whichever period expires last: *And provided further*,

That any such period of suspension shall be increased by the period of any extension granted the appellant, on his request, for prosecution of his appeal. On determination of the appeal by the Contract Disputes Board, the person concerned shall be notified by certified mail, return receipt requested, addressed to the last known address of the person concerned, of the Board's decision and of the period of debarment, if any, determined by the Board. The decision of the Board on the issue of debarment and the period thereof, if any, shall be final and conclusive, unless determined by a court of competent jurisdiction to be fraudulent, arbitrary, capricious, or so grossly erroneous as to imply bad faith or not supported by substantial evidence. If no appeal is filed with the Contract Disputes Board, the decision of the authorized official on the issue of debarment and the period thereof shall have a like degree of finality.

§ 1407.7 Period of debarment.

All debarments shall be for a period of time commensurate with the gravity of the cause thereof. As a general rule, periods of debarment in excess of three years will not be imposed but such policy shall not preclude the impositions of longer periods of debarment in flagrant cases. If debarment is preceded by suspension, consideration may be given to such period of suspension in determining the period of debarment. At any time during the period of debarment, the debarment may be removed or otherwise modified if it is determined by the Executive Vice President or Vice President that such action is warranted. Nothing in this § 1407.7 shall preclude the institution of new debarment proceedings during the pendency of an existing debarment or following its termination: *Provided*, That such new debarment proceedings shall be based upon facts and circumstances in addition to those underlying the original debarment.

§ 1407.8 Restrictions on suspended and debarred persons.

Persons who are suspended or debarred under this part shall be subject to all of the following restrictions:

(a) No suspended or debarred person may contract with CCC or participate in any manner in any programs administered or financed by CCC: *Provided*, That current contracts with or other firm commitments of CCC to such persons shall be continued in effect notwithstanding the suspension or debarment of the person concerned unless such suspension or debarment specifies in writing that such contracts or commitments shall also be subject to such suspension and debarment action. However, any warehouse facilities operated by any such suspended or debarred person may be removed from the lists maintained by CCC of warehouses approved for price support program purposes.

(b) No offers or proposals shall be solicited from suspended or debarred persons and if submitted by such persons shall not be considered in making awards.

(c) If a debarred person is proposed as a subcontractor, supplier, or agent the contracting officer shall decline to consent to the use of such person as a subcontractor, supplier or agent.

(d) Funds due or to become due any suspended or debarred person may be withheld in whole or in part by CCC upon written determination by an authorized official that such withholding action is in the best interests of CCC.

(e) Any or all of the restrictions for which provision is made under this § 1407.8 may be waived in whole or in part on written determination by the Executive Vice President or Vice President that such waiver of the restriction or restrictions involved is essential to carrying out the functions and responsibilities of CCC and is otherwise in the public interest. Any such waiver shall be effective only with respect to the transactions or categories of transactions specified therein.

§ 1407.9 Miscellaneous.

(a) The Executive Vice President or Vice President may delegate to such other employees of the Department, as he deems appropriate, authority to carry out the provisions of this part and all such persons to whom such authority has been delegated shall be deemed authorized officials within the meaning of this part.

(b) Suspensions and debarments which are in effect on the date of issuance of these regulations shall continue in effect as follows:

(1) Debarments shall remain in effect until terminated in accordance with the terms thereof or until completion of new debarment action under this part, whichever is earlier.

(2) No existing suspension shall be continued in effect except in accordance with this part.

Effective date: Date of publication.

Signed at Washington, D.C. on July 24, 1964.

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

[F.R. Doc. 64-7553; Filed, July 28, 1964; 8:53 a.m.]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

MISCELLANEOUS AMENDMENTS

Statement with respect to the tobacco price support loan program issued August 7, 1963, as amended (25 F.R. 8019, 11822) is amended for the purposes of (1) clarifying the rate at which flue-cured tobacco of varieties Coker 139, Coker 140, Coker 316, Reams 64 and Dixie Bright 244 will be supported, (2) excluding flue-cured tobacco from the eligibility requirement that each lot be identified by only one marketing card and (3) providing, with respect to 1964 crop flue-cured tobacco, (a) for price support on lug grades of untied tobacco during first seven sale days on each market other than Georgia and Florida markets, and (b) that no price support will be available on flue-cured tobacco grown on a farm having tobacco acreage in excess of the 1964 marketing quota and allotment established for that farm but not in excess of the 1963 quota and allotment established for that farm.

Accordingly, §§ 1464.1507, 1464.1513 and 1464.1515 are hereby revised as follows:

Section 1464.1507 *Level of price support,* is amended by deleting the last sentence thereof and substituting the following sentence:

§ 1464.1507 Level of price support.

* * * Flue-cured tobacco of varieties Coker 139, Coker 140, Coker 316, Reams 64, and Dixie Bright 244, or a mixture or strain of such seed varieties or any breeding line of flue-cured tobacco seed varieties, including, but not limited to, 187-Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244 will be supported at one-half the support rate for comparable grades of acceptable varieties, plus six cents ($.06) per hundred pounds.

Section 1464.1513 *Eligible tobacco,* is amended to read as follows:

§ 1464.1513 Eligible tobacco.

Eligible tobacco shall be U.S. and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) if marketing quotas are in effect, has been properly identified in accordance with applicable tobacco Marketing Quota Regulations on a valid memorandum of sale issued from a "Within-Quota" Marketing Card or a "Within-Quota Limited Support" Marketing Card; (b) has been delivered to the association by the producer prior to sale to any other person; (c) if other than flue-cured, has been delivered to the association by the producer in lots identified by not more than one marketing card for each lot; (d) is in sound and merchantable condition; (e) is of a type or crop for which price support is available; (f) is free and clear of any and all liens and encumbrances; and (g) was not produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

Section 1464.1515 is amended to read as follows:

§ 1464.1515 Special provisions applicable only to 1964 crop flue-cured tobacco.

(a) During the first seven sales days on each flue-cured tobacco market, other than the Georgia and Florida Markets, price support will be available on eligible tobacco of all grades of tied tobacco and only on lugs, including primings and nondescript grades thereof, of untied tobacco. Beginning with the eighth day of sale, price support will be available only on eligible tobacco offered for sale in tied form.

(b) Notwithstanding any provision of this part to the contrary, price support

will not be available on 1964 crop flue-cured tobacco identified by a memorandum of sale issued from a "Within-Quota" or a "Within-Quota Limited Support" marketing card bearing the notation "Not Eligible For Price Support—Collect Penalty For Special Account".

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813)

Effective date: Date of signature.

Signed at Washington, D.C., on July 24, 1964.

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

[F.R. Doc. 64-7554; Filed, July 28, 1964; 8:53 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 205—PETITION FOR IMMIGRANT STATUS AS RELATIVE OF UNITED STATES CITIZEN, LAWFUL RESIDENT ALIEN, OR ELIGIBLE ORPHAN

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

PART 299—IMMIGRATION FORMS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Part 205 is amended to read as follows:

Sec.
205.1 Relative.
205.2 Eligible orphan.
205.3 Evidence of United States citizenship.
205.4 Evidence of lawful admission for permanent residence.
205.5 Evidence of family relationship between petitioner and beneficiary.
205.6 Evidence required to accompany petition for eligible orphan.
205.7 Disposition of approved visa petition.
205.8 Conversion of classification of third preference beneficiaries upon naturalization of petitioner.

AUTHORITY: The provisions of this Part 205 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 203, 205, 245, 66 Stat. 166, 178, 180, 217, as amended; 8 U.S.C. 1101, 1153, 1155, 1255.

§ 205.1 Relative.

A petition to accord nonquota immigrant status under section 101(a)(27)(A) of the Act, or quota immigrant status under section 203(a)(2) or (3) of the Act, or a preference under section 203(a)(4) of the Act shall be filed on a separate Form I-130 for each beneficiary and shall be accompanied by a fee of $10. The petition shall be filed in the office of the Service having jurisdiction over the place where the petitioner is residing. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal to the Board within 15 days after mailing of the notification of the decision in accordance with the provisions of Part 3 of this chapter.

§ 205.2 Eligible orphan.

A petition in behalf of an eligible orphan defined in section 101(b)(6) of the Act shall be filed by the United States citizen spouse on Form I-600, shall identify the beneficiary, and shall be accompanied by a fee of $10. The petition shall be filed in the office of the Service having jurisdiction over the place where the petitioner is residing. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. If a United States citizen or his spouse intends to proceed abroad to locate an eligible orphan for adoption, he may submit a request in writing to the district director in whose jurisdiction he resides to initiate preliminary processing prior to filing a petition.

§ 205.3 Evidence of United States citizenship.

(a) *General.* A petition filed under § 205.1 or § 205.2 by a United States citizen must be accompanied by evidence of his United States citizenship.

(1) *Birth in the United States.* A petition filed under § 205.1 or § 205.2 by a United States citizen whose citizenship is based on birth in the United States must be accompanied by his birth certificate; or if his birth certificate is unobtainable, a copy of his baptismal certificate under seal of the church, showing his place of birth and a date of baptism occurring within two months after birth; or if his birth or baptismal certificate cannot be obtained, affidavits of two United States citizens who have personal knowledge of his birth in the United States.

(2) *Petition filed outside United States.* A native-born citizen of the United States who files a visa petition while physically outside the United States may establish his birth by presenting his valid unexpired United States passport containing the date and place of his birth in the United States. A statement executed by a consular officer, certifying the petitioner to be a United States citizen and the bearer of a valid United States passport showing him to be a native-born citizen, may be accepted in lieu of the passport.

(3) *Petition by member of armed forces of United States.* When a native-born member of the armed forces of the United States serving outside the United States submits a visa petition without documentary proof of his birth in the United States, a statement from the appropriate authority of the armed forces to the effect that the personnel records of the armed forces show the petitioner was born in the United States on a certain date may be accepted as proof of his birth in the United States if the approving officer finds that to require documentary proof of the petitioner's birth in the United States would cause the petitioner unusual delay or hardship.

(b) *Birth outside United States.* A petition filed under § 205.1 or § 205.2 by a United States citizen born abroad who became a citizen through the naturalization or citizenship of a parent or husband, and who has not been issued a certificate of citizenship in his or her own name, must submit evidence of the citizenship and marriage of such parent or husband, as well as the termination of any prior marriages. In addition, if he claims citizenship through a parent, he must submit his birth certificate and a separate statement showing the date, port, and means of all his arrivals and departures into and out of the United States. If the petitioner is a naturalized citizen of the United States whose naturalization occurred within 90 days immediately preceding the filing of the petition, or if it occurred prior to September 27, 1906, the naturalization certificate must accompany the petition.

§ 205.4 Evidence of lawful admission for permanent residence.

The status of a petitioner who claims that he is a lawful permanent resident alien of the United States will be verified from official records of the Service. In the absence of such a record, the petitioner shall be required to establish that he is a lawful permanent resident alien by the submission of evidence such as his passport bearing a Service endorsement reflecting a lawful admission for permanent residence, his Form I-151 alien registration receipt card, or his immigrant identification card.

§ 205.5 Evidence of family relationship between petitioner and beneficiary.

(a) *General.* A petition filed under § 205.1 must be accompanied by evidence of family relationship.

(b) *Petition for a spouse.* If a petition is submitted on behalf of a wife or husband, it must be accompanied by a certificate of marriage to the beneficiary and proof of legal termination of all previous marriages of both wife and husband.

(c) *Petition for a child.* If a petition is submitted by a mother on behalf of a child, regardless of age, the birth certificate of the child must accompany the petition. If a petition is submitted by a father or stepparent on behalf of a child, regardless of age, a certificate of marriage of the parents, proof of termination of their prior marriages, and the birth certificate of the child must accompany the petition.

(d) *Petition for a brother or sister.* If a petition is submitted on behalf of a brother or sister, the birth certificate of the petitioner and the birth certificate of the beneficiary, showing a common mother, must accompany the petition. If the petition is on behalf of a brother or sister having a common father and different mothers, the marriage certificate of the petitioner's parents, and the beneficiary's parents, and proof of the termination of the parents' prior marriages, if any, must accompany the petition.

(e) *Petition in behalf of a parent.* If a petition is submitted on behalf of a

mother, the petitioner's birth certificate must accompany the petition. If a petition is submitted on behalf of a father or stepparent, the petitioner's birth certificate and the marriage certificate of his parent and stepparent must accompany the petition, as well as proof of the termination of their prior marriages, if any.

(f) *Married women.* If either the petitioner or the beneficiary is a married woman, her marriage certificate must accompany the petition.

(g) *Relationship by adoption.* If the petitioner and the beneficiary are related to each other by adoption, a certified copy of the adoption decree must accompany the petition.

§ 205.6 Evidence required to accompany petition for eligible orphan.

(a) *General.* A petition filed in behalf of an eligible orphan under § 205.2 must be accompanied by evidence of the petitioner's United States citizenship as provided in § 205.3; proof of marriage of the petitioner as provided in § 205.5(b); proof of age of the orphan in the form of a birth certificate, or if such certificate is not available other evidence of his birth; evidence that the petitioner and spouse are able to care for the orphan properly, which may consist of evidence such as letters from employers, banks and accountants, financial statements, copies of income tax returns; a certified copy of the adoption decree together with certified translation, if the orphan has been lawfully adopted abroad; evidence that the remaining parent is incapable of providing for the orphan's care and has in writing irrevocably released the orphan for emigration and adoption if the orphan has only one parent; and fingerprint charts of petitioner and spouse on Form FD–258.

(b) *Preadoption requirements.* If the eligible orphan is to be adopted in the United States, the petitioner must submit evidence of compliance with the preadoption requirements, if any, of the state of the orphan's proposed residence, except any such requirements that cannot be complied with prior to the child's arrival in the United States.

(c) *Beneficiary adopted abroad without having been seen and observed.* An orphan who is adopted abroad without having been personally seen and observed by the petitioner and spouse prior to or during the adoption proceedings shall be considered as a child coming to the United States for adoption. Before a petition in behalf of such a child is approved, the petitioner and spouse must submit a statement indicating their willingness and intent to readopt the child in the United States. Unless the Service has already ascertained from the appropriate state authority that readoption is permissible in that state, the petitioner shall be required to submit evidence in the form of a statement from the court having jurisdiction over adoption, the state department of welfare, or the attorney general of the state, indicating that readoption is permissible. As in the case of a petition for any other orphan coming to the United States for adoption, evidence of compliance with the preadoption requirements, if any, of the state of proposed residence must be submitted.

§ 205.7 Disposition of approved visa petition.

If the beneficiary of an approved petition will apply to an American consulate for a visa, the approved petition shall be forwarded to the consulate designated by the petitioner. When the beneficiary of an approved petition will file an application for adjustment of status under section 245 of the Act, as amended, the approved petition will be retained by the Service for consideration in connection with that application.

§ 205.8 Conversion of classification of third preference beneficiaries upon naturalization of petitioner.

A currently valid petition according section 203(a)(3) preference status shall be regarded as approved for nonquota status under section 101(a)(27)(A) or for preference quota status under section 203(a)(2), as appropriate, as of the date the beneficiary acquired such status through the petitioner's naturalization.

2. Part 243 is amended by adding § 243.8 to read as follows:

§ 243.8 Imposition of sanctions.

The provisions of section 243(g) of the Act have been applied to residents of the Union of Soviet Socialist Republics, Czechoslovakia, and Hungary; those provisions do not apply to an alien who is residing in Estonia, Latvia, or Lithuania who is not a national, citizen, or subject of the Union of Soviet Socialist Republics. The sanctions imposed on residents of the Union of Soviet Socialist Republics, Czechoslovakia, and Hungary pursuant to section 243(g) may be waived in an individual case for the beneficiary of a petition accorded a status under section 101(a)(27)(A) or section 203(a)(2), (3), or (4) of the Act, and may also be waived for the beneficiary of a petition accorded a status under section 203(a)(1) of the Act who resides in Hungary. The sanctions also may be waived upon an individual request by the Department of State in behalf of a visa applicant who is not the beneficiary of an approved visa petition. Upon approval of a visa petition or upon an individual request by the Department of State in behalf of a visa applicant who is not the beneficiary of an approved visa petition, the district director will determine whether sanctions shall be waived.

§ 299.1 [Amended]

3. The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form:

Form No.	*Title and description*
FD–258	Applicant card.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: July 22, 1964.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 64–7536; Filed, July 28, 1964; 8:50 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 1204—COMPENSATION AND ALLOWANCES

Tropical Differential

Effective upon publication in the FEDERAL REGISTER, § 1204.12 is amended to read as follows:

§ 1204.12 Tropical differential.

A tropical differential is hereby authorized for each U.S. citizen employee in the dollar amount authorized for him as of 20 July 1964. The dollar amount of the tropical differential for a U.S. citizen employee entering on duty on or after the effective date of this section will be established as though the employee had entered on duty on or before 20 July 1964. Pending further revision of this section, dollar amounts so established will not be increased as a result of any increase in the aggregate compensation established under §§ 1204.10 and 1204.11 or as a result of actions taken pursuant to §§ 1204.14, 1204.15 and 1204.16.

STEPHEN AILES,
Secretary of the Army.

[F.R. Doc. 64–7590; Filed, July 28, 1964; 8:53 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 8 (Rev. 2)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there are amended, as set forth below, §§ 107.205, 107.302, 107.704(c)(1), 107.704(c)(3), and 107.704(g) of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743–9754 and amended in 28 F.R. 681, 1627, 3021, 10868, 12250, and 29 F.R. 5223, 7144.

Information and effective date. On June 2, 1964, Notice of Proposed Rule Making was published in the FEDERAL REGISTER (29 F.R. 7151) concerning

amendment of §§ 107.704(c)(1) and 107.704(c)(3) authorizing Licensee companies to reduce their paid-in capital and paid-in surplus, by one-third, within specified two-year periods, and setting forth a method by which Licensee companies, with accumulated unappropriated retained earnings could, with prior SBA approval, purchase their own capital stock. The notice also proposed an amendment of § 107.302(a), accompanied by the addition of a new § 107.704(g), to authorize Licensee companies, subject to prior SBA approval, to merge with non-Licensee companies as well as Licensee companies. In addition, the notice included a proposed amendment of § 107.205 specifying in more detail necessary conditions which a Licensee must satisfy before SBA would approve a plan of dissolution filed by it in connection with an application for surrender of its license.

After due and careful consideration of the comments and views received concerning these proposals, the Administration has determined to adopt the amendments set forth below as being in furtherance of the best interests of the SBIC program.

In several instances, textual changes were necessarily made in proposed revisions incorporated as part of the formal amendments. For example, the provisions of § 107.704(c)(1) relating to a Licensee's purchase of its own stock have been liberalized, in subdivision (iii) thereof, to permit such stock purchases in an amount not to exceed two percent of its paid-in capital and paid-in surplus in any one fiscal year. This will enable Licensees to purchase their own stock, within the limits set forth, without the necessity of having, or capitalizing, accumulated unappropriated retained earnings through the issuance of a stock dividend, as a condition precedent to such reacquisition. In addition, SBA approval is not required. Another change made in § 107.704(c)(1), relates to the restrictions in subdivision (iv) thereof describing situations where a voluntary reduction of paid-in capital and paid-in surplus is prohibited. An exemptions provision has been added stating that SBA may in special instances grant an exemption from the prohibitions set forth where it finds that such action would further the purposes of the Act. Provision has also been made in subdivision (iv) of § 107.704(c)(1) that a proposed capital reduction shall not reduce the Licensee's cash (plus funds invested pursuant to § 107.710) to an amount less than 20 percent of its equity investments and long-term loans plus 100 percent coverage of its outstanding commitments and other legal obligations.

Section 107.704(c)(3) requires Licensees to obtain prior SBA approval before effecting an increase in capital. As amended, it also provides that Licensees shall report to SBA, within ten days, any reduction in capital made under § 107.704(c)(1). (The reporting requirement, as published in proposed form on June 2, 1964 (29 F.R. 7154), inadvertently omitted certain words between the phrase "paid-in capital and paid-in surplus", in line 2 of § 107.704(c)(3), and the word "consummated" immediately following it in line 2. Section 107.704(c)(3), as set forth below, corrects this omission.)

The amendments to §§ 107.302(a) and 107.704(g) authorizing a Licensee to merge with a non-Licensee as well as a Licensee company have been adopted, without change, in the form published for comment on June 2, 1964.

The amendment to § 107.205 incorporates into paragraph (b) thereof a detailed specification of necessary conditions which must be satisfied before SBA will approve a plan of dissolution incident to the proposed surrender of an SBIC license. It requires, among other things, that the plan of dissolution provide for a 20 percent cash reserve against Licensee's equity investments and long-term loans in order to meet possible additional financing requirements of portfolio concerns. This reserve must be maintained in addition to 100 percent coverage of Licensee's outstanding commitments and other legal obligations. In the judgment of the Administration, these requirements embody reasonable safeguards essential to the fair and orderly execution of the dissolution plan in a manner consistent with the purposes of the Act.

Because of the necessity of promptly applying these amendments to the program authorized under the Small Business Investment Act of 1958, they shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended as follows:

1. By redesignating the provisions of § 107.205 as paragraph (a) thereof and adding a new paragraph (b). As amended, § 107.205 reads as follows:

§ 107.205 Surrender of License and dissolution.

(a) A Licensee shall not surrender its license without prior written approval of SBA. Any request by a Licensee for approval of the surrender of a license shall be accompanied by a plan of dissolution. Such plan shall include provisions for the liquidation of assets, distribution thereof to shareholders, the surrender of the corporate charter, and the termination of the Licensee's existence as a corporate body. The plan shall provide for its consummation within a reasonable period of time and shall be subject to the approval of SBA. The surrender of the license shall become effective upon a determination by SBA that the provisions of the plan have been consummated.

(b) SBA will not approve a plan of dissolution leading to surrender of a license of any Licensee having paid-in capital and paid-in surplus from private sources of as much as $300,000 (excluding organizational expenses) unless it can be demonstrated to the satisfaction of SBA that:

(1) (i) There has been no major change in the Board of Directors of the Licensee or in parties owning, holding or controlling, directly or indirectly, 10 or more percent of its stock within one year previous to the date of application for approval of the surrender and plan of dissolution; and

(ii) Substantial efforts have been made to operate the Licensee successfully but due to conditions peculiar to the Licensee, it has been unable to accomplish the purposes of the Act; and

(iii) A 20 percent reserve consisting of cash plus funds invested pursuant to § 107.710 is to be maintained against Licensee's outstanding equity investments and long-term loans for the purpose of meeting possible requirements for additional financing of existing portfolio concerns. Such reserve shall be in addition to 100 percent coverage of Licensee's outstanding commitments and other legal obligations; or

(2) It would be in the best interest of the SBIC program to allow the Licensee to dissolve and surrender its license.

2. By deleting § 107.302(a) in its entirety and substituting a new § 107.302(a). As amended, § 107.302(a) reads as follows:

§ 107.302 Consideration for stock of Licensee.

(a) A Licensee may issue any of its securities for (1) cash, (2) direct obligations of, or obligations guaranteed as to principal and interest by, the United States, (3) securities of which it is the issuer, in connection with a reclassification approved by SBA, (4) services previously rendered to the Licensee, (5) physical assets to be currently employed in the operation of the Licensee, (6) as a dividend, and (7) in connection with a statutory or other type of merger or consolidation with another Licensee or non-Licensee company approved by SBA pursuant to § 107.704(g): *Provided, however,* That any shares of stock issued as part of the initial minimum capital required by § 107.202(c) may be issued only in consideration of the simultaneous payment of cash or upon the simultaneous transfer to the Licensee of securities permitted by § 107.202(c). A Licensee may issue its stock for Equity Securities of a small business concern pursuant to the provisions of section 304(c) of the Act.

* * * * *

3. By deleting § 107.704(c)(1) in its entirety and substituting a new § 107.704(c)(1); by deleting § 107.704(c)(3) and substituting a new § 107.704(c)(3); and by adding a new paragraph (g) to § 107.704. The substituted and added portions of § 107.704 read as follows:

§ 107.704 Activities of Licensee.

* * * * *

(c)(1)(i) A Licensee voluntarily may reduce its paid-in capital and paid-in surplus by an amount not exceeding one-third thereof at any time prior to August 1, 1966, and thereafter voluntarily may reduce its paid-in capital and paid-in surplus by an amount not exceeding one-third thereof at any time during each two-year period immediately subsequent thereto. The largest amount of Licensee's paid-in capital and paid-in surplus ever outstanding shall be used in computing and applying the one-third limitation hereunder.

(ii) Any voluntary reduction in paid-in capital and paid-in surplus consummated prior to July 29, 1964 shall be subtracted from the one-third amount

permitted during the first two years prior to August 1, 1966. The one-third limitation specified hereunder may be exceeded in order to redeem any outstanding preferred stock, or to qualify as a regulated investment company pursuant to section 851 of the Internal Revenue Code of 1954, as amended, or to consummate a quasi-reorganization approved by SBA, or to comply with any contractual arrangements between the Licensee and its stockholders approved by SBA prior to July 29, 1964. Any voluntary reduction in paid-in capital and paid-in surplus permissible within the limitations set forth herein may be accomplished only by a pro-rata distribution of such capital, except as permitted under subdivision (iii) of this subparagraph or where prior SBA approval is obtained permitting such reduction to be carried out in special instances under other plans of distribution. Licensees voluntarily shall not reduce their paid-in capital and paid-in surplus below $300,000, except as may be allowed pursuant to plan of dissolution approved by SBA under § 107.205.

(iii) A Licensee may purchase its own stock in an amount not exceeding two percent of its paid-in capital and paid-in surplus, as defined in subdivision (i) of this subparagraph, in any one fiscal year. Such stock purchases shall be subtracted from the maximum one-third reduction permitted under subdivision (i) of this subparagraph.

(iv) Except to the extent that an exemption may be granted by SBA in special instances as being in furtherance of the purposes of the Act, a Licensee may not reduce its paid-in capital and paid-in surplus pursuant to this section if (*a*) there has been a major change in its Board of Directors or in parties owning, holding or controlling, directly or indirectly, 10 or more percent of its stock within one year prior to the proposed reduction or (*b*) shares of stock issued by the Licensee are selling in the open market at a price per share which is equivalent to or less than that portion of book value per share which is represented by cash plus funds invested pursuant to § 107.710 or (*c*) the proposed reduction will reduce cash plus funds invested pursuant to § 107.710 to an amount which is less than 20 percent of the Licensee's equity investments and long-term loans plus 100 percent coverage of its commitments and other legal obligations. The foregoing provisions of this subdivision (iv) shall not be applicable to a Licensee having paid-in capital and paid-in surplus from private sources not exceeding $700,000.

(v) For a period of one year after accomplishing a reduction pursuant to this section, a Licensee will not be eligible for additional funds under § 107.301 and § 107.402: *Provided, however,* That this restriction shall not apply if the reduction in paid-in capital and paid-in surplus has been no greater than the amount permitted under subdivision (iii) of this subparagraph; and *Provided, further,* That an exemption from this restriction may be granted by SBA if it determines that such exemption is in furtherance of the purposes of the Act.

* * * * *

(3) A Licensee shall not increase its paid-in capital and paid-in surplus without prior written approval of SBA. A Licensee shall report to SBA within ten days any reduction in paid-in capital and paid-in surplus consummated pursuant to subparagraph (1) of this paragraph. Such report shall be in the form of a post-licensing amendment and shall set forth the date and amount of the reduction effected as well as the form and manner of distribution made to stockholders.

* * * * *

(g) Subject to the prior approval of SBA, a Licensee may participate as a party to a statutory or other type of merger or consolidation with another Licensee or non-Licensee company where the resultant company will qualify as a Licensee. The proposed merger or consolidation must be approved by a two-thirds majority vote of the stockholders of each company. SBA will give consideration to such a transaction if the attendant circumstances indicate that it will augment funds available to or will otherwise benefit the SBIC program. Applications for approval of the plan of merger or consolidation will be subject to such terms and conditions as SBA, in its discretion, may impose to assure, among other things, that (1) the plan is fair, equitable and feasible; (2) adequate provision is made with regard to the rights of dissenting stockholders; and (3) the management and investment plans of the resultant Licensee company are in conformity with applicable provisions of the Act and regulations and its portfolio securities are in conformity therewith or can be conformed within a reasonable period of time.

Dated: July 24, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-7520; Filed, July 28, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-WA-86]

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

Extension of Federal Airway

On April 25, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5563) and stated that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would designate a Federal airway from Rock Springs, Wyo., to Casper, Wyo.

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

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 17, 1964, as hereinafter set forth.

In § 71.123 (29 F.R. 1009), V-235 is amended to read as follows:

V-235 From Provo, Utah, to Fort Bridger, Wyo. From Rock Springs, Wyo., to Casper, Wyo.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

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

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

[F.R. Doc. 64-7467; Filed, July 28, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-31]

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

Alteration of Control Area Extensions and Transition Area

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter control area extensions and a transition area in the Southwest Region based on the requirement to adjust certain controlled airspace boundaries resulting from the redescription of airway widths in the implementation of the two-level airway system, effective September 17, 1964 (Airspace Docket No. 63-WA-74, 29 F.R. 8471).

Since these amendments only change the identities of controlled airspace and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 17, 1964, as hereinafter set forth.

1. In § 71.165 (29 F.R. 1073) the Shreveport, La., control area extension is altered to read:

That airspace bounded by a line beginning on the S boundary of V-278 at longitude 93°29'30" W., thence SE to the S boundary of V-18 at longitude 92°33'00" W., thence E along the S boundary of V-18 to the INT thereof with a line 5 miles SE of and parallel to the Monroe, La., VORTAC 237° radial, thence SW via this line to the INT thereof with V-114, thence NW along V-114 to the INT thereof with V-289, thence N along V-289 to the INT thereof with V-278, thence E along V-278 to the point of beginning.

2. In § 71.181 (29 F.R. 1160, 557), the Victoria, Tex., transition area is amended by deleting "to latitude 28°43'40" N., longitude 96°28'00" W.;" and substituting "through latitude 28°43'40" N., longitude 96°28'00" W.; to the N boundary of V-20." therefor.

3. In § 71.181 (29 F.R. 1160), the Deming, N. Mex., transition area is amended by deleting "thence N along the W boundary of V-19 to latitude 32°36'25" N., longitude 107°03'55" W., thence to latitude 32°30'45" N., longitude 106°42'-00" W.," and "on the north by a line from latitude 32°44'45" N., longitude

107°20'50" W. to latitude 32°41'50" N., longitude 107°06'20" W.," and substitute therefor "thence N along the W boundary of V–19 to latitude 32°36'25" N., thence to latitude 32°30'45" N., longitude 106°42'00" W.," and "on the N by a line extending from the E boundary of V–110 through latitude 32°44'45" N., longitude 107°20'50" W. and latitude 32°41'50" N., longitude 107°06'20" W., to the W boundary of V–19," respectively.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 22, 1964.

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

[F.R. Doc. 64–7465; Filed, July 28, 1964; 8.45 a.m.]

[Airspace Docket No. 64–CE–23]

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

Alteration of Transition Areas

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter transition areas in the Central Region. These actions are based on a requirement to adjust certain controlled airspace boundaries resulting from the redescription of airway widths in the implementation of the two-level airway system, effective September 17, 1964 (63–WA–74, 29 F.R. 8471).

Since these amendments change only the identities of controlled airspace and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 71.181 (29 F.R. 1160, 3356, 5457, 2999), the following transition areas are amended, effective 0001 e.s.t., September 17, 1964, as set forth below:

a. *Muskegon, Mich.* Delete "thence northwest to latitude 42°58'30" N., longitude 86°32'15" W.," and substitute "thence NW to latitude 42°58'50" N., longitude 86°32'30" W.," therefor.

b. *Oshkosh, Wis.* Delete "on the SE by a line extending from latitude 43°-41'20" N., longitude 87°58'40" W., to latitude 43°30'00" N., longitude 88°10'-00" W.," and substitute "on the SE by a line extending from latitude 43°41'40" N. longitude 87°58'10" W., to latitude 43°30'00" N., longitude 88°10'05" W.," therefor.

c. *Battle Creek, Mich.* Delete "on the SW by a line extending from latitude 41°40'00" N., longitude 85°37'25" W., to latitude 42°08'00" N., longitude 86°00'-00" W.," and substitute "on the SW by V–277," therefor.

d. *Kansas City, Mo.* Delete "thence NW to latitude 39°48'35" N., longitude 93°34'20" W.," and substitute "thence NW to latitude 39°48'55" N., longitude 93°34'30" W.," therefor; delete "thence SE to latitude 38°52'00" N., longitude 95°05'25" W.," and substitute "thence SE to latitude 38°53'00" N., longitude 95°05'10" W.," therefor.

e. *Topeka, Kans.* Delete "thence NE along the S boundary of V–10 to latitude 38°52'00" N., longitude 95°05'25" W.," and substitute "thence NE along the S boundary of V–10 to latitude 38°53'00" N., longitude 95°05'10" W.," therefor; delete "and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at latitude 40°01'50" N., longitude 96°42'25" W.," and substitute "and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at latitude 40°02'20" N., longitude 96°43'00" W.," therefor.

f. *St. Joseph, Mo.* Delete "SW to latitude 39°42'25" N., longitude 94°29'30" W.;" and substitute "SW along V–13 to latitude 39°44'00" N.;" therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 22, 1964.

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

[F.R. Doc. 64–7468; Filed, July 28, 1964; 8:45 a.m.]

[Airspace Docket No. 64–PC–7]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the transition area at Kaneohe, Hawaii.

This action is based on a requirement to adjust certain controlled airspace boundaries resulting from the redescription of airway widths in the implementation of the two-level airway system, effective September 17, 1964 (Airspace Docket No. 63–WA–74, 29 F.R. 8471).

Executive Order 10854 coordination is not considered necessary since this action concerns only a change in identity of the controlled airspace with no change in the over-all extent.

Since this amendment involves a change only in the identity of controlled airspace and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, in part, 0001 e.s.t., September 17, 1964, as hereinafter set forth.

In § 71.181 (29 F.R. 1160), the Kaneohe, Hawaii, transition area is amended by deleting "thence clockwise via the arc of a 40-mile radius circle centered on MCAS Kaneohe TACAN to latitude 21°44'30" N., longitude 157°13'20" W., thence to latitude 21°23'00" N., longitude 157°41'00" W.," and substituting "thence clockwise via the arc of a 40-mile radius circle centered on the MCAS Kaneohe TACAN to V–12, thence SW along the NW boundary of V–12 to latitude 21°-23'00" N., longitude 157°39'50" W.; thence to latitude 21°23'00" N., longitude 157°41'00" W.;" therefor.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on July 22, 1964.

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

[F.R. Doc. 64–7469; Filed, July 28, 1964; 8:45 a.m.]

[Airspace Docket No. 63–WE–130]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the transition area at Wendover, Utah.

This action is based on a requirement to adjust certain controlled airspace boundaries in conjunction with the implementation of the two-level airway system effective September 17, 1964 (63–WA–74, 29 F.R. 8471).

Since this amendment merely changes the identity of controlled airspace and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 17, 1964, as hereinafter set forth.

In § 71.181 (29 F.R. 1160), the Wendover, Utah, transition area is altered to read:

That airspace extending upward from 8,700 feet MSL bounded on the N by V–6, on the W by V–253, on the S by V–32 and on the E by a line extending from latitude 40°51'30" N., longitude 112°56'30" W., to latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°10'40" N., longitude 112°45'00" W.; to latitude 41°12'00" N., longitude 112°52'00" W.; thence N via longitude 112°52'00" W., to V–6.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 22, 1964.

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

[F.R. Doc. 64–7470; Filed, July 28, 1964; 8:46 a.m.]

[Airspace Docket No. 64–EA–38]

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

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Controlled Airspace Redescriptions

The Pittsburgh, Pa., VORTAC and the Pittsburgh radio beacon are facilities upon which terminal instrument approach procedures to Allegheny County Airport are based, but they do not serve the Greater Pittsburgh Airport. Each of these facilities is located more than 15 miles from Greater Pittsburgh Airport. This disassociation of name and airport served could lead to a misunderstanding

and contribute to an air safety problem. To avoid this possibility, the Federal Aviation Agency will rename these facilities as the Allegheny, Pa., VORTAC and the Allegheny, Pa., radio beacon.

Certain airspace descriptions must be amended to reflect this name change. These descriptions are being amended coincident with the revision to the airway and route structure (29 F.R. 8471) which is effective September 17, 1964.

Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

The following airspace descriptions are therefore amended, effective 0001 e.s.t., September 17, 1964, as hereinafter set forth.

1. In § 71.123 (29 F.R. 1009, 2336, 2337, 3001, 3226, 3756, 4963, 7237), V–8, V–12, V–37, V–40, V–41, V–115, V–214, V–250, and V–302 are amended by substituting "Allegheny," for "Pittsburgh,".

2. In § 71.165 (29 F.R. 1073), the Pittsburgh, Pa., control area extension is amended by substituting "Allegheny VORTAC" for "Pittsburgh VORTAC".

3. In § 71.171 (29 F.R. 1101), the Pittsburgh, Pa. (Allegheny County), control zone is amended by substituting "Allegheny" for "Pittsburgh" wherever it appears in the text.

4. In § 71.181 (29 F.R. 1160), the Pittsburgh, Pa., transition area is amended by substituting "Allegheny RBN" for "Pittsburgh RBN".

5. Section 71.203 (29 F.R. 1211) is amended by substituting "Allegheny, Pa." for "Pittsburgh, Pa."

6. Section 71.207 (29 F.R. 1223) is amended by substituting "Allegheny, Pa." for "Pittsburgh, Pa."

7. In § 75.100 (29 F.R. 1287, 1561), J–12, J–34, J–49, J–53 and J–80 are amended by substituting "Allegheny, Pa." for "Pittsburgh, Pa."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 22, 1964.

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

[F.R. Doc. 64–7466; Filed, July 28, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6103; Amdt. 776]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Aircraft

Several instances of cracks attributable to high frequency oscillation of the closing panels and trailing edge beam have occurred on flanges at the trailing edge hinge fittings of the stabilizer ribs on Boeing Model 727 aircraft. To correct this condition, an airworthiness directive is being issued to require repetitive inspection of the upper and lower flanges of the stabilizer trailing edge hinge fittings and repair of any parts found cracked. The manufacturer has developed a design change which reduces the stresses of oscillation to an acceptable figure. When this design change has been incorporated, the repetitive inspections of this AD may be discontinued.

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

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

BOEING. Applies to Model 727 aircraft, Serial Numbers 18300 through 18306, 18252 through 18261, 18360 through 18363, 18426, and 18428 through 18431.

Compliance required as indicated.

Cracks have occurred on flanges at the trailing edge hinge fittings of the stabilizer ribs at specific stations. These failures have been attributed to high frequency oscillation of the closing panels and the trailing edge beam. In order to correct this problem, accomplish the following or an equivalent approved by the Aircraft Engineering Division, FAA Western Region:

(a) Within 200 hours' time in service after the effective date of this AD, and at intervals not to exceed 200 hours' time in service thereafter, comply with either subparagraph (1) or (2).

(1) Inspect for cracks in accordance with paragraph I.C. of Boeing Service Bulletin 55–7.

(2) Visually inspect for cracks the lower flange of the fitting at elevator Stations 50.50, 99.79, and 136.50 and the upper flange of the fitting at Station 50.50 at the fastener locations for the applicable trailing edge beam. Confirm crack indications by a dye penetrant inspection.

(b) Repair cracked parts before further flight in accordance with a repair approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) When an airplane has been modified in accordance with paragraph II of Service Bulletin 55–7 the repetitive inspections specified herein may be discontinued. Immediately prior to accomplishing this modification, inspect and repair if cracks are found, in accordance with either paragraph (a)(1) or (a)(2).

(Boeing Service Bulletin 55–7 covers this same subject.)

This amendment shall become effective July 29, 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 July 22, 1964.

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

[F.R. Doc. 64–7471; Filed, July 28, 1964; 8:46 a.m.]

[Reg. Docket No. 5081; Amdt. 775]

PART 507—AIRWORTHINESS DIRECTIVES

Cessna Model 150 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to supersede Amendment 263, 26 F.R. 2114, AD 61–6–2, with a new directive to require inspection of all right-hand exhaust gas heat exchangers and replacement of any mufflers found cracked on Cessna Model 150 Series aircraft was published in 29 F.R. 6890.

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:

CESSNA. Applies to all Model 150 Series aircraft.

Compliance required within 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service, and thereafter within each 100 hours' time in service from the last inspection.

Several cases of cabin exhaust gas heat exchanger cracking have occurred, allowing carbon monoxide to enter the cabin with cabin heat "ON". To minimize the possibility of carbon monoxide contamination of cabin air, accomplish either (a) or (b):

(a) Inspect all right-hand exhaust gas heat exchangers (mufflers) by conducting a pressure test of 1½ p.s.i. as outlined in paragraph 12–93 of the Cessna 100 Series Service Manual dated November 1962.

(b) Conduct a ground test using a carbon monoxide indicator. The aircraft shall be headed into the wind and the engine warmed up on the ground. Advance throttle to full static r.p.m. with cabin heater "ON". With a dependable carbon monoxide indicator, take carbon monoxide readings of the heated air stream at the cabin heater deflector (P/N 0411824) on the firewall inside the cabin. Take another reading in free air 15 feet in front of the propeller. If carbon monoxide in the cabin is greater than in the free air, conduct the pressure test of 1½ p.s.i. on the right-hand exhaust gas heat exchanger (muffler) as prescribed in paragraph (a). In lieu of the ground test, a FAA approved equivalent flight test may be conducted.

(c) If the exhaust gas heat exchanger (muffler) is found to be cracked, replace before further flight with a serviceable muffler or new Cessna muffler P/N 0450338–62.

(Cessna Service Letter No. 150–23 dated January 17, 1961, covers this same subject.)

This supersedes Amendment 263, 26 F.R. 2114, AD 61–6–2.

This amendment shall become effective August 28, 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 July 22, 1964.

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

[F.R. Doc. 64–7472; Filed, July 28, 1964; 8:46 a.m.]

[Reg. Docket No. 5077; Amdt. 777]

PART 507—AIRWORTHINESS DIRECTIVES

Consolidated Aeronautics Models Lake LA–4, LA–4A and LA–4P Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requir-

ing modification of the engine breather tube on Consolidated Aeronautics Models Lake LA–4, LA–4A, and LA–4P aircraft was published in 29 F.R. 6806.

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:

CONSOLIDATED AERONAUTICS. Applies to all Models Lake LA–4, LA–4A, and LA–4P aircraft.

Compliance required prior to September 15, 1964.

To preclude the possibility of complete breather blockage and subsequent loss of engine oil due to icing, rework the uppermost (–37) elbow located on the oil breather separator container in accordance with Consolidated Aeronautics, Inc. Engineering Order No. 2–657, dated March 2, 1964. This rework consists of locating a ⅜-inch x 3/32-inch whistle slot ¾ inch from top of breather container.

(Consolidated Aeronautics, Inc. Service Letter No. 8, Revision No. 1, dated March 7, 1964, covers this same subject.)

This amendment shall become effective August 28, 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 July 22, 1964.

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

[F.R. Doc. 64–7473; Filed, July 28, 1964; 8:46 a.m.]

[Reg. Docket No. 6008; Amdt. 778]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics Models 240, 340 and 440 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of all nose landing gear retract forks and rework or replacement of any found cracked on General Dynamics Models 240, 340 and 440 Series aircraft was published in 29 F.R. 7247.

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:

GENERAL DYNAMICS. Applies to all Models 240, 340, and 440 Series aircraft incorporating nose landing gear retract fork, Menasco P/N 523526 R/L.

Compliance required as indicated.

In order to detect cracks and prevent the failure of the nose landing gear retract fork, Menasco P/N 523526 R/L, accomplish the following:

(a) Within 800 hours' time in service after the effective date of this AD, unless already accomplished within the last 200 hours' time in service, and thereafter at periods not to exceed 1,000 hours' time in service from the last inspection, inspect all nose landing gear retract forks, Menasco P/N 523526 R/L, for cracks in the $0.190 \pm {}^{0}_{0.030}$ inch radius at the upper end of the fork shank diameter using dye penetrant, magnetic particle, or an FAA approved equivalent inspection, and dimensionally inspect for a $0.190 \pm {}^{0}_{0.030}$ inch radius. Any fork having less than 0.160 inch minimum radius shall have the radius hand reworked to a $0.190 \pm {}^{0}_{0.030}$ inch radius. (Care should be taken that the adjacent 1.2500/1.2495 inch diameter is not undercut.) Refinish the reworked area in accordance with the instructions contained in Convair Service Airgram No. 179, dated June 18, 1956, or an FAA Western Region, Aircraft Engineering Division approved equivalent. If cracks are found in either half of the fork assembly, remove and replace the complete fork assembly with a new fork assembly before further flight.

(b) The repetitive inspections specified in (a) may be discontinued when the fork assembly has been remorked to the $0.190 \pm {}^{0}_{0.030}$ inch radius, and has been shot peened and refinished in accordance with the instructions contained in Convair Service Airgram No. 179, dated June 18, 1956, or an FAA Western Region, Aircraft Engineering Division approved equivalent.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, 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.

(Convair Service Airgram No. 179 dated June 18, 1956, covers this same subject.)

This amendment shall become effective August 28, 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 July 22, 1964.

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

[F.R. Doc. 64–7474; Filed, July 28, 1964; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–769]

PART 13—PROHIBITED TRADE PRACTICES

Alligator Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret, or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, The Alligator Company, St. Louis, Mo., Docket C–769, June 30, 1964]

Consent order requiring a St. Louis seller of wearing apparel to cease violating section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for the advertising of its products to certain department stores and others while not making proportional allowances available to all the favored customers' competitors—the effective date of the order to be postponed until further order of the Commission.

The order to cease and desist, along with further order postponing effective date of said order, is as follows:

It is ordered, That respondent The Alligator Company, 4153 Bingham Avenue, St. Louis, Missouri, a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be and it hereby is postponed until further order of the Commission.

Issued: June 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64–7477; Filed, July 28, 1964; 8:46 a.m.]

[Docket No. C–774]

PART 13—PROHIBITED TRADE PRACTICES

Lanz Originals, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, 13) [Cease and desist order, Lanz Originals, Inc., Los Angeles, Calif., Docket C–774, June 30, 1964]

Consent order requiring a Los Anegles, Calif., seller of wearing apparel to cease violating section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for the advertising of its products to certain department stores and others while not making proportional allowances available to all the favored customers' competitors—the effective date of the order to be postponed until further order of the Commission.

The order to cease and desist, including further order postponing effective date of said order, is as follows:

It is ordered, That respondent Lanz Originals, Inc., 6150 Wilshire Boulevard, Los Angeles 48, California, a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payments or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be and it hereby is postponed until further order of the Commission.

Issued: June 30, 1964.

By the Commission.

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

[F.R. Doc. 64-7478; Filed, July 28, 1964; 8:46 a.m.]

[Docket No. C-775]

PART 13—PROHIBITED TRADE PRACTICES

Smoler Bros., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Smoler Bros., Inc., Chicago, Ill., Docket C-775, June 30, 1964]

Consent order requiring a Chicago, Ill., seller of wearing apparel to cease violating section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for the advertising of its products to certain department stores and others while not making proportional allowances available to all the favored customers' competitors—the effective date of the order to be postponed until further order of the Commission.

The order to cease and desist, including further order postponing effective date of said order, is as follows:

It is ordered, That respondent, Smoler Bros., Inc., 2300 Wanansia Avenue, Chicago, Illinois, a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be and it hereby is postponed until further order of the Commission.

Issued: June 30, 1964.

By the Commission.

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

[F.R. Doc. 64-7479; Filed, July 28, 1964; 8:46 a.m.]

[Docket No. C-771]

PART 13—PROHIBITED TRADE PRACTICES

Sportempos, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Sportempos, Inc., New York, N.Y., Docket C-771, June 30, 1964]

Consent order requiring a New York City seller of wearing apparel to cease violating section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for the advertising of its products to certain department stores and others while not making proportional allowances available to all the favored customers' competitors—the effective date of the order to be postponed until further order of the Commission.

The order to cease and desist, including further order postponing effective date of said order, is as follows:

It is ordered, That respondent Sportempos, Inc., 525 Seventh Avenue, New York, N.Y., a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be and it hereby is postponed until further Order of the Commission.

Issued: June 30, 1964.

By the Commission.

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

[F.R. Doc. 64-7480; Filed, July 28, 1964; 8:46 a.m.]

[Docket No. C-770]

PART 13—PROHIBITED TRADE PRACTICES

Sportswear by Revere, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Sportswear by Revere, Inc., Wakefield, Mass., Docket C-770, June 30, 1964]

Consent order requiring a New York City seller of wearing apparel to cease violating section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for the advertising of its products to certain department stores and others while not making proportional allowances available to all the favored customers' competitors—the effective date of the order to be postponed until further order of the Commission.

The order to cease and desist, including further order postponing effective date of said order, is as follows:

It is ordered, That respondent Sportswear by Revere, Inc., 11 Lake Street, Wakefield, Massachusetts, a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products

manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be and it hereby is postponed until further order of the Commission.

Issued: June 30, 1964.

By the Commission.

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

[F.R. Doc. 64-7481; Filed, July 28, 1964; 8:46 a.m.]

[Docket No. C-772]

PART 13—PROHIBITED TRADE PRACTICES

Teal Traina, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Teal Traina, Inc., New York, N.Y., Docket C-772, June 30, 1964]

Consent order requiring a New York City seller of wearing apparel to cease violating section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for the advertising of its products to certain department stores and others while not making proportional allowances available to all the favored customers' competitors—the effective date of the order to be postponed until further order of the Commission.

The order to cease and desist, including further order postponing effective date of said order, is as follows:

It is ordered, That respondent Teal Traina, Inc., 550 Seventh Avenue, New York, N.Y., a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be and it hereby is postponed until further Order of the Commission.

Issued: June 30, 1964.

By the Commission

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

[F.R. Doc. 64-7482; Filed, July 28, 1964; 8:46 a.m.]

[Docket No. C-773]

PART 13—PROHIBITED TRADE PRACTICES

Max Wiesen & Sons, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Max Wiesen & Sons, Inc., New York, N.Y., Docket C-773, June 30, 1964]

Consent order requiring a New York City seller; of wearing apparel to cease violating section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for the advertising of its products to certain department stores and others while not making proportional allowances available to all the favored customers' competitors—the effective date of the order to be postponed until further order of the Commission.

The order to cease and desist, including further order requiring postponing of effective date of said order, is as follows:

It is ordered, That respondent Max Wiesen & Sons, Inc., 463 Seventh Avenue, New York, N.Y., a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be and it hereby is postponed until further Order of the Commission.

Issued: June 30, 1964.

By the Commission.

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

[F.R. Doc. 64-7483; Filed, July 28, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

DEFINITIONS AND INTERPRETATIONS

Following publication in the FEDERAL REGISTER of January 18, 1964 (29 F.R. 472), of § 121.200 *Definitions and interpretations applicable to Subpart C*, 23 comments and objections were received from interested persons. The effectiveness of this order was stayed by the Commissioner of Food and Drugs in a notice published in the FEDERAL REGISTER of February 25, 1964 (29 F.R. 2675), to permit further consideration of these comments.

All the comments suggested that the terms "finished feed," "supplement," "concentrate," and "premix" should not be used as alternative names for "complete feed," "feed additive supplement," "feed additive concentrate," and "feed additive premix," respectively. This is because the first-named terms are commonly used in the trade for feed and feed ingredients not containing medicaments. Based upon these comments and other relevant information, the Commissioner has concluded that the alternative terms provided in the order of January 18, 1964, should be deleted.

Ten comments included a suggestion that consideration be given to a totally new system of designation on the basis of a "type" or "blend" designation. No specific recommendations were included in these suggestions, and it cannot be concluded that such a system of designation would offer significant advantages at this time over the definitions as modified herein.

Three persons requested that the specific dilution ranges be omitted in the definitions for concentrate and premix. The reason for this comment was said to be because the definition for supplement and concentrate overlap, and confusion might result. The definitions of feed additive supplement and feed additive concentrate may overlap so far as permitting a given amount of medicament therein is concerned. The definitions do not actually overlap, however, because a feed additive supplement may be safely fed to the animal without further dilution; whereas, a feed additive concentrate may be legally shipped in interstate commerce, but it may be unsafe if fed undiluted to the animal. Direct feeding of the feed additive concentrate may also produce unsafe residues in the edible products from food-producing animals. It is concluded that these definitions should be retained.

One writer took exception to the "four-stage feeding program" presumably set up by the definitions of swine feeds.

The fact that these four terms have been selected for definition does not imply any endorsement of their use in a feeding program. It may become necessary to define additional terms used in swine or other animal husbandry as the use of the terms in regulations may dictate.

The Commissioner of Food and Drugs has also evaluated the data submitted in a petition (FAP 1269), filed by American Cyanamid Company, Post Office Box 400, Princeton, New Jersey, and other relevant material, and has concluded that § 121.200 should also be amended to provide for additional interpretative statements of food additive regulations by establishing optional statements that may be included in the labeling of additives subject to regulations under Subpart C. Such an amendment will provide for a more efficient enforcement of the act.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c), (d), 72 Stat. 1786 as amended, 21 U.S.C. 348 (c), (d)), 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 stay of § 121.200 (a) and (b) is lifted and § 121.200 is amended by changing paragraphs (a) and (b) to read as set forth below and by adding thereto a new paragraph (c).

1. As revised and amended, § 121.200 reads as follows:

§ 121.200 Definitions and interpretations applicable to Subpart C.

(a) Regulations prescribing conditions under which additives may be safely used in animal feed, animal feed supplements, concentrates, or premixes or in animals intended for food use shall not be construed to relieve such additives from the provisions of sections 505 and 507 of the act, where applicable, and § 121.7 and § 121.9 of the food additive regulations.

(b) For the purposes of this Subpart C:

(1) A "complete feed" is an article intended to be administered as the sole ration to an animal.

(2) A "feed additive supplement" is an article for the diet of an animal which contains one or more food additives, and is intended to be:

(i) Further diluted and mixed to produce a complete feed; or

(ii) Fed undiluted as a supplement to other rations; or

(iii) Offered free choice with other parts of the ration separately available.

A "feed additive supplement" is safe for the animal and will not produce unsafe residues in the edible products from food-producing animals if fed according to directions.

(3) A "feed additive concentrate" is an article intended to be further diluted to produce a complete feed or a feed additive supplement and is not suitable for offering as a supplement or for offering free choice without dilution. It contains, among other things, one or more additives in amounts, in a suitable feed base, such that from 100 to 1,000 pounds of concentrate must be diluted to produce 1 ton of a complete feed. A "feed additive concentrate" is unsafe if fed free choice or as a supplement, because of danger to the health of the animal or because of the production of residues in the edible products from food-producing animals in excess of the safe levels established in this Part 121.

(4) A "feed additive premix" is an article that must be diluted for safe use in a feed additive concentrate, a feed additive supplement, or a complete feed. It contains, among other things, one or more additives in high concentration in a suitable feed base such that up to 100 pounds must be diluted to produce 1 ton of a complete feed. A "feed additive premix" contains additives at levels for which safety to the animal has not been demonstrated and/or which may result, when fed undiluted, in residues in the edible products from food-producing animals in excess of the safe levels established in this Part 121.

(5) In feeding chickens:

(i) "Broiler chickens" are chickens raised for meat purposes only.

(ii) "Replacement chickens" are chickens being raised for the purpose of egg production.

(iii) "Laying chickens" are chickens producing eggs for food.

(iv) "Breeding chickens" are chickens producing eggs used for hatching.

(6) In feeding swine:

(i) "Prestarter ration" is a feed administered from the time the baby pigs begin to eat until they weigh approximately 12 pounds.

(ii) "Starter ration" is a complete feed administered to the animals as they grow in weight from approximately 10 pounds to 50 pounds.

(iii) "Grower ration" is a complete feed administered to the animals as they grow in weight from approximately 30 pounds to 125 pounds.

(iv) "Finisher ration" is a complete feed administered to the animals as they grow in weight from approximately 100 pounds to market weight.

(c) The statements listed in this paragraph may be used on labels, if desired, in addition to the "indications for use" required by the applicable section entries:

(1) Prevention and treatment of bacterial swine enteritis by use of chlortetracycline may bear one or more of the additional parenthetical disease entities such as: "(Salmonellosis or necrotic enteritis caused by *Salmonella cholerasuis* and vibrionic dysentery)" immediately after the required words "bacterial swine enteritis".

(2) [Reserved.]

The Commissioner has further concluded that with the adoption of the modified definitions the following editorial changes are necessary in the interest of clarity and consistency:

2. Section 121.205 *Reserpine* is amended in the following respects:

a. In paragraph (c) the word "finished" is changed to read "complete" in the headings for Tables 1 and 2.

b. Paragraph (d) is changed to read as follows:

§ 121.205 Reserpine.

* * * * *

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the label of the complete feed need not bear the quantities of the antibiotic drugs added solely for growth promotion.

(3) Adequate directions and warnings for use.

3. In § 121.207 *Zoalene*, paragraph (d) is changed to read as follows:

§ 121.207 Zoalene.

* * * * *

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the label of the complete feed need not bear the quantities of the antibiotic drugs added solely for growth promotion.

(3) Adequate directions and warnings for use, including a statement that such feeds may not be fed to laying birds.

4. Section 121.208 *Chlortetracycline* is amended as follows:

a. In paragraph (d) the word "finished" is changed to "complete" in the headings for Tables 1 and 2.

b. Paragraph (e) is amended to read:

§121.208 Chlortetracycline

* * * * *

(e) To assure safe use, the label and labeling of the additive, any combination of the additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the label of the complete feed need not bear the quantities of the antibiotic drugs added solely for growth promotion.

(3) Adequate directions and warnings for use.

5. Section 121.209 *Ronnel* is amended by changing the introduction to paragraph (b) to read:

§ 121.209 Ronnel.

* * * * *

(b) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed

additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

* * * * *

6. Section 121.210 *Amprolium* is amended as follows:

a. In paragraph (c), the word "Finished" in the heading of Table 1 is changed to read "Complete".

b. In paragraph (d), the introduction to the paragraph and subparagraphs (1) and (2) are changed to read as follows:

§ 121.210 Amprolium.

* * * * *

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the label of the complete feed need not bear the quantities of the antibiotic drugs added solely for growth promotion.

* * * * *

7. Section 121.212 *Novobiocin* is amended by changing the introduction to paragraph (d) to read as follows:

§ 121.212 Novobiocin.

* * * * *

(d) To assure safe use, the label and labeling of the additive, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

* * * * *

8. Section 121.213 *Hygromycin B* is amended by changing the introduction to paragraph (d) and subparagraphs (1) and (2) to read:

§ 121.213 Hygromycin B.

* * * * *

(d) To assure safe use, the label and labeling of the additive, any combination of the additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the label of the complete feed need not bear the quantities of the antibiotic drugs added solely for growth promotion.

* * * * *

9. Section 121.214 *Diethylcarbamazine* is amended by changing the introduction to paragraph (c) and paragraph (c)(3) to read:

§ 121.214 Diethylcarbamazine.

* * * * *

(c) To assure safe use of the additive, the label and labeling of the additive and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

* * * * *

(3) The word "medicated" prominently and conspicuously, on any feed preparation containing the additive, and in juxtaposition with the name of the feed preparation.

* * * * *

10. Section 121.217 *Tylosin* is amended by changing the introduction to paragraph (d) to read as follows:

§ 121.217 Tylosin.

* * * * *

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

11. Section 121.219 *Promazine hydrochloride* is amended by changing the introduction to paragraph (c) and paragraph (c) (3) and (6) to read as follows:

§ 121.219 Promazine hydrochloride.

* * * * *

(c) To assure safe use of the additive, the label and labeling of the additive and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

* * * * *

(3) Adequate directions and warnings for use.

* * * * *

(6) The word "medicated," prominently and conspicuously, on any feed preparation containing the additive, and in juxtaposition with the name of the feed preparation.

12. Section 121.220 *Nystatin* is amended as follows:

a. In paragraph (c)(3), the word "two" in the last sentence is changed to "one".

b. The introduction to paragraph (e) and paragraph (e)(2) are changed to read:

§ 121.220 Nystatin.

* * * * *

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

* * * * *

(2) A statement of the quantity or quantities contained therein, except that the label of the complete feed need not bear the quantities of antibiotic drugs added solely for growth promotion.

* * * * *

13. Section 121.222 *Verxite* is amended by changing the introduction to paragraph (c) to read as follows:

§ 121.222 Verxite.

* * * * *

(c) To assure safe use of the additive, the label of any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the name of the additive, and when the additive is present in excess of 1.0 percent, a statement of the quantity of the additive contained therein and the term "nonnutritive" in juxtaposition therewith.

14. Section 121.224 *Methyl esters of higher fatty acids* is amended by changing the introduction to paragraph (d) (1) and paragraph (d)(2) to read as follows:

§ 121.224 Methyl esters of higher fatty acids.

(d) * * *

(1) The label and labeling of the additive, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear:

* * * * *

(2) The label or labeling of the additive and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear adequate directions for use.

15. Section 121.225 *Antibiotics for growth promotion and feed efficiency* is amended by changing the introduction to paragraph (w)(1) and paragraph (w)(1)(iv) to read as follows:

§ 121.225 Antibiotics for growth promotion and feed efficiency.

* * * * *

(w) *Labeling requirements.* (1) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, or feed additive premix prepared therefrom, shall bear, in addition to the other information required by the act, the following:

* * * * *

(iv) Adequate mixing directions to provide a complete feed with the proper concentration of the additive or additives, whether or not intermediate feed additive supplements, feed additive concentrates, or feed additive premixes are also used.

16. Section 121.232 *Bacitracin* is amended by changing the introduction to paragraph (e) to read as follows:

§ 121.232 Bacitracin.

* * * * *

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

* * * * *

17. Section 121.233 *Zinc bacitracin* is amended by changing the introduction to paragraph (e) to read as follows:

§ 121.233 Zinc bacitracin.

* * * * *

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed shall bear, in addition to the other information required by the act, the following:

* * * * *

18. Section 121.237 *Nihydrazone* is amended as follows:

a. In paragraph (b) the heading of the table is changed to read: Nihydrazone in Complete Chicken Feed.

b. The introduction to paragraph (c) is changed to read:

§ 121.237 Nihydrazone.

* * * * *

(c) To assure safe use, the label and labeling of the additive and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

* * * * *

19. Section 121.238 *Bithionol* is amended by changing the introduction to paragraph (d) to read as follows:

§ 121.238 Bithionol.

* * * * *

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

* * * * *

20. Section 121.239 *Methiotriazamine* is amended by changing the introduction to paragraph (d) to read as follows:

§ 121.239 Methiotriazamine.

* * * * *

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

* * * * *

21. Section 121.241 *Diethylstilbestrol* is amended by changing the introduction to paragraph (c) to read as follows:

§ 121.241 Diethylstilbestrol.

* * * * *

(c) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed shall contain, in addition to the other information required by the act, the following:

* * * * *

22. Section 121.248 *Nitrofurazone* is amended by changing the introduction to paragraph (c) to read as follows:

§ 121.248 Nitrofurazone.

* * * * *

(c) To assure safe use, the label and labeling of the additive, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

* * * * *

23. Section 121.251 *Oxytetracycline* is amended as follows:

a. In paragraph (d), the heading of Table 1 is changed to read: Table 1—Oxytetracycline in Complete Chicken and Turkey Feed.

b. The introduction to paragraph (e) is changed to read as follows:

§ 121.251 Oxytetracycline.

* * * * *

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed shall bear, in addition to the other information required by the act, the following:

* * * * *

24. Section 121.252 *Bacitracin methylene disalicylate* is amended by changing the introduction to paragraph (e) to read as follows:

§ 121.252 Bacitracin methylene disalicylate.

* * * * *

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed shall bear, in addition to the other information required by the act, the following:

* * * * *

25. Section 121.253 *Arsanilic acid* is amended as follows:

a. In paragraph (c), the heading of the table is changed to read as follows: Arsanilic Acid in Complete Chicken and Turkey Feed.

b. The introduction to paragraph (d) is changed to read as follows:

§ 121.253 Arsanilic acid.

* * * * *

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

* * * * *

26. Section 121.254 *Sodium arsanilate* is amended as follows:

a. In paragraph (c), the table heading is changed to read: Sodium Arsanilate in Complete Chicken and Turkey Feed.

b. The introduction to paragraph (d) is changed to read as follows:

§ 121.254 Sodium arsanilate.

* * * * *

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

* * * * *

27. Section 121.255 *Furazolidone* is amended by changing the introduction to paragraph (d) to read as follows:

§ 121.255 Furazolidone.

* * * * *

(d) To assure safe use, the label and labeling of the additive and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

* * * * *

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of that part of this order having to do with amendments 2 through 27, inclusive, and I so find, since the amendments are editorial changes and/or serve to clarify or interpret the basic regulations in § 121.200, as amended.

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

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

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

Dated: July 23, 1964.

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

[F.R. Doc. 64-7537; Filed, July 28, 1964; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Clemizole Penicillin G; Clemizole Penicillin G-Streptomycin Sulfate Aqueous Suspension

Pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a) are amended by adding thereto the following new sections:

§ 141a.113 Clemizole penicillin G.

(a) *Potency.* Use either of the following procedures:

(1) *Bioassay.* Using the sodium penicillin G working standard as the standard of comparison, proceed as directed in § 141a.1, except in lieu of § 141a.1(d), prepare the sample as follows: Weigh accurately 100 milligrams of sample. Transfer into a convenient size volumetric flask, having a capacity of at least 200 milliliters, with 100 milliliters of 1 percent phosphate buffer, pH 6.0, and shake. Add approximately 100 milliliters of acetone and shake until solution is clear. If not clear, heat gently. Bring to volume with 1 percent phosphate buffer, pH 6.0, and shake again. Further dilute with sufficient 1 percent phosphate buffer, pH 6.0, to obtain a concentration of 1.0 unit per milliliter (estimated).

(2) *Chemical method*—(i) *Reagents.*

(*a*) 1*N* sodium hydroxide.

(*b*) 1*N* hydrochloric acid.

(*c*) 0.01*N* sodium thiosulfate.

(*d*) 0.01*N* iodine solution.

(*e*) Starch indicator solution (U.S.P. XVI T.S.).

(*f*) Ethly alcohol.

(ii) *Procedure.* Accurately weigh a sample. Determine the volume of solution to be added to give a concentration of 1,500–1,800 units per milliliter. Add one-half of this volume as ethly alcohol to completely dissolve the sample. Dilute the final volume with water so that the final solution is 1:1 alcohol-water. Pipette a 2-milliliter aliquot into each of two 125-milliliter Erlenmeyer or iodine flasks.

(*a*) To the first flask add 2 milliliters of 1*N* sodium hydroxide. Allow to stand for 15 minutes. Then add 2.7 milliliters of 1*N* hydrochloric acid, 10 milliliters of ethyl alcohol, and 10 milliliters of 0.01*N* iodine solution. Swirl and allow to stand for 15 minutes. Titrate with 0.01*N* sodium thiosulfate to a starch endpoint.

(*b*) To the second flask add 10 milliliters of ethyl alcohol, four drops of 1*N* hydrochloric acid, and 10 milliliters of 0.01*N* iodine solution. Titrate immediately with 0.01*N* sodium thiosulfate to a starch endpoint.

(*c*) Run a sodium penicillin G working standard simultaneously, using the identical procedure.

(iii) *Calculations.*

$$\frac{\text{Weight in milligrams of standard in the 2-ml. aliquot (approximately 2.0 mg.)}}{\text{Difference in titer of standard}} = \text{Factor A}$$

$$\frac{\text{Factor A} \times \text{difference in titer of sample} \times \text{dilution}}{\text{2 milliliters} \times \text{sample weight in grams}} = \text{Milligrams per gram calculated as sodium penicillin G}$$

$$\frac{\text{Milligrams per gram as sodium penicillin G} \times \text{assigned potency of standard in units per milligram}}{\text{1,000 mg. per gram}} = \text{Units per milligram}$$

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use Medium C in lieu of medium A, and medium F in lieu of medium E.

(c) *Pyrogens.* Proceed as directed in § 141a.3, except use 1.0 milligram per kilogram of a solution containing 2 milligrams per milliliter prepared by dissolving each 40 milligrams activity in 1.0 milliliter of *N-N*-dimethylacetamide and diluting with the required volume of sterile, pyrogen-free saline T.S.

(d) *Toxicity.* Proceed as directed in § 141a.4, except use 0.25 milliliter of a solution containing 4 milligrams per milliliter prepared by dissolving 40 milligrams activity in 1.0 milliliter of *N-N*-dimethylacetamide and diluting with the required volume of sterile saline T.S.

(e) *Moisture.* Proceed as directed in § 141a.5(a).

(f) *pH.* Proceed as directed in § 141a.5(c), using a saturated aqueous solution prepared by adding 100 milligrams per milliliter.

(g) *Crystallinity.* Proceed as directed in § 141a.5(b).

(h) *Penicillin G content.* Proceed as directed in § 141a.75(f) using a 100-milligram sample and the following formula for calculating the percent of clemizole penicillin G:

$$\text{Percent clemizole penicillin G} = \frac{\text{Milligrams of } N\text{-ethylpiperidine penicillin precipitate} \times 147.3}{\text{Weight of sample in milligrams}}$$

(i) *Identity.* Weigh 100 milligrams of sample and transfer to a 100-milliliter volumetric flask. Dissolve and dilute to volume with methyl alcohol. Dilute to 40 micrograms per milliliter with methyl alcohol and run an ultraviolet absorption spectrum on a suitable recording spectrophotometer from 350 millimicrons to 230 millimicrons. Characteristic peaks of maximum absorption should be observed at 283, 276, and 253 millimicrons (±2 $m\mu$ at each wavelength) and agree qualitatively with an authentic sample.

§ 141a.114 Clemizole penicillin G-streptomycin sulfate aqueous suspension.

(a) *Potency*—(1) *Clemizole penicillin content.* Use either of the following procedures:

(i) *Bioassay.* Proceed as directed in § 141a.1, except § 141a.1 (d) and (i). In lieu of the directions in § 141a.1(d), place a representative aliquot equivalent to one dose in a convenient size volumetric flask having a capacity of at least 200 milliliters. Add approximately 100 milliliters of 1 percent potassium phosphate buffer, pH 6.0, and shake. Add approximately 100 milliliters of acetone and shake. Bring to volume with 1 percent phosphate buffer, pH 6.0, and shake again. Further dilute with pH 6.0 buffer to 1.0 unit (estimated) per milliliter and assay against the sodium penicillin G working standard.

(ii) *Chemical method.* Use a representative aliquot equivalent to one dose as the sample, and proceed as directed in § 141a.113(a)(2). Calculate the potency as follows:

$$\frac{\text{Weight in milligrams of standard in the 2-ml. aliquot (approximately 2.0 mg.)}}{\text{Difference in titer of standard}} = \text{Factor A}$$

$$\frac{\text{Factor A} \times \text{difference in titer of sample} \times \text{dilutions}}{\text{2 ml.} \times \text{milliliters used (or dose)}} = \text{Milligrams per milliliters (or dose)}$$

$$\text{Milligrams per gram (or dose)} \times \text{assigned potency of standard} = \text{Units per milliter (or dose)}$$

The content of clemizole penicillin G is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Dilute a representative aliquot equivalent to one dose with sufficient distilled water to obtain a convenient stock solution. Proceed as directed in § 141b.101(j) of this chapter. The content of streptomycin sulfate is satisfactory if it contains not less than 90 percent of the number of milligrams that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method

described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation shake the tubes at least once daily.

(c) *Pyrogens.* Proceed as directed in § 141a.3, using as a test dose 2 milliliters per kilogram of a solution containing 5 milligrams of streptomycin per milliliter.

(d) *Toxicity.* Proceed as directed in § 141a.4, using as a test dose 0.5 milliliter of a solution of the sample containing 1.0 milligram of streptomycin per milliliter.

(e) *pH.* Proceed as directed in § 141a.5(b), using the undiluted aqueous suspension.

§ 146a.4 Clemizole penicillin G.

(a) *Standards of identity, strength, quality, and purity.* Clemizole penicillin is a crystalline clemizole salt of a kind of penicillin or a mixture of two or more such salts prepared from clemizole hydrochloride and penicillin. Clemizole penicillin G is clemizole penicillin containing not less than 85 percent of the total penicillin activity of a clemizole salt of penicillin G. It is so purified and dried that:

(1) Its potency is not less than 810 units per milligram.

(2) It is sterile.

(3) It is nonpyrogenic.

(4) It is nontoxic.

(5) Its moisture content is not more than 1.5 percent.

(6) Its pH in an aqueous suspension containing 100 milligrams per milliliter is not less than 5.0 and not more than 7.5.

(7) It exhibits absorption maximums at 283, 276, and 253 millimicrons when dissolved in methyl alcohol to a concentration of 40 micrograms per milliliter, and the spectrum is qualitatively identical to an authentic sample of clemizole penicillin G.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batchmark.

(2) The weight of the drug and the number of units in the immediate container.

(3) The statement "Expiration date _____", the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(4) The statement "For manufacturing use only".

(5) The statement "Caution: Federal law prohibits dispensing without prescription".

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him for potency, sterility, pyrogens, toxicity, moisture, pH, crystallinity, the penicillin G content, and identity.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drugs. The Commisioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i) and (3) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(2)(ii) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146a.5 Clemizole penicillin G-streptomycin sulfate aqueous suspension.

(a) *Standards of identity, strength, quality, and purity.* Clemizole penicillin G-streptomycin sulfate aqueous suspension is clemizole penicillin G suspended in an aqueous solution of streptomycin sulfate. Such suspension shall contain one or more suitable and harmless buffer substances, preservatives, and suspending or dispersing agents, and it may contain one or more suitable and harmless stabilizing agents. Each milliliter shall contain not less than 200,000 units of clemizole penicillin G and not less than 0.25 gram of streptomycin sulfate, but each immediate container shall contain not less than 400,000 units of clemizole penicillin G and not less than 0.5 gram of streptomycin sulfate. It is sterile, nonpyrogenic, nontoxic, and its pH is not less than 5.0 and not more than 7.5. The clemizole penicillin G used conforms to the requirements prescribed by § 146a.4(a). The streptomycin sulfate used conforms to the requirements prescribed by § 146b.101(a) or § 146b.106(a) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container shall be of colorless, transparent glass (unless it is packaged to contain a single dose), so closed as to be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, and shall be so sealed that the contents cannot be used without destroying such seal. The immediate container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each container shall contain not less than 2.0 milliliters and not more than 10.0 milliliters, and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in single or multiple doses.

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container, the statement "Store in refrigerator not above 15° C."

(ii) On the outside wrapper or container and the immediate container the statement "Expiration date_____", the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the

number of packages of each size in such batch, the number of units of clemizole penicillin G and the number of milligrams of streptomycin sulfate in each milliliter of the batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the clemizole penicillin G and streptomycin sulfate used in making such batch were completed, the date on which the latest assays of the drug comprising such batch were completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: For potency, sterility, pyrogens, toxicity, and pH.

(ii) The clemizole penicillin used in making the batch: For potency, crystallinity, penicillin G content, and identity.

(iii) The streptomycin sulfate used in making the batch: For potency, histamine content, and identity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 12 immediate containers.

Such samples shall be collected by taking single containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers, except if each immediate container contains less than 2.0 milliliters or 600,000 units, 40 immediate containers, collected at regular intervals throughout each filling operation.

(ii) The clemizole penicillin G used in making the batch: 10 packages each, containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146a.4(b).

(iii) The streptomycin sulfate used in making the batch: Five packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with requirements of § 146b.-101(b) of this chapter. If the streptomycin used in making the batch is a solution of the drug, the person who requests certification shall dry a sufficient quantity of the solution to meet these requirements.

(iv) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing approximately 5 grams.

(4) Neither the result referred to in subparagraph (2) (ii) and (iii) of this paragraph nor the samples referred to in subparagraph (3) (ii) and (iii) of this paragraph are required if such result or samples have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3) (ii), (iii), and (iv) of this section; $5.00 for each immediate container submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with paragraph (d)(3)(i)(*b*) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the drug clemizole penicillin G has been found to be safe and effective for use, conditions precedent to its certification, and since it is in the best interests of the public health to make clemizole penicillin G available for use at the earliest possible time.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 23, 1964.

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

[F.R. Doc. 64-7493; Filed, July 28, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 513—ASSISTANCE OF CREDITORS BY DEPARTMENT OF THE ARMY

Assignment and Transfer of Pay

A new § 513.2 is added, to read as follows:

§ 513.2 Assignment and transfer of pay.

(a) *Commissioned officers.* Commissioned and warrant officers wherever stationed and contract surgeons on duty in Alaska, Hawaii, Philippine Islands, or Puerto Rico, may assign or transfer their pay when due and payable. The transfer, hypothecation, pledge, or delivery to any person of pay not due for the purpose of obtaining credit or anything of value is unauthorized. See 10 U.S.C. 3689.

(b) *Enlisted members.* Enlisted members may not assign or transfer their pay. See 10 U.S.C. 3689.

[Par. 1-10, AR 37-104] (Sec. 3012, 70A Sat. 157; 10 U.S.C. 3012)

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

[F.R. Doc. 64-7488; Filed, July 28, 1964; 8:47 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 734—PAYMENT OF CERTAIN ALLOWANCES AND DIFFERENTIALS TO CIVILIAN EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES OF THE DEPARTMENT OF THE NAVY

Subchapter C is amended by adding the following new part:

Sec.
734.1 Purpose.
734.2 Scope.
734.3 Implementation.

AUTHORITY: The provisions of this Part 734 issued under R.S. 161, sec. 10, 65 Stat. 712, sec. 912, 68A Stat. 290, as amended, sec. 5031, 70A Stat. 278, as amended, sec. 203, 74 Stat. 793, sec. 202, 76 Stat. 517; 3 U.S.C. 301, 5 U.S.C. 22, 3035, 10 U.S.C. 133, 5031, 26 U.S.C. 912; E.O. 11137 (29 F.R. 223). Additional authority is cited in the sections affected.

§ 734.1 Purpose.

Part 734 provides for implementation in the Department of the Navy of Executive Order 11137 of January 7, 1964 (29 F.R. 223) relating to certain allowances and benefits for civilian employees of nonappropriated fund instrumentalities of the Armed Forces.

§ 734.2 Scope.

Executive Order 11137 authorizes the Secretary of each Military Department to prescribe regulations, subject to the approval of the Secretary of Defense, governing payments of allowances and differentials in foreign areas and cost-of-living allowances in nonforeign areas to civilian employees of nonappropriated fund activities of the United States under the jurisdiction of the Armed Forces covered by section 1 of the act of June 19, 1952, ch. 444 (5 U.S.C. 150k).

§ 734.3 Implementation.

With approval of the Department of Defense, the Commandant of the Marine Corps, the Chief of Naval Personnel, the Chief of the Bureau of Supplies and Accounts and the Chief of Industrial Relations have been directed to take action insuring that "allowances and differentials" and "cost-of-living allowances" which may be prescribed for civilian employees under Executive Order 11137 comply with the following:

(a) *Foreign areas "Overseas Differentials and Allowances".* (1) Foreign areas are defined as any areas (including the Trust Territory of the Pacific Islands) situated outside the United States, the Commonwealth of Puerto Rico, the Canal

Zone, and the possessions of the United States.

(2) The rates of payments authorized for the allowances and differentials which may be prescribed shall not, with respect to any locality, exceed those prescribed by the Department of State Standardized Regulations (Government Civilians, Foreign Areas) under Executive Order 10903 of January 9, 1961 (26 F.R. 217) for other employees of the United States in the same locality or those prescribed by Department of Defense memorandum (memorandum of the Assistant Secretary of Defense (Manpower)) of January 21, 1963, as amended.

(3) The types of allowances and differentials which may be prescribed shall be within the range of those provided in Department of Defense Directive 1418.1 of April 17, 1961, except that an education allowance may be paid as authorized in section 270 of the Department of State Standardized Regulations (Government Civilians, Foreign Areas) under Executive Order 10903.

(4) Allowances and differentials will be prescribed only for those employees who meet the eligibility requirements contained in section 030 of the Department of State Standardized Regulations (Government Civilians, Foreign Areas), including the requirement of United States citizenship, and whose rates of basic compensation are fixed in conformity with rates paid for work of a comparable level of difficulty and responsibility to employees stationed in the United States, exclusive of Alaska and Hawaii.

(b) *Nonforeign areas "Cost of Living Allowances".* (1) Nonforeign areas are defined as Alaska, Hawaii, the Commonwealth of Puerto Rico, Virgin Islands, Guam, and other areas listed in section 591.201 of Title 5 of the Code of Federal Regulations.

(2) The rates of payments authorized for the cost-of-living allowances which may be prescribed shall not, with respect to any locality, exceed those prescribed by the Civil Service Commission in regulations published in the Federal Personnel Manual, under Executive Order 10000 of September 16, 1948 (13 F.R. 5453), as amended, for other employees of the United States in the same locality.

(3) The cost-of-living allowances prescribed shall not apply to employees who are stationed in either the Canal Zone or in any "foreign area" as defined in paragraph (a)(1) of this section.

(4) Cost-of-living allowances will be prescribed only for those employees whose rates of basic compensation are fixed in conformity with rates paid, for work of a comparable level of difficulty and responsibility, to employees stationed in the United States, exclusive of Alaska and Hawaii.

By direction of the Secretary of the Navy.

Dated: July 24, 1964.

[SEAL] R. H. HARE,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

[F.R. Doc. 64-7521; Filed, July 28, 1964; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

St. Johns River, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.165a governing the use and navigation of a seaplane restricted area in St. Johns River, Florida, is hereby revoked effective on publication in the FEDERAL REGISTER since the area is no longer needed, as follows:

§ 207.165a St. Johns River, U.S. Naval Air Station, Jacksonville, Fla.; seaplane restricted area.

[Revoked.]

[Regs., 15 July 1964, 1507-32 (St. Johns River, Fla.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 64-7489; Filed, July 28, 1964; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Grants to Republic of the Philippines

1. Immediately preceding § 1.600 an editorial note is added to read as follows:

EDITORIAL NOTE: The following regulations, approved by the Director of the Bureau of the Budget, implement the "Agreement Between the Government of the United States of America and the Government of the Republic of the Philippines on the Use of the Veterans Memorial Hospital and the Provision of Medical Care and Treatment of Veterans by the Government of the Philippines, and the Furnishing of Grants-in-Aid Thereof by the Government of the United States of America," dated June 30, 1958, as amended June 28, 1963 (Treaties and Other International Acts Series 4067), and are issued pursuant to the delegation of authority to the Administrator of Veterans Affairs by the President of the United States, dated June 13, 1963, such action having been taken under the provisions of 38 U.S.C. 632.

2. In § 1.600, paragraphs (c) and (d) are amended to read as follows:

§ 1.600 Scope of grants program.

* * * * *

(c) To provide that the period of the contract may be for a period of not more than 10 consecutive fiscal years beginning July 1, 1958; and

(d) To provide that the total of payments for such hospital care plus any payments for authorized travel expenses incident to the hospitalization of Commonwealth Army veterans shall not exceed the amounts provided by the appropriation acts of the Congress of the United States for each fiscal year and in no event shall exceed $2,000,000 for any 1 fiscal year ending before July 1, 1963, nor $500,000 for any 1 fiscal year beginning on or after July 1, 1963.

3. In § 1.605, paragraph (b) is amended to read as follows:

§ 1.605 Hospitalization prior to determination by Veterans Administration of legal eligibility and medical need.

* * * * *

(b) The Secretary of National Defense of the Philippine Government may, depending on the circumstances, either hospitalize a Commonwealth Army veteran prior to an official determination by the Veterans Administration of his legal eligibility and medical need; or require such determination prior to the furnishing of hospital care. However, no liability for reimbursement shall accrue to the Veterans Administration for any hospital care of a Commonwealth Army veteran until legal eligibility and medical need for hospital care have been determined by the Veterans Administration. When such determination has been made, reimbursement for the care furnished from the date of admission will be made, provided the Veterans Administration was notified within 72 hours from the date of admission. Such notification may be made by telephone, telegram, letter, etc. An exception to the 72-hour limitation may be made by the Clinic Director, Veterans Administration Regional Office, Manila, when the circumstances warrant the decision by him that delay in notification was fully justified. Reimbursement, otherwise, will be made from the date of receipt of such notification. Hospital care in the Philippines of Commonwealth Army veterans determined by the Veterans Administration to be in need of such care shall not be limited to the Veterans Memorial Hospital. Such facilities will be used, however, to the maximum extent feasible in the hospitalization of such veterans.

4. In § 1.611, paragraph (c) is amended and paragraph (e) is added to read as follows:

§ 1.611 Reimbursement basis.

* * * * *

(c) Separate invoices will be submitted monthly to cover hospital care for Commonwealth Army veterans. Payments made for care of these veterans will be made from the amounts provided by the appropriation acts of the Congress of the United States for hospital care in the Republic of the Philippines of Commonwealth Army veterans. The total charges for such care plus any authorized travel expenses incident to the hospitalization of such veterans shall in no event exceed the appropriation provided for any 1 fiscal year and in no event shall exceed $2,000,000 for any 1 fiscal year ending before July 1, 1963, nor $500,000 for any 1 fiscal year beginning on or after July 1, 1963.

* * * * *

(e) During the contract period specified in § 1.600(c) and upon request of the Philippine Government, reimbursements for medical services provided to Commonwealth Army veterans or to

United States veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Veterans Administration to the Veterans Memorial Hospital at valuations therefor as determined by the Administrator of Veterans Affairs, provided the valuations so determined shall not be less than the cost of the items furnished, including transportation.

5. Sections 1.615 and 1.627 are revised to read as follows:

§ 1.615 **Outpatient treatment.**

The Administrator of Veterans Affairs will for a period coterminous with the period covered by the contract referred to in § 1.600, provide medical outpatient treatment in the Republic of the Philippines for Commonwealth Army veterans determined by the Administrator of Veterans Affairs to be in need of such medical outpatient treatment for service-connected disabilities. Expenses incident to such treatment shall be borne by the Administrator of Veterans Affairs and shall not be chargeable to the $2,000,000 ceiling nor to the $500,000 ceiling for hospitalization and travel expenses of Commonwealth Army veterans referred to in § 1.600(d).

§ 1.627 **Additional regulations and amendments.**

The Administrator of Veterans Affairs, subject to the approval of the Director of the Bureau of the Budget, may amend the regulations pertaining to Grants to the Republic of the Philippines and promulgate and amend further regulations from time to time as in his judgment, circumstances require; *Provided*, That such amendment or regulation shall be consistent with the provisions of the "Agreement Between the Government of the United States of America and the Government of the Republic of the Philippines on the Use of the Veterans Memorial Hospital and the Provision of Medical Care and Treatment of Veterans by the Government of the Philippines, and the Furnishing of Grants-in-Aid Thereof by the Government of the United States of America," dated June 30, 1958, as amended June 28, 1963.

(72 Stat. 1146; 38 U.S.C. 633)

These VA Regulations are effective the date of approval.

Approved: July 24, 1964.

By direction of the Administrator.

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

[F.R. Doc. 64-7522; Filed, July 28, 1964; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15401; FCC 64-688]

PART 89—PUBLIC SAFETY RADIO SERVICES

Eligibility Criteria in Local Government Radio Service

Report and order. 1. The Commission issued a notice of proposed rule making in the above-entitled matter which was duly published in the FEDERAL REGISTER (April 8, 1964, 29 F.R. 4923) inviting comments in favor of or in opposition to the amendments proposed therein. The date for submitting such comments has passed, and all those which were timely filed have been considered by the Commission in reaching its determinations set forth below.

2. Comments on the proposal were received from nine sources.[1] All comments favored expanding eligibility in the Local Government Radio Service to include "districts" and "authorities." It was agreed by all those commenting that the need of such entities for communication facilities is genuine, and that under the existing rules these entities were generally precluded from obtaining adequate communication systems.

3. Generally the comments supported the proposal that park authorities and school districts continue to be excluded from eligibility for the reasons stated in the notice of proposed rule making. The California State Communications Advisory Board in its comments agreed that inclusion of these entities would result, in some areas, in overloading of presently available Local Government frequencies, but felt that these entities were deserving, and therefore, additional frequencies should be allocated to the Local Government Service so that park authorities and school districts could be included. The California Public-Safety Radio Association (CPRA) contended that school districts should not be excluded from eligibility since the alternative services available to them are frequently unreliable due to extremely heavy loading; not suited to their needs; or, unavailable through a parent entity where the school districts are not coextensive with city or county boundaries. CPRA also recommended that additional Local Government frequencies be allocated so that school districts can be accommodated. It was further recommended by CPRA that as an interim solution, the Special Emergency Radio Service rules be relaxed to allow school districts to conduct all their communications in this service. The allocation of additional frequencies to the Local Government Radio Service and the relaxation of certain Special Emergency Radio Service rules are not matters properly before the Commission in this Docket and, therefore, will not be given consideration at this time. With respect to the CPRA position that school districts be made eligible even though no new frequencies are made available, the Commission believes that, due to the large number of such entities, substantial interference would result. The majority of comments support this position. It should be noted that although none of the alternative services available to school districts permit the omnibus communications of the Local Government Radio Service, school districts can fulfill most, if not all, of their needs by using those services now available to them. On balance, it appears that the reasons for including school districts as eligibles are outweighed by the factors discussed above. Therefore, until such time as the frequency situation improves, school districts will continue to be excluded from eligibility in the Local Government Radio Service. The comments advanced no arguments for including park authorities; therefore, they also will be excluded as proposed.

4. Under the proposed relaxation, the following types of governmental entities will become eligible in the Local Government Radio Service: metropolitan districts, public service districts, municipal improvement districts, sanitation districts, mosquito control districts, power districts, levee districts, air pollution districts, sewer districts, port authorities, transit authorities, etc. This list is intended to be representative only, not all inclusive.

5. The Commission has carefully considered all comments received in this proceeding and does not believe that the information presented therein warrants any change in the amendments proposed.

6. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that Part 89 of the Commission's rules is amended as set forth below.

It is further ordered, That these amendments are effective September 8, 1964.

[1] San Diego Unified Port District
The City of San Diego
Metropolitan St. Louis Sewer District
City of Burbank
International Municipal Signal Association and the International Association of Fire Chiefs
Associated Public-Safety Communications Officers, Inc.
Oro Loma Sanitary District
California Public-Safety Radio Association, Inc.
California State Communications Advisory Board

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 22, 1964.

Released: July 24, 1964.

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

Part 89 of the Commission's rules is amended as follows:

Section 89.251 is amended to read as follows:

§ 89.251 **Eligibility.**

Authorizations for stations in the Local Government Radio Service will be issued only to territories, possessions, states, other governmental subdivisions including counties, cities, towns and similar governmental entities including districts and authorities but not including school districts or park authorities.

[F.R. Doc. 64-7543; Filed, July 28, 1964; 8:51 a.m.]

[Docket No. 14970; FCC 64-681]

PART 93—LAND TRANSPORTATION RADIO SERVICES

Scope of Service

In the matter of amendment of Part 16,[1] Subpart H, § 16.357, of the Commission's rules governing the Railroad Radio Service, to allow the transmission, in certain instances, of public telegrams, over railroad radio facilities; Docket No. 14970, RM-400.

Report and order. 1. By reason of our order in this document—"American railroads may use their microwave radio facilities to handle public telegraph messages as agents for telegraph common carriers in those areas where public telegraph service cannot be efficiently provided through other railroad facilities."

2. This proceeding was instituted in response to a petition of the Association of American Railroads which sought waiver, interpretation, or amendment of the Commission's rules, "* * * so that licensees of microwave radio systems in the Railroad Radio Service may transmit public telegrams over microwave circuits as is now done over railroad wireline systems." Our notice of proposed rule making in this proceeding was published in the February 27th, 1963 edition of the FEDERAL REGISTER at volume 28, page 1807. The time within which both original and reply comments might be filed has expired.

3. Original Comments were filed by the Association of American Railroads (the Petitioner in this proceeding) and the Western Union Telegraph Company. The American Telephone and Telegraph Company, while not filing Original Comments, did file Reply Comments. All matter filed was carefully read and considered before arriving at our conclusion to amend Part 93 of the rules in the manner and for the reasons noted below.

4. Our purpose in instituting this proceeding, and indeed, in concluding it as we do, was and is, to enable the public to continue to receive telegraph service in some unique locations throughout the country. These locations are unique in the sense that the only telegraph service available is that which may be obtained at the nearest railroad station. At these stations, railroad employees serve as agents for the telegraph company; and the railroad company's communications facilities are oftentimes used in the rendition of this telegraph service.

5. Maintenance or continuation of this traditional telegram handling service has been jeopardized recently by reason of the fact that radio facilities have replaced many of the railroads' wireline circuits; and these radio facilities cannot be used to render a communications common carrier service (§ 93.2, Land Transportation Radio Services).

6. No objections to the substance of our proposal in this proceeding were voiced. All parties participating however, suggested certain changes in the form or the text of the rule that we had proposed. Upon examination of these suggested changes, we find that the language recommended by A.T. & T. best portrays the terms and circumstances upon which we intend to allow this collateral use of railroad microwave facilities. Accordingly, the language suggested by A.T. & T. is included in the adopted rule amendment.

7. In view of the foregoing, the Commission finds that the public interest, convenience, and necessity will be served by the amendment ordered herein, and consequently, pursuant to authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered,* That effective September 8, 1964, § 93.357(d) of our Railroad Radio Service Rules is amended to read as follows, and the proceedings in this Docket No. 14970 are hereby terminated:

§ 93.357 **Scope of service.**

* * * * *

(d) The provisions of § 93.2 notwithstanding, Operational Fixed stations licensed to operate in the Railroad Radio Service may be used by railroads to handle public telegraph messages as agents of telegraph common carriers in those instances where such public telegraph service cannot be efficiently provided through other railroad facilities.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303)

Adopted: July 22, 1964.

Released: July 24, 1964.

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

[F.R. Doc. 64-7544; Filed, July 28, 1964; 8:51 a.m.]

[1] Subsequent to the initiation of this proceeding, Part 16 of the Commission's rules was redesignated Part 93. In the body of this document, the redesignated prefix 93. — will be used.

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Page Charges in Scientific Journals

Part 9-15 is amended by adding the following new section:

§ 9-15.5010-16 **Page charges in scientific journals.**

It is a policy of the AEC to permit AEC contractors to budget for and pay page charges for scientific journal publication as a necessary part of research costs, in all cases where:

(a) The research papers report work supported by the Government.

(b) The charges are levied impartially on all research papers published by the journal, whether by non-Government or by Government authors.

(c) Payment of such charges is in no sense a condition for acceptance of manuscripts by the journal.

(d) The journals involved are not operated for profit.

(e) The author does not receive an emolument from the journal for the research paper.

Effective date: This regulation shall become effective 45 days following the date of publication in the FEDERAL REGISTER, but may be observed earlier.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Dated at Germantown, Md., this 21st day of July 1964.

For the U.S. Atomic Energy Commission.

JAMES SCAMMAHARN,
Acting Director,
Division of Contracts.

[F.R. Doc. 64-7490; Filed, July 28, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Group-Term Life Insurance Purchased for Employees

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 204 (in part) of the Revenue Act of 1964 (78 Stat. 36), and to make certain other changes, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (d)(2) of § 1.61–2 is amended to read as follows:

§ 1.61–2 Compensation for services, including fees, commissions, and similar items.

* * * * *

(d) *Compensation paid other than in cash.* * * *

(2)(i) *Property transferred to employee or independent contractor.* Except as otherwise provided in section 421 and the regulations thereunder (relating to employee stock options) and § 1.61–15, if property is transferred by an employer to an employee, or if property is transferred to an independent contractor, as compensation for services for an amount less than its fair market value, then regardless of whether the transfer is in the form of a sale or exchange, the difference between the amount paid for the property and the amount of its fair market value at the time of the transfer is compensation and shall be included in the gross income of the employee or independent contractor. In computing the gain or loss from the subsequent sale of such property, its basis shall be the amount paid for the property increased by the amount of such difference included in gross income.

(ii) *Cost of life insurance on the life of the employee.* Generally, life insurance premiums paid by an employer on the life of his employee where the proceeds of such insurance are payable to the beneficiary of such employee are part of the gross income of the employee. However, the amount includible in the employee's gross income is determined with regard to the provisions of section 403 and the regulations thereunder in the case of an individual contract issued after December 31, 1962, or a group contract, which provides incidental life insurance protection and which satisfies the requirements of section 401(g) and § 1.401–9, relating to the nontransferability of annuity contracts. For the special rules relating to the includibility in an employee's gross income of an amount equal to the cost of group-term life insurance on the employee's life as defined in paragraph (b)(1) of § 1.79–1 which is carried directly or indirectly by his employer, see section 79 and the regulations thereunder. For special rules relating to the exclusion of contributions by an employer to accident and health plans for the employees, see section 106 and the regulations thereunder.

* * * * *

PAR. 2. There are inserted immediately after § 1.77–2 the following new sections:

§ 1.79 Statutory provisions; group-term life insurance purchased for employees.

Sec. 79. *Group-term life insurance purchased for employees*—(a) *General rule.* There shall be included in the gross income of an employee for the taxable year an amount equal to the cost of group-term life insurance on his life provided for part or all of such year under a policy (or policies) carried directly or indirectly by his employer (or employers); but only to the extent that such cost exceeds the sum of—

(1) The cost of $50,000 of such insurance, and

(2) The amount (if any) paid by the employee toward the purchase of such insurance.

(b) *Exceptions.* Subsection (a) shall not apply to—

(1) The cost of group-term life insurance on the life of an individual which is provided under a policy carried directly or indirectly by an employer after such individual has terminated his employment with such employer and either has reached the retirement age with respect to such employer or is disabled (within the meaning of paragraph (3) of section 213(g), determined without regard to paragraph (4) thereof),

(2) The cost of any portion of the group-term life insurance on the life of an employee provided during part or all of the taxable year of the employee under which—

(A) The employer is directly or indirectly the beneficiary, or

(B) A person described in section 170(c) is the sole beneficiary,

for the entire period during such taxable year for which the employee receives such insurance, and

(3) The cost of any group-term life insurance which is provided under a contract to which section 72(m)(3) applies.

(c) *Determination of cost of insurance.* For purposes of this section and section 6052, the cost of group-term insurance on the life of an employee provided during any period shall be determined on the basis of uniform premiums (computed on the basis of 5-year age brackets) prescribed by regulations by the Secretary or his delegate. In the case of an employee who has attained age 64, the cost prescribed shall not exceed the cost with respect to such individual if he were age 63.

[Sec. 79 as added by sec. 204(a)(1), Rev. Act 1964 (78 Stat. 36)]

§ 1.79–1 General rules relating to group-term life insurance purchased for employees.

(a) *Applicable rules.* (1) With respect to group-term life insurance provided for any period ending on or before December 31, 1963, no amount with respect to the cost of group-term life insurance on the life of an employee provided under a policy or policies carried directly or indirectly by his employer is required to be included in the employee's gross income.

(2) With respect to group-term life insurance provided for any period after December 31, 1963, section 79 prescribes the rules regarding the inclusion in an employee's gross income of an amount equal to the cost of group-term life insurance on his life which is provided under a policy carried directly or indirectly by his employer. Except as otherwise provided in section 79(b) and § 1.79–2, section 79 requires that an amount equal to the cost of group-term life insurance on an employee's life provided after December 31, 1963, for part or all of any taxable year of the employee ending after such date, under a policy (or policies) carried directly or indirectly by his employer (or employers) be included in his gross income to the extent that such cost exceeds the sum of (i) the cost of $50,000 of such insurance, and (ii) the amount (if any) paid by the employee toward the purchase of such insurance. Section 1.79–3 contains the rules applicable to the determination of the amount equal to the cost of group-term life insurance on the employee's life to which section 79 applies.

(3) If the proceeds of a policy of group-term life insurance on the life of an individual are payable to such individual or his beneficiary, and if the provisions of subparagraph (1) or (2) of this paragraph do not apply to such policy, then the determination of whether an amount is includible in the individual's gross income is made with regard to the provisions of section 61(a) and the regulations thereunder. If an amount is includible in the gross income of the in-

dividual by reason of the provisions of section 61(a) and the regulations thereunder, then such amount is equal to the cost of the group-term life insurance on the individual's life reduced by the amount paid by the individual for such insurance. For example, if group-term life insurance is provided on the life of the employee's spouse, or is not provided as compensation for personal services rendered as an employee, or is not provided under a policy carried directly or indirectly by the employee's employer, then subparagraphs (1) and (2) of this paragraph do not apply and the rules set forth in this subparagraph apply.

(b) *Meaning of terms.* The following terms are defined for purposes of section 79, this section, and §§ 1.79-2 and 1.79-3:

(1) *Group-term life insurance policy*—(i) *Requirements.* A group-term life insurance policy is a policy providing life insurance protection which satisfies the requirements set forth in subdivisions (ii) through (v) of this subparagraph.

(ii) *A single policy of life insurance covering a number of lives.* (*a*) The life insurance protection must be provided under a single policy covering a number of lives, and the insured persons entitled to the benefits of the policy must not be the contracting parties with respect to the group policy. The requirements of this subdivision are not satisfied to the extent that the employer takes out individual policies of life insurance on the lives of his employees.

(*b*) The term "policy" as used in (*a*) of this subdivision includes any contract of insurance, or portion thereof, which is a life insurance contract for purposes of applying the provisions of section 101(a); except that such term does not include any such contract, or portion of a contract, to the extent it is a contract of travel insurance or accident and health insurance which does not provide general death benefits. Thus, the term "policy" as used in (*a*) of this subdivision does not include, for example, a double indemnity clause or rider, since under such portion of a contract only an accident benefit is payable.

(iii) *Paid-up or similar value.* The policy described in subdivision (ii) of this subparagraph must not contain any paid-up or similar value at any time. A provision that, if the group-term life insurance, or any portion of it, ceases because of the employee's termination of employment (or termination of membership in the class eligible for coverage under the group contract), such employee shall be entitled to have issued to him by the insurer an individual contract of life insurance, is not considered to be the provision under the contract of a paid-up or similar value. Furthermore, a provision containing a similar right of conversion in the event of termination of the group contract (or termination of the insurance of any class of insured persons under the group contract) is not considered to be the provision under the contract of a paid-up or similar value.

(iv) *Individual selection of amounts of coverage.* The amounts of insurance protection provided under the policy described in subdivision (ii) of this subparagraph must be based upon some plan precluding individual selection of such amounts by the employer, the employee, or by those acting on behalf of such individuals. For example, a noncontributory policy issued to a single employer with 25 employees with a certificate of $100,000 on one employee and individual certificates of $1,000 on each of the other employees does not satisfy the requirement that the amounts of insurance protection provided be based upon some plan precluding individual selection.

(v) *Plan arranged for by the employer for his employees.* (*a*) The insurance protection provided under the policy described in subdivision (ii) of this subparagraph is provided under a plan arranged for by the employer for his employees. The provisions of the plan of the employer may be incorporated in a separate written document or may be incorporated in the policy of group-term life insurance. For purposes of determining whether the requirements of this subdivision are satisfied, the plan of each employer is considered separately even though the policy which provides insurance protection for the employees covered under the plan also provides insurance protection for the employees of more than one employer. Furthermore, if the plan of one employer does not satisfy the requirements of this subdivision, such failure to qualify does not affect the qualification of the plan of any other employer who provides his employees with group-term life insurance protection under the same policy.

(*b*) The group of lives insured under the plan must include all of the employees of the employer, or a class or classes of such employees if the members of such class or classes are determined on the basis of factors pertaining to their employment with the employer (including membership in a union whose employees are employed by the employer). However, the determination as to whether the requirements of the preceding sentence are satisfied is not affected by the fact that individuals are covered under the plan who are not employees as defined in subparagraph (2) of this paragraph.

(*c*) If all the employees of the employer are not covered under the employer's plan, the factors used in determining the class or classes of employees to be covered under the plan must be solely those pertaining to their employment. For example, if the plan of the employer limits coverage to officers who are shareholders, the plan does not satisfy the requirements of this subdivision. Furthermore, the coverage under the plan of the employer must in operation conform to the provisions relating to the eligibility of employees which are incorporated therein.

(2) *Employee.* (i) The term "employee" has reference to the legal and bona fide relationship of employer and employee. For rules applicable to the determination of whether the employer-employee relationship exists, see section 3401(c) and the regulations thereunder. The term "employee" does not include any individual whose group-term life insurance protection is furnished by reason of his services as a self-employed individual even though such an individual may be treated as an employee under the terms of the policy. Thus, for example, if an individual had performed services for the employer as a "common-law" employee and such individual is currently performing services for the same employer as an independent contractor, the determination of whether the individual is an employee as defined in this subparagraph depends upon whether, under the terms of the plan for providing group-term life insurance protection on such individual's life, such individual's coverage is based upon his former services as an "employee" or upon his current services as a self-employed individual.

(ii) With respect to group-term life insurance provided after December 31, 1963, in taxable years ending after such date, full-time life insurance salesmen described in section 7701(a)(20) are included within the class of persons considered to be employees.

(3) *Carried directly or indirectly.* A policy of group-term life insurance on an employee's life is carried directly or indirectly by his employer if such employer pays directly or through another person any part of the cost of such insurance, or if such employer arranges for the payment of the cost of such insurance by the employees and charges less than the cost of such insurance, as determined under the provisions of § 1.79-3, to some employees (such as those in older age brackets) and more than the cost of such insurance to other employees (such as those in younger age brackets). The rule of the preceding sentence applies regardless of whether the employees who contribute more than the cost of such insurance are employees of the same employer or a different employer if the payment of the cost of such insurance is arranged for by some or all of such employers.

§ 1.79-2 Exceptions to the rule of inclusion.

(a) *In general.* (1) Section 79(b) provides exceptions for the cost of group-term life insurance provided under certain policies otherwise described in section 79(a). The policy or policies of group-term life insurance which are described in section 79(a) but which qualify for one of the exceptions set forth in section 79(b) are described in paragraphs (b) through (d) of this section. Paragraph (b) of this section discusses the exception provided in section 79(b)(1); paragraph (c) of this section discusses the exception provided in section 79(b)(2); and paragraph (d) of this section discusses the exception provided in section 79(b)(3).

(2)(i) If a policy of group-term life insurance qualifies for an exception provided by section 79(b), then the amount equal to the cost of such insurance is excluded from the application of the provisions of section 79(a) and from the employee's gross income.

(ii) If a policy, or portion of a policy, of group-term life insurance qualifies for an exception provided by section 79(b), the amount (if any) paid by the

employee toward the purchase of such insurance is not to be taken into account as an amount referred to in section 79(a)(2). In the case of a policy or policies of group-term life insurance which qualify for an exception provided by section 79(b), the amount paid by the employee which is not to be taken into account as an amount referred to in section 79(a)(2) is the amount paid by the employee for the particular policy or policies of group-term life insurance which qualify for an exception provided under such section. If the exception provided in section 79(b)(2) is applicable only to a portion of a policy on the employee's life, the amount paid by the employee toward the purchase of such portion is the smallest amount paid by the employee toward the purchase of the policy for an amount of insurance equal to the amount of insurance provided under such portion of such policy.

(iii) The rules of this subparagraph may be illustrated by the following examples:

Example (1). A is an employee of X Corporation and is also an employee of Y Corporation, a subsidiary of X Corporation. A is provided, under a separate plan arranged by each of his employers, group-term life insurance on his life. During his taxable year, under the group-term life insurance plan of X Corporation, A is provided $60,000 of group-term life insurance on his life, and A pays $360.00 toward the purchase of such insurance. Under the group-term life insurance plan of Y Corporation, A is provided $65,000 of group-term life insurance on his life, but does not pay any part of the cost of such insurance. At the beginning of his taxable year, A terminates his employment with the X Corporation after he has reached the retirement age with respect to such employer, and the policy carried by the X Corporation qualifies for the exception provided by section 79(b)(1). For that taxable year, the cost of the group-term life insurance on A's life which is provided under the plan of X Corporation is not taken into account in determining the amount includible in A's gross income under section 79(a), and A may not take into account as an amount described in section 79(a)(2) the $360.00 he pays toward the purchase of such insurance.

Example (2). B is an employee of the Z Corporation. Under the group-term life insurance plan of the Z Corporation, B is provided $150,000 of group-term life insurance on his life. During each of his taxable years, B pays, towards the purchase of such insurance, $1.00 for each $1,000 of such insurance up to $50,000 of such insurance and $2.00 for each $1,000 of such insurance in addition to such amount. At the beginning of his taxable year, B designates a person described in section 170(c) as the sole beneficiary for $50,000 of the insurance provided by the Z Corporation, and such designation qualifies the cost of that portion of the policy of group-term life insurance on his life for the exception provided by section 79(b)(2) for such year. For that taxable year, the cost of $50,000 of the group-term life insurance on B's life which is provided by the Z Corporation is not taken into account in determining the amount includible in B's gross income under section 79(a). Thus, for such taxable year, the amount taken into account by B as an amount described in section 79(a)(2) is $200 ($250, the total amount paid by B for such insurance, minus $50, the smallest amount paid by B for $50,000 of such insurance).

(b) *Retired and disabled employees*—(1) *In general.* Section 79(b)(1) provides an exception for the cost of group-term life insurance on the life of an individual which is provided under a policy or policies otherwise described in section 79(a) if the individual has terminated his employment (as defined in subparagraph (2) of this paragraph) with such employer and either has reached the retirement age with respect to such employer (as defined in subparagraph (3) of this paragraph), or has become disabled (as defined in subparagraph (4)(i) of this paragraph). If an individual who has terminated his employment attains retirement age or has become disabled during his taxable year, or if an employee who has attained retirement age or has become disabled terminates his employment during the taxable year, the exception provided by section 79(b)(1) applies only to the portion of the cost of group-term life insurance which is provided subsequent to the happening of the last event which qualifies the policy of insurance on the employee's life for the exception provided in such section.

(2) *Termination of employment.* For purposes of section 79(b)(1), an individual has terminated his employment with an employer providing such individual group-term life insurance when such individual no longer renders services to that employer either as an employee of such employer or as a self-employed individual. Thus, termination of employment relates to the cessation of work by the individual for the employer providing the group-term life insurance on his life and not to the particular capacity in which the individual performs such work.

(3) *Retirement age.* For purposes of section 79(b)(1) and this section, the meaning of the term "retirement age" is determined in accordance with the following rules—

(i) (*a*) If the employee is covered under a written pension or annuity plan of the employer providing such individual group-term life insurance on his life (whether or not such plan is qualified under section 401(a) or 403(a)), then the retirement age is considered to be the "normal retirement age" established in such plant. The phrase "normal retirement age" means the age specified in such plan at which such employee has the right to retire without the consent of the employer and receive retirement benefits based on service to date of retirement computed at the full rate set forth in the normal retirement formula of the plan *i.e.*, without actuarial or similar reduction because of retirement before some later specified age: *Provided, however,* That such age is not later than the age, if any, at which it has been the practice of the employer to terminate, due to age, the services of the class of employees to which the particular employee last belonged. If the retirement age determined by the practice of the employer is earlier than the retirement age established by the plan, then the age determined by the practice of the employer is the retirement age of such employee.

(*b*) For purposes of (*a*) of this subdivision, if an employee is covered under more than one pension or annuity plan of the employer, his retirement age shall be determined with regard to that plan which covers that class of employees of the employer to which the employee last belonged. If the class of employees to which the employee last belonged is covered under more than one pension or annuity plan, then the employee's retirement age shall be determined with regard to that plan which covers the greatest number of the employer's employees.

(ii) In the absence of a written employee's pension or annuity plan described in subdivision (i) of this subparagraph, retirement age is the age, if any, at which it has been the practice of the employer to terminate, due to age, the services of the class of employees to which the particular employee last belonged, provided such age is reasonable in view of all the pertinent facts and circumstances.

(iii) If neither subdivision (i) nor (ii) of this subparagraph applies, the retirement age is considered to be age 65.

(4) *Disabled.* (i) For purposes of section 79(b)(1) and subparagraph (1) of this paragraph, an individual is considered disabled if he is disabled within the meaning of section 213(g)(3), relating to the meaning of disabled, but the determination of the individual's status shall be made without regard to the provisions of section 213(g)(4), relating to the determination of status.

(ii) (*a*) In any taxable year in which an individual seeks to apply the exception set forth in section 79(b)(1) by reason of his being disabled within the meaning of subdivision (i) of this subparagraph, and in which the aggregate amount of insurance on the individual's life subject to the rule of inclusion set forth in paragraph (a)(2) of § 1.79-1, but determined without regard to the amount of any insurance subject to any exception set forth in section 79(b), is greater than $50,000 of such insurance, the substantiation required by (*b*) or (*c*) of this subdivision must be submitted with the individual's tax return.

(*b*) For the first taxable year for which the individual seeks to apply the exception set forth in section 79(b)(1) by reason of his being disabled within the meaning of subdivision (i) of this subparagraph, there must be submitted with his income tax return a doctor's statement as to his impairment. There must also be submitted with the return a statement by the individual with respect to the effect of the impairment upon his substantial gainful activity, and the date such impairment occurred. For subsequent taxable years, the taxpayer may, in lieu of such statements, submit a statement declaring the continued existence (without substantial diminution) of the impairment and its continued effect upon his substantial gainful activity.

(*c*) In lieu of the substantiation required to be submitted by (*b*) of this subdivision for the taxable year, the individual may submit a signed statement issued to him by the insurer to the effect that the individual is disabled within the meaning of subdivision (i) of this paragraph. Such statement must set forth the basis for the insurer's deter-

mination that the individual was so disabled, and, for the first taxable year in which the individual is so disabled, the date such disability occurred.

(c) *Employer or charity a beneficiary*—(1) *General rule.* Section 79(b)(2) provides an exception with respect to the amounts referred to in section 79(a) for the cost of any portion of the group-term life insurance on the life of an employee provided during part or all of the taxable year of the employee under which the employer is directly or indirectly the beneficiary, or under which a person described in section 170(c) (relating to definition of charitable contributions) is the sole beneficiary, for the entire period during such taxable year for which the employee receives such insurance.

(2) *Employer is a beneficiary.* For purposes of section 79(b)(2) and subparagraph (1) of this paragraph, the determination of whether the employer is directly or indirectly the beneficiary under a policy or policies of group-term life insurance depends upon the facts and circumstances of the particular case. Such determination is not made solely with regard to whether the employer possesses all the incidents of ownership in the policy. Thus, for example, if the employer is the nominal beneficiary under a policy of group-term life insurance on the life of his employee but there is an arrangement whereby the employer is required to pay over all (or a portion) of the proceeds of such policy to the employee's estate or his beneficiary, the employer is not considered a beneficiary under such policy (or such portion of the policy).

(3) *Charity a beneficiary.* (i) For purposes of section 79(b)(2) and subparagraph (1) of this paragraph, a person described in section 170(c) is a beneficiary under a policy providing group-term life insurance if such person is designated the beneficiary under the policy by any assignment or designation of beneficiary under the policy which, under the law of the jurisdiction which is applicable to the policy, has the effect of making such person the beneficiary under such policy (whether or not such designation is revocable during the taxable year). Such a designation may be made by the employee with respect to any portion of the group-term life insurance on his life. However, no deduction is allowed under section 170, relating to charitable, etc., contributions and gifts, with respect to any such assignment or designation.

(ii) A person described in section 170(c) must be designated the sole beneficiary under the policy or portion of the policy. Such requirement is satisfied if the person described in section 170(c) is the beneficiary under such policy or portion of the policy, and there is no contingent or similar beneficiary under such policy or such portion other than a person described in section 170(c). A person described in section 170(c) may be designated the beneficiary under a portion of the policy if such person is designated the sole beneficiary under a beneficiary designation which is expressed, for example, as a fraction of the amount of insurance on the insured's life.

(iii) If a person described in section 170(c) is designated, before May 1, 1964, the beneficiary under the policy (or portion thereof) and such person remains the beneficiary for the period beginning May 1, 1964, and ending with the close of the first taxable year of the employee ending after April 30, 1964, such person shall be treated as the beneficiary under the policy (or the portion thereof) for the period beginning January 1, 1964, and ending April 30, 1964.

(d) *Insurance contracts purchased under qualified employee plans.* (1) Section 79(b)(3) provides an exception with respect to the cost of any group-term life insurance which is provided under a life insurance contract purchased as a part of a plan described in section 403(a), or purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) if the proceeds of such contract are payable directly or indirectly to a participant in such trust or to a beneficiary of such participant. The provisions of section 72(m)(3) and § 1.72–16 apply to the cost of such group-term life insurance, and, therefore, no part of such cost is excluded from the gross income of the employee by reason of the provisions of section 79.

(2) Whether the life insurance protection on an employee's life is provided under a qualified employee plan referred to in subparagraph (1) of this paragraph depends upon the provisions of such plan. In determining whether a pension, profit-sharing, stock bonus, or annuity plan satisfies the requirements for qualification set forth in sections 401(a) or 403(a), only group-term life insurance which is provided under such plan is taken into account.

§ 1.79–3 Determination of amount equal to cost of group-term life insurance.

(a) *In general.* This section prescribes the rules for determining the amount equal to the cost of group-term life insurance on an employee's life which is to be included in his gross income pursuant to the rule of inclusion set forth in paragraph (a)(2) of § 1.79–1. Such amount is determined by—

(1) Computing the cost of the portion of the group-term life insurance on the employee's life to be taken into account (determined in accordance with the rules set forth in paragraph (b) of this section) for each "period of coverage" (as defined in paragraph (c) of this section) and aggregating the costs so determined, then

(2) Reducing the amount determined under subparagraph (1) of this paragraph by the amount (if any) paid by the employee toward the purchase of such insurance during his taxable year (determined in accordance with the rules set forth in paragraph (d) of this section).

(b) *Determination of the portion of the group-term life insurance on the employee's life to be taken into account.* (1) For each "period of coverage" (as defined in paragraph (c) of this section), the portion of the group-term life insurance to be taken into account in computing the amount includible in an employee's gross income for purposes of paragraph (a)(1) of this section is the sum of the proceeds payable upon the death of the employee under each policy, or portion of a policy, of group-term life insurance on such employee's life to which the rule of inclusion set forth in paragraph (a)(2) of § 1.79–1 applies, less $50,000 of such insurance. Thus, the amount of any proceeds payable under a policy, or portion of a policy, which qualifies for one of the exceptions to the rule of inclusion provided by section 79(b) is not taken into account. For the regulations relating to such exceptions to the rule of inclusion, see § 1.79–2.

(2) For purposes of making the computation required by subparagraph (1) of this paragraph in any case in which the amount payable under the policy, or portion thereof, varies during the period of coverage, the amount payable under such policy during such period is considered to be the average of the amount payable under such policy at the beginning and the end of such period.

(3)(i) For purposes of making the computation required by subparagraph (1) of this paragraph in any case in which the amount payable under the policy is not payable as a specific amount upon the death of the employee in full discharge of the liability of the insurer, and such form of payment is not one of alternative methods of payment, the amount payable under such policy is the present value of the agreement by the insurer under the policy to make the payments to the beneficiary or beneficiaries entitled to such amounts upon the employee's death. For each period of coverage, such present value is to be determined as if the first and last day of such period is the date of death of the employee.

(ii) The present value of the agreement by the insurer under the policy to make payments shall be determined by the use of the mortality tables and interest rate employed by the insurer with respect to such a policy in calculating the amount held by the insurer (as defined in section 101(d)(2)), unless the Commissioner otherwise determines that a particular mortality table and interest rate, representative of the mortality table and interest rate used by commercial insurance companies with respect to such policies, shall be used to determine the present value of the policy for purposes of this subdivision.

(iii) For purposes of making the computation required by subdivision (i) of this subparagraph in any case in which it is necessary to determine the age of an employee's beneficiary and such beneficiary remains the same (under the policy, or the portion of the policy, with respect to which the determination of

the present value of the agreement of the insurer to pay benefits is being made) for the entire period during the employee's taxable year for which such policy is in effect, the age of such beneficiary is such beneficiary's age at his nearest birthday on June 30th of the calendar year.

(iv) If the policy of group-term life insurance on the employee's life is such that the present value of the agreement by the insurer under the policy to pay benefits cannot be determined by the rules prescribed in this subparagraph, the taxpayer may submit with his return a computation of such present value, consistent with the actuarial and other assumptions set forth in this subparagraph, showing the appropriate factors applied in his case. Such computation shall be subject to the approval of the Commissioner upon examination of such return.

(c) *Period of coverage.* For purposes of this section, the phrase "period of coverage" means any one calendar month period, or part thereof, during the employee's taxable year during which the employee is provided group-term life insurance on his life to which the rule of inclusion set forth in paragraph (a)(2) of § 1.79–1 applies. The phrase "part thereof" as used in the preceding sentence means any continuous period which is less than the one calendar month period referred to in the preceding sentence.

(d) *The cost of the portion of the group-term life insurance on an employee's life.* (1) This paragraph sets forth the rules for determining the cost, for each period of coverage, of the portion of the group-term life insurance on the employee's life to be taken into account in computing the amount includible in the the employee's gross income for purposes of paragraph (a)(1) of this section. The portion of the group-term life insurance on the employee's life to be taken into account is determined in accordance with the provisions of paragraph (b) of this section. Table I, which is set forth in subparagraph (2) of this paragraph, determines the cost for each $1,000 of such portion of the group-term life insurance on the employee's life for each one-month period. The cost of the portion of the group-term life insurance on the employee's life for each period of coverage of one month is obtained by multiplying the number of thousand dollars of such insurance computed to the nearest tenth which is provided during such period by the appropriate amount set forth in Table I. In any case in which group-term life insurance is provided for a period of coverage of less than one month, the amount set forth in Table I is prorated over such period of coverage.

(2) The following table sets forth the cost of $1,000 of group-term life insurance for one month computed on the basis of 5-year age brackets. For purposes of Table I, the age of the employee is his attained age on the last day of his taxable year. However, if an employee has attained an age greater than age 64, he shall be treated as if he were in the 5-year age bracket 60 to 64.

TABLE I.—UNIFORM PREMIUMS FOR $1,000 OF GROUP-TERM LIFE INSURANCE PROTECTION

5-year age bracket	*Cost per $1,000 of protection for 1-month period*
20 to 24	8 cents.
25 to 29	8 cents.
30 to 34	10 cents.
35 to 39	14 cents.
40 to 44	23 cents.
45 to 49	40 cents.
50 to 54	68 cents.
55 to 59	$1.10.
60 to 64	$1.63.

(3) The net premium cost of group-term life insurance as provided in Table I of subparagraph (2) of this paragraph applies only to the cost of group-term life insurance subject to the rule of inclusion set forth in paragraph (a)(2) of § 1.79–1. Therefore, such net premium cost is not applicable to the determination of the cost of group-term life insurance provided under a policy which is not subject to such rule of inclusion.

(e) *Amount paid by the employee toward the purchase of group-term life insurance.* (1) If an employee pays, during his taxable year, any amount toward the purchase of group-term life insurance which is subject to the rule of inclusion set forth in paragraph (a)(2) of § 1.79–1, the sum of all such amounts is the amount referred to in section 79(a)(2) and paragraph (a)(2) of this section. The rule of the preceding sentence applies even though the payments made by the employee are made with respect to a period of coverage during which no portion of the group-term life insurance on his life is taken into account under paragraph (b)(1) of this section.

(2) In determining the amount paid by the employee for purposes of section 79(a)(2) and paragraph (a)(2) of this section, there is not taken into account any amounts paid by the employee for group-term life insurance provided (or to be provided) for a different taxable year. Thus, for example, if part of an employee's payment during a taxable year represents a prepayment for insurance to be provided after his retirement, such part does not reduce the amount includible in his gross income for the current taxable year. Furthermore, in determining such amount, there is not taken into account any amount paid by an employee toward the purchase of any policy, or portion of a policy, of group-term life insurance which qualifies for one of the exceptions described in section 79(b). The amount paid by an employee toward the purchase of any policy, or portion of a policy, of group-term life insurance which qualifies for one of the exceptions described in section 79(b) is determined under the rules of paragraph (a)(2) of § 1.79–2.

(3)(i) If payments are made by the employer and his employees to provide group-term life insurance which is subject to the rule of inclusion set forth in paragraph (a)(2) of § 1.79–1 as well as to provide other benefits for the employees, and if the amount paid by the employee toward the purchase of such insurance cannot be determined by the provisions of the policy or plan under which such benefits are provided, then the determination of the portion of the cost of group-term life insurance (computed in accordance with the provisions of this section) which is attributable to the contributions of the employee shall be made in accordance with the provisions of subdivisions (ii) and (iii) of this subparagraph. The provisions of subdivisions (ii) and (iii) of this subparagraph provide the rules for determining the amount contributed by the employee for all the group-term life insurance provided under the policy, or plan, providing multiple benefits. The amount paid by the employee toward the purchase of group-term life insurance which is subject to the rule of inclusion set forth in paragraph (a)(2) of § 1.79–1 is computed by prorating the amount contributed by the employee over the total group-term life insurance provided under the policy or plan and determining the amount allocable to the group-term life insurance subject to such rule of inclusion. Thus, for example, if, under the provisions of subdivisions (ii) or (iii) of this subparagraph, it is determined that the employee contributes $600 for $100,000 of group-term life insurance protection during his taxable year, and, if, for the employee's taxable year, $40,000 of such insurance protection is subject to an exception described in section 79(b)(2), then the amount paid by the employee toward the purchase of group-term life insurance which is subject to the rule of inclusion set forth in paragraph (a)(2) of § 1.79–1 is $6 per $1,000 of such insurance multiplied by 60 (the number of thousand dollars of such insurance subject to such rule of inclusion) or $360.

(ii) If the group-term life insurance referred to in subdivision (i) of this subparagraph is provided as part of a group insurance policy providing multiple benefits, and the net premiums for such group policy provide only current insurance protection and are known at the beginning of the calendar year for a period of at least three policy years, the amount paid by the employee toward the purchase of all the group-term life insurance on his life for his taxable year (or for the portion of his taxable year if such portion is the basis of the computation) under such group policy shall be an amount which bears the same ratio to the amount equal to the cost of all the group-term life insurance on the employee's life provided under such group policy for the employee's taxable year (or for the portion of such taxable year if such insurance is not provided for an entire taxable year), as the portion of the net premiums contributed by all the employees for the last three policy years which are known at the beginning of the calendar year, bears to the total net premiums contributed by the employer and all employees for such policy years. Thus, in determining the amount equal to the cost of all the group-term life insurance on the employee's life the cost of the group-term life insurance which is subject to the exception in section 79(a)(1) for the cost of $50,000 of such insurance, or is subject to an exception in section 79(b), is taken into account. If the net premiums for such

policy for a period of at least three policy years are not known at the beginning of the calendar year but are known for at least one policy year such determination shall be made by using the net premiums for such policy which are known at the beginning of the calendar year. If the net premiums for such policy are not known at the beginning of the calendar year for even one policy year, such determination shall be made by using either (*a*) a reasonable estimate of the net premiums for the first policy year or (*b*) if the net premiums for a policy year are ascertained during the calendar year, by using such net premiums.

(iii) If the group-term life insurance referred to in subdivision (i) of this subparagraph is provided from current contributions under a plan providing multiple benefits, and such plan has been in effect for a least three years before the beginning of the calendar year, the amount paid by the employee toward the purchase of all the group-term life insurance on his life for his taxable year (or for the portion of his taxable year if such portion is the basis of the computation) under such plan shall be an amount which bears the same ratio to the amount equal to the cost of all the group-term life insurance on the employee's life provided under such plan for the employee's taxable year (or for the portion of such taxable year if such insurance is not provided for an entire taxable year), as the contributions of all the employees for the period of three calendar years next preceding the year such group-term life insurance is provided bears to the total contributions of the employer and all the employees for such period. If, at the beginning of the calendar year of coverage, such plan has not been in effect for three years but has been in effect for at least one year, such determination shall be based upon the contributions made during the 1-year or 2-year period during which the plan has been in effect. If such plan has not been in effect for one full year at the beginning of the calendar year in which such group-term life insurance is provided such determination may be based upon the contributions made during the portion of the year during which such insurance is provided preceding the time when the determination is made, or such determination may be made periodically (such as monthly or quarterly) and used throughout the succeeding period. For example, if an employee who is provided such life insurance coverage terminates his services on April 15, 1965, and 1965 is the first year the plan has been in effect, such determination may be based upon the contributions of the employer and the employees during the period beginning with January 1, and ending with April 15, or during the month of March, or during the quarter consisting of January, February, and March.

(f) *Effect of provision of other benefits*—(1) *In general.* This paragraph discusses the effect of the provision of certain benefits other than group-term life insurance on the life of the employee if the provision of such benefits is contingent upon the underwriting of group-term life insurance on the employee's life to which the rule of inclusion set forth in paragraph (a)(2) of § 1.79–1 applies.

(2) *Dependent coverage.* An amount equal to the cost of group-term life insurance on the life of the spouse or other family member of the employee which is provided under a policy of group-term life insurance carried directly or indirectly by his employer is not considered to be provided under a policy on the life of the employee. Accordingly, the amount equal to the cost of such insurance which is included in the employee's gross income is determined without regard to the provisions of section 79.

(3) *Disability provisions.* Payments made for disability benefits provided under a group-term life insurance contract are considered to constitute payments made for accident and health insurance. Thus, employer contributions to provide such benefits are excluded from gross income by reason of the provisions of section 106.

(4) *Cost of other benefits.* If a benefit described in this paragraph is provided under a policy under which both the employer and his employees contribute, then, except as otherwise provided in this subparagraph, the employer and the employees will be treated as contributing toward the payment of such benefit at the same rate as they contribute toward the cost of group-term life insurance on the employees' lives. A separate allocation of employer and employee contributions for such benefits is permissible only if—

(i) Such separate allocation is set forth in the group policy and is applicable to all the employees covered under such policy;

(ii) Such separate allocation is followed in transactions between the insurer and the group-policyholder; and

(iii) The allocation set forth in the policy satisfies the requirements of the law of the jurisdiction which is applicable to the contract regarding any minimum or maximum contribution rate by the employer or the employees.

PAR. 3. Paragraph (a)(3)(i) of §1.105–4 is amended to read as follows:

§ 1.105–4 Wage continuation plans.

(a) *In general.* * * *

(3)(i)(*a*) Section 105(d) applies only to amounts attributable to periods during which the employee would be at work were it not for a personal injury or sickness. Thus, an employee is not absent from work if he is not expected to work because, for example, he has reached retirement age. If a plan provides that an employee, who is absent from work on account of a personal injury or sickness, will receive a disability pension or annuity as long as he is disabled, section 105(d) is applicable to any payments which such an employee receives under this plan before he reaches retirement age as defined in (*b*) of this subdivision, but section 105(d) does not apply to the payments which such an employee receives after he reaches such retirement age. See § 1.72–15 for additional rules relating to the tax treatment of disability pensions.

(*b*) The term retirement age as used in (*a*) of this subdivision has the same meaning as that term has in paragraph (b)(3) of § 1.79–2, except that, for purposes of applying the provisions of paragraph (b)(3)(i) of § 1.79–2 in the case of payments received by the employee to which this section applies, the retirement age of the employee is to be determined only with regard to the particular pension or annuity plan under which such payments are made.

* * * * *

PAR. 4. Paragraph (d)(1) of § 1.6041 is revised to read as follows:

§ 1.6041–1 Return of information as to payments of $600 or more.

* * * * *

(d) *Payments specifically included.* (1) Sums paid in respect of life insurance, endowment, or annuity contracts are required to be reported in returns of information under this section—

(i) Unless the payment is made in respect of a life insurance or endowment contract by reason of the death of the insured and is not required to be reported by paragraph (b) of § 1.6041–2,

(ii) Unless the payment is made by reason of the surrender prior to maturity or lapse of a policy, other than a policy which was purchased (*a*) by a trust described in section 401(a) which is exempt from tax under section 501(a), (*b*) as part of a plan described in section 403(a), or (*c*) by an employer described in section 403(b)(1)(A),

(iii) Unless the payment is interest as defined in § 1.6049–2 and is made after December 31, 1962,

(iv) Unless the payment is a payment with respect to which a return is required by § 1.6047–1, relating to employee retirement plans covering owner-employees.

(v) Unless the payment is payment with respect to which a return is required by § 1.6052–1, relating to payment of wages in the form of group-term life insurance.

* * * * *

PAR. 5. There are inserted immediately after § 1.6049–3 the following new sections:

§ 1.6052 Statutory provisions; returns regarding payment of wages in the form of group-term life insurance.

(a) *Requirement of reporting.* Every employer who during any calendar year provides group-term life insurance on the life of an employee during part or all of such calendar year under a policy (or policies) carried directly or indirectly by such employer shall make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the cost of such insurance and the name and address of the employee on whose life such insurance is provided, but only to the extent that the cost of such insurance is includible in the employee's gross income under section 79(a). For purposes of this section, the extent to which the cost of group-term life insurance is includible in the employee's gross income under section 79(a) shall be determined as if the employer were the only employer paying such employee remuneration in the form of such insurance.

(b) *Statements to be furnished to employees with respect to whom information is furnished.* Every employer making a return under subsection (a) shall furnish to each employee whose name is set forth in such

return a written statement showing the cost of the group-term life insurance shown on such return. The written statement required under the preceding sentence shall be furnished to the employee on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.

[Sec. 6052 as added by sec. 204(c)(1), Rev. Act 1964 (78 Stat. 37)]

§ 1.6052–1 Information returns regarding payment of wages in the form of group-term life insurance.

(a) *Requirement of reporting*—(1) *In general.* Every employer, who during any calendar year after December 31, 1963, provides any one of his employees remuneration for services in the form of group-term life insurance on the life of such employee which is subject to the rule of inclusion set forth in paragraph (a)(2) of § 1.79–1, shall make a separate return with respect to each employee for such year which includes the following information:

(i) Name, address, and identifying number of the employer.

(ii) Name, address, and social security number of the employee.

(iii) Date of birth of the employee.

(iv) Total amount includible in the employee's gross income by reason of the provisions of section 79(a), computed as if each employee reported his income on the basis of a calendar year (determined as if the employer making such return is the only employer paying the employee remuneration in the form of group-term life insurance on his life which is includible in his gross income under section 79(a)), also a breakdown of such total into the following components:

(*a*) Total amount described in section 79(a)(1), and

(*b*) Total amount (if any) referred to in section 79(a)(2) which is paid by the employee during the calendar year.

(2) *Definitions.* Terms used in subparagraph (1) of this paragraph which are defined in paragraph (b) of § 1.79–1 have the meaning ascribed to them in such paragraph (b).

(b) *Time and place for filing.* The return required under this section for any calendar year shall be filed after the close of that year and on or before January 31, of the following year with any of the Internal Revenue Service Centers. For extensions of time for filing returns under this section, see § 1.6081–1.

(c) *Last day for filing return.* For provisions relating to the time for performance of an act when the last day prescribed for performance falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Regulations on Procedure and Administration).

(d) *Penalty.* For provisions relating to the penalty provided for failure to file the information returns required by this section, see section 6652 and the regulations thereunder.

§ 1.6052–2 Statements to be furnished employees with respect to wages paid in the form of group-term life insurance.

(a) *Requirement.* Every employer filing a return under section 6052(a) and § 1.6052–1 with respect to group-term life insurance on the life of an employee which is subject to the rule of inclusion set forth in paragraph (a)(2) of § 1.79–1 shall furnish to the employee whose name is set forth in such return a written statement showing the information required by paragraph (b) of this section.

(b) *Form of statement.* The written statement required to be furnished to an employee under paragraph (a) of this section shall show—

(1) The total amount includible in the employee's gross income by reason of the provisions of section 79(a), but determined as if the employer furnishing such statement is the only employer paying the employee remuneration in the form of group-term life insurance on his life which is includible in his gross income under section 79(a).

(2) The name, address, and identifying number of the employer filing the statement.

The requirement of this section for the furnishing of a statement to an employee may be satisfied by the furnishing to such employee of a copy of the return filed pursuant to § 1.6052–1 in respect of such employee. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person at his last known address.

(c) *Time for furnishing statements*—(1) *In general.* Each statement required by this section to be furnished to any employee for a calendar year shall be furnished to such person after the close of that year and on or before January 31 of the following year.

(2) *Extensions of time.* For good cause shown upon written application of the employer required to furnish statements under this section, the district director may grant an extension of time not exceeding 30 days in which to furnish such statements. The application shall be addressed to the district director with whom the income tax returns of the applicant are filed and shall contain a full recital of the reasons for requesting the extension to aid the district director in determining the period of the extension, if any, which will be granted. Such a request in the form of a letter to the district director signed by the applicant will suffice as an application. The application shall be filed on or before the date prescribed in subparagraph (1) of this paragraph for furnishing the statements required by this section.

(3) *Last day for furnishing statement.* For provisions relating to the time for performance of an act when the last day prescribed for performance falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Regulations on Procedure and Administration).

(d) *Definitions.* Terms used in this section which are defined in paragraph (b) of § 1.79–1 have the meaning ascribed to them in such paragraph (b).

(e) *Penalty.* For provisions relating to the penalty provided for failure to furnish a statement under this section, see section 6678 and the regulations thereunder.

[F.R. Doc. 64–7535; Filed, July 28, 1964; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Commission

[17 CFR Part 150]

[Hearing Docket CE–P 13]

POTATOES

Proposed Limits on Position and Daily Trading for Future Delivery

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) directs that, for the purpose of diminishing, eliminating, or preventing excessive speculation causing sudden, unreasonable, or unwarranted changes in the price of any commodity named in the act, the Commodity Exchange Commission shall from time to time, after due notice and opportunity for hearing, proclaim and fix such limits on the amount of trading which may be done by any person under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market as the Commission finds are necessary for such purpose.

Notice is hereby given that it is proposed by the Commodity Exchange Authority that the Commodity Exchange Commission establish limits on the amount of speculative trading that may be done under contracts of sale of potatoes for future delivery on or subject to the rules of any contract market, and that in connection therewith the Commodity Exchange Commission issue the following order:

§ 150.10 Limits on position and daily trading in potatoes for future delivery.

The following limits on the amount of trading under contracts of sale of potatoes for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after [date to be inserted at time of issuance of order]:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in potatoes on or subject to the rules of any one contract market is 300 carlots in any one future or in all futures combined: *Provided,* That no person may hold or control a net long or net short position in excess of (1) 150 carlots in the March potato future, (2) 150 carlots in the April potato future, or (3) 150 carlots in the May potato future.

(b) *Daily trading limit.* The limit on the maximum amount of potatoes which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 300 carlots in any one future or in all futures combined: *Provided,* That no person may buy or sell during any one business day more than (1) 150 carlots in the March potato future, (2) 150 carlots in the April potato future, or (3) 150 carlots in the May potato future.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as de-

fined in section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)).

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained herein shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

If any interested person desires an oral hearing with reference to the proposed fixing of limits, and notifies the Administrator of the Commodity Exchange Authority to that effect as directed below, on or before August 28, 1964, a hearing will be held in Washington, D.C., at a time and place to be announced, and all interested persons will be given an opportunity to express their views at such hearing. Requests for an oral hearing should be addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C., 20250. No oral hearing will be held in the absence of such a request received on or before August 28, 1964.

Written statements with reference to the subject matter of this proposal may be submitted by any interested person irrespective of whether an oral hearing is held, and may be in addition to or in lieu of testimony at an oral hearing. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to August 28, 1964.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued this 24th day of July 1964.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[F.R. Doc. 64-7498; Filed, July 28, 1964; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 6102]

AIRWORTHINESS DIRECTIVE

Boeing Models 707 and 720 Series 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 Boeing Models 707 and 720 Series aircraft. Recent flight tests have disclosed that speed brake actuation and full and rapid aileron movement during fuel jettisoning cause fuel to impinge on the horizontal stabilizer. This AD requires the installation of a placard on the cockpit fuel dump chute panel prohibiting speed brake actuation during fuel jettisoning and a notation in the limitations section of the Airplane Flight Manual to this effect.

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 August 28, 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:

BOEING. Applies to all Models 707 and 720 Series aircraft.

Compliance required as indicated.

Flight tests have disclosed that speed brake actuation and full and rapid aileron movement during fuel jettisoning cause fuel to impinge on the horizontal stabilizer. To correct this condition, accomplish the following:

(a) Within 200 hours' time in service after the effective date of this AD, unless already accomplished:

(1) Install a placard on the fuel dump chute panel in the cockpit that reads,

"Do not dump fuel with the speed brakes extended."

(2) Amend the limitations section of the FAA-approved Airplane Flight Manual by adding the following two statements under fuel dumping limitations:

(i) "Do not dump fuel with speed brakes extended."

(ii) "NOTE: Do not use full and rapid aileron control while dumping fuel."

(b) Equivalent wording, subject to prior approval by the Chief, Aircraft Engineering Division, FAA Western Region, may be used in lieu of that specified in this AD.

Issued in Washington, D.C., on July 22, 1964.

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

[F.R. Doc. 64-7475; Filed, July 28, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 6107]

AIRWORTHINESS DIRECTIVE

Lockheed Aircraft Service Company Models 109C and 109D Flight Recorders

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 Lockheed Aircraft Service Company Models 109C and 109D flight recorders. Information obtained from flight recorders has been valuable to accident investigators of the Agency and the Civil Aeronautics Board in determining the cause of airplane accidents.

There have been several accidents involving the Lockheed 109C flight recorder in which the external case was crushed or demolished and the tape was damaged. Design improvements have been completed by the Lockheed Aircraft Service Company which will provide greatly increased protection from impact damage. These improvements have resulted from an intensive investigation and study to improve the crashworthiness of this flight recorder. Based on investigation, the use of a modified clamping ring, LAS P/N 4024582-1, around the periphery of the flight recorder parting surface may increase the resistance to separation from impact or shearing by a ratio of more than 50 to 1. In addition, the modifications to the tape cassette as incorporated on LAS P/N 4024570-1 have increased the crushing strength of the unit from less than 500 pounds to 115,000 pounds and have reduced the critical area vulnerable to damage by concentrated loads from approximately 6.8 square inches to 2.0 square inches.

Therefore, the Agency considers it necessary to require the incorporation of these modifications on all Lockheed Aircraft Service Company Models 109C and 109D flight recorders.

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 August 28, 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:

LOCKHEED AIRCRAFT SERVICE COMPANY. Applies to Lockheed Aircraft Service Company Models 109C and 109D flight recorders installed in aircraft as required by applicable operating rules.

Compliance required within six months time in service after the effective date of this AD, unless already accomplished.

To improve the crash survivability of the flight record, modify the Lockheed Aircraft Service Company flight recorder Models 109C and 109D as follows:

(a) On Model 109C serial numbers up to and including Serial Number 882 and Model 109D up to and including Serial Number 135, replace the tape cassette with a Lockheed Aircraft Service Company stainless steel cassette P/N 4024570–1.

(b) On Model 109C up to and including Serial Number 889, saw off near the case the two latch clamps which are to the left of the pitot pressure line connector when facing the pitot pressure line connector. File the remaining edges of the clamp to conform to the contour of the recorder case and install Lockheed Aircraft Service Company clamping ring P/N 4024582–1.

Issued in Washington, D.C., on July 23, 1964.

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

[F.R. Doc. 64–7476; Filed, July 28, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 73]

[Docket No. 15578; FCC 64–682]

VOR TEST FACILITIES

Notice of Proposed Rule Making

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

2. The Commission has been requested to consider a proposal made by the Federal Aviation Agency (FAA) which would permit the assignment of 108.0 Mc/s for Government and non-Government operation of VOR[1] test facilities located at various airports throughout the country. At the present time, 108.0 Mc/s is an unassignable band edge frequency between the FM broadcasting (88–108 Mc/s) and the aeronautical radionavigation (108–117.975 Mc/s) bands.

3. The FAA proposal indicates that the radionavigation band is saturated with operational navigation facilities, leaving no assignment available for VOR test facilities. The test facilities are required for the checking of VOR receiver calibration—an essential operation in order to insure the safety of air navigation. Since present calibration checks require "bench tests", it is desired to eliminate, to the maximum extent practicable, the attendant time and expense involved in removing the receiver from the aircraft.

4. Attached is a requirement for, and a description of, the VOR test facility.[2] It is a copy of Attachment E to Part I of Amendment 40 to the International Standards and Recommended Practices, Aeronautical Telecommunications, Annex 10, to the Convention on International Civil Aviation dated April 1963. The VOR test facility (VOT) described in the ICAO Attachment would be either a Government facility or non-Government facility licensed by the Commission. The signals of such a facility would be available to all parties at the airport having a need for them.

5. The FAA has proposed that, where VOT is installed and the signal is available twenty four hours per day on 108.0 Mc/s, no other VOR test facility would be licensed or approved. At airports where a VOT is not installed, the frequency 108.0 Mc/s would be available for licensing to all applicants with a requirement for the radiation of a VOR test signal. Since the latter facilities normally would be portable and have less power than a VOT station, more than one such facility may be required at an airport to serve all those in need of the service. All users at an airport would be required to coordinate the time of use of the frequency to avoid mutual interference.

6. Additionally, it is proposed that all VOR tests facilities would be limited in power so that the signal strength would not exceed 100 microvolts per meter at a radius of 5 miles from the transmitter. It is believed that adequate coverage of the necessary areas of the airport would be provided, yet the possibility of interference would be minimized.

7. Although operation of the nature proposed by the FAA appears desirable, it is recognized that such operation could, if permitted on a general basis, create interference to the reception of FM broadcasting signals or, in Hawaii, of common carrier fixed stations. Accordingly, the Commission believes that the proposed operation should be considered, but on a case-by-case basis subject to certain conditions relative to the interference possibility. Those conditions are incorporated in the U.S. footnote proposed as a necessary amendment to the Table of Frequency Allocations (Section 2.106 of Part 2 of the Commission's rules) and reflected below. The necessary change to Part 73 to reflect the proposal is also included below. Changes to Part 87 to reflect the proposal will be incorporated in a separate notice of proposed rule making which will affect all radionavigation land test stations.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 8, 1964, and reply comments on or before September 18, 1964. All relevant and timely filed comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other pertinent information before it, in addition to the specific comments invited herein.

9. Authority for the proposals set forth herein is contained in section 303 of the Communications Act of 1934, as amended.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 22, 1964.

Released: July 24, 1964.

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

I. Part 2 is amended as follows:

In § 2.106, the Table of Frequency Allocations is amended by the addition of footnote designation (US —) in column 5 for the frequency bands 88–108 and 108–117.975 Mc/s, and new footnote U.S. — is added, to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

United States

Band Mc/s	Allocation
5	6
* * *	* * *
88–108 US23 US—	NG.
108–117.975 US—	G, NG.

* * * * *

US— The frequency 108.0 Mc/s may be authorized for use by VOR test facilities, the operation of which is not essential for the safety of life or property, subject to the condition that no interference is caused to the reception of FM broadcasting stations or, in Hawaii, of common carrier fixed stations operating in the band 88–108 Mc/s. In the event that such interference does occur, the licensee or other agency authorized to operate the facility shall discontinue operation on 108 Mc/s and shall not resume operation until the interference has been eliminated or the complaint otherwise satisfied. VOR test facilities operating on 108 Mc/s will not be protected against interference caused by FM broadcasting stations or, in Hawaii, by common carrier fixed stations operating in the band 88–108 Mc/s nor shall the authorization of a VOR test facility on 108 Mc/s deter the Commission from authorizing additional FM broadcasting stations or, in Hawaii, of additional common carrier fixed stations.

II. Part 73 is amended as follows:

Section 73.201 is amended by the addition of the following note:

§ 73.201 Numerical designation of FM broadcast channels.

* * * * *

NOTE: The frequency 108.0 Mc/s may be assigned to VOR test stations subject to the

[1] VOR, an acronym from the words Very High Frequency Omni-directional Range station, is a radionavigation land station in the aeronautical radionavigation service providing direct indication of the bearing (omnibearing) of that station from an aircraft. VOR stations operate in the 108–118 Mc/s band. The carrier frequency as seen by the aircraft receiver is amplitude modulated at (a) 30 cps, (b) 9960 cps, frequency modulated at 30 cps, (c) 1020 cps, keyed for identification, and (d) voice modulation (6A3) for communications. Bearing information is obtained by comparing the phase of the 30 cps components, one of which is used as reference. VOR sites are located at or near airports or along established airways.

[2] Filed as part of the original document.

condition that harmful interference is not caused to the reception of FM broadcasting stations, present or future.

[F.R. Doc. 64-7545; Filed, July 28, 1964; 8:51 a.m.]

[47 CFR Parts 2, 87]

[Docket No. 15579; FCC 64-683]

RADIONAVIGATION LAND TEST STATIONS

Proposed Licensing

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

2. The instant proposal is intended to provide for a more orderly and efficient administration of the Aviation Radio Service by specifically providing for radionavigation land test stations in Part 87 of the Commission's rules. This requirement arises from the increasing use of radionavigational facilities aboard aircraft and the necessity for this equipment to be tested during development, production and maintenance periods. For the purpose of fees, this new station will be considered a radionavigation station and, therefore, will not be subject to the fee requirement under the existing exemption for radionavigation stations.

3. Type acceptance for test equipment will be required approximately one year after finalization of the rules; however, existing non-type accepted equipment will be allowed a ten-year amortization period on the condition that harmful interference is not caused to commissioned aeronautical radionavigation aids.

4. The availability of the frequency 108.0 Mc/s as set forth in § 87.521(d) below is contingent upon the Commission's action in Docket No. 15578.

5. The proposed amendment to the rules, as set forth below, is issued pursuant to authority contained in section 303 (a), (b), (c), (f) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 8, 1964 and reply comments on or before September 18, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of §1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: July 22, 1964.

Released: July 24, 1964.

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

1. Section 2.1 is amended by adding the following definition in alphabetical order:

§ 2.1 Definitions.

* * * * *

Radionavigation land test station. A radionavigation land station in the aeronautical radionavigation service which is used as a radionavigation calibration station for the transmission of essential information in connection with the testing and calibration of aircraft navigational aids, receiving equipment and interrogators at predetermined surface locations.

* * * * *

2. Section 87.5 is amended to add the following definition in alphabetical order:

§ 87.5 Definition of terms.

* * * * *

Radionavigation land test station. A radionavigation land station in the aeronautical radionavigation service which is used as a radionavigation calibration station for the transmission of essential information in connection with the testing and calibration of aircraft navigational aids, receiving equipment and interrogators at predetermined surface locations.

* * * * *

3. Section 87.123 is amended to read as follows:

§ 87.123 Permissible communications.

All ground stations in the aviation services shall transmit only communications for the safe, expeditious and economical operation of aircraft and the protection of life and property in the air: *Provided, however,* That aeronautical public service stations, aeronautical advisory stations, Civil Air Patrol land and mobile stations and radionavigation land test stations may communicate in accordance with the particular section of these regulations which govern the operation of these classes of stations, and any station in the aviation services in Alaska, regardless of class in which licensed, may transmit messages concerning sickness, death, weather, ice conditions, or other matters relating to safety of life and property if:

(a) There is no established means of communication between the points in question;

(b) No charge is made for the communication service; and

(c) A copy of each message so transmitted is kept on file at the transmitting station in accordance with § 87.103.

4. Part 87 is amended by the addition of the following new Subpart P:

Subpart P—Radionavigation Land Test Stations

Sec.
87.521 Frequencies available.
87.523 Scope of service.
87.525 Eligibility.

§ 87.521 Frequencies available.

(a) In applying for a radionavigation land test station authorization, the applicant need not specify the proposed operating frequencies inasmuch as the assigned frequencies are determined by the Commission after coordination with other agencies of the Government.

(b) Normally frequency assignments to radionavigation land test stations will be shared by other stations of the same class. Licensees are required to coordinate operation so as to avoid interference and make the most effective use of assignments.

(c) The frequencies set forth in § 87.183 (m) through (z) may be assigned to radionavigation land test stations for the testing of aircraft transmitting equipment which normally operates on those frequencies and for the testing of ground-based receiving equipment which operates in association with airborne radionavigation equipment.

(d) 108.0 Mc/s and the frequencies set forth in Subpart N of this Part may be assigned to radionavigation land test stations for the testing of airborne receiving equipment. The frequencies 108.0 and 108.1 Mc/s will normally be assigned for the testing of VHF omnirange and localizer equipment, respectively. The power authorized on these frequencies will normally be one watt or less.

§ 87.523 Scope of service.

Transmissions by radionavigation land test stations shall be limited to the necessities of the testing and calibration of aircraft navigational aids and associated equipment when such testing must be performed by means of radio transmissions.

§ 87.525 Eligibility.

Authorizations for radionavigation land test stations will be granted only to applicants engaged in the development, manufacture or maintenance of aircraft radionavigation equipment.

[F.R. Doc. 64-7546; Filed, July 28, 1964; 8:52 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

GOAT HAIR

Available Certifications by Government of India

Notice is hereby given that certificates of origin issued by the Directorate of Marketing and Inspection, Ministry of Food and Agriculture of the Government of India 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 India of the following additional commodity:

Goat hair.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director
Foreign Assets Control.

[F.R. Doc. 64-7452; Filed, July 28, 1964; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OKLAHOMA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 21, 1964.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number New Mexico, 0554283 (Oklahoma), for the withdrawal of the lands described below, from all forms of appropriation including the general mining, but not the mineral leasing laws. The applicant desires the lands for reclamation purposes, including recreation uses, conservation, wildlife and water resources in connection with the Arbuckle Dam and Reservoir in Murray County, Oklahoma.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Acting State Director, P.O. Box 1449, Santa Fe, New Mexico, 87501.

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

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

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

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

The lands involved in the application are:

INDIAN MERIDIAN, OKLAHOMA

T. 1 S., R. 2 E.,
Sec. 25, 48.75 acres out of E½E½ and described as follows: Beginning at a point 891 feet north of the southeast corner of Section 25, T. 1 S., R. 2 E., on the east line of said section; Thence west 330 feet parallel to the south line of said section; Thence north 429 feet parallel to the east line of said section; Thence west 825 feet parallel to the south line of said section; Thence north 1716 feet parallel to the east line of said section; Thence east 1155 feet parallel to the south line of said section to the east line; Thence south along the east line 2145 feet to the place of beginning.

T. 1 S., R. 3 E.,
Sec. 30, 42.10 acres out of W½W½ described as follows: Beginning at a point 891.0 feet north of the southwest corner of Section 30 and on the west boundary of said Section; Thence east 330.0 feet; Thence north 330.0 feet; Thence east 594.0 feet; Thence north 1815.0 feet; Thence west 924.0 feet; Thence south 2145.0 feet, along west boundary of Section 30, to the point of beginning. And a tract within Lot 4, being a roadway 40 feet wide, the center line of which is described as follows: Beginning at a point on the boundary of the above described tract, 1221 feet north and 660 feet east of the southwest corner of Section 30; Thence south 200.0 feet; Thence south 3°00′ west 200.0 feet; Thence south 56°00′ west 310.0 feet, south 19°00′ west 290 feet; Thence south 11°30′ west, 200.0 feet; Thence south 39°30′ east 225 feet more or less to a point on the south boundary of Section 30 and 450.0 feet east of the southwest corner of said section.

Sec. 31, 4.61 acres out of W½NW¼ and described as follows: A tract beginning at a point 660.0 feet north and 528.0 feet east of the ¼ section corner on the west boundary of Section 31; Thence east 264.0 feet; Thence north 330.0 feet; Thence west 264.0 feet; Thence south 330.0 feet to point of beginning. A tract being a roadway 40 feet wide, the center line of which is described as follows: beginning at a point on the north boundary of Section 31 and 450.0 feet east of the northwest corner of said section; Thence south 39°30′ east 535 feet more or less to bend in roadway; Thence south 26°00′ west 300.0 feet; Thence south 14°00′ west 420 feet; Thence south 60°30′ east 160.0 feet; Thence south 22°30′ east 170.0 feet; Thence south 11°30′ east 180.0 feet; Thence south 9°00′ west 160.0 feet to a point on the boundary and near the northeast corner of the above described tract. A tract being a roadway 40 feet wide, the center line of which is described as follows: Beginning at a point 545.0 feet east of the west ¼ section corner of Section 31, and on the east-west center line of said section; Thence north 19°00′ east 698.0 feet to a point on the south boundary of the above described tract.

The areas described aggregate 95.46 acres.

W. J. ANDERSON,
Acting State Director.

[F.R. Doc. 64-7491; Filed, July 28, 1964; 8:47 a.m.]

[Bureau Order No. 701]

LANDS AND RESOURCES [1]

Redelegations of Authorities

PART I—REDELEGATIONS OF AUTHORITY IN STATE DIRECTORS

AUTHORITY IN GENERAL

JULY 23, 1964.

Redelegations of authorities concerned with lands and resources.

SECTION 1.0 *Functions of the State Director.* (a) The State Directors of the Bureau of Land Management are authorized to perform in their respective States [2] and in accordance with existing policies, regulations, and procedures of this Department, the functions of the Director, Bureau of Land Management, listed in Part I of this order, including all types of actions in the matters listed, unless specifically limited.

(b) *Limitations.* In addition to limitations on authority in specified matters, the authority delegated to the State Director shall not include:

(1) The issuance of documents which are amendments of or additions to the Code of Federal Regulations.

(2) The exercise of the supervisory powers of the Secretary, whether by way of appeal to the Secretary or otherwise.

(3) The issuance of certain types of patents or conveyances which require the approval or signature of the President of the United States.

[1] Authority source—Departmental Manual Part 235 (28 F.R. 2535).

[2] The State Director for Montana shall also have jurisdiction in the States of North and South Dakota. The State Director for Wyoming shall also have jurisdiction in the States of Nebraska and Kansas. The State Director for New Mexico shall also have jurisdiction in the States of Oklahoma and Texas. The State Director for Oregon shall also have jurisdiction in the State of Washington. The Director, Eastern States Office, has jurisdiction in the States of Minnesota, Iowa, Missouri, Arkansas, Louisiana, and all States east of the Mississippi River.

(4) Approval of appraisal reports in exchanges of land if the selected lands exceed $250,000 in value unless prior clearance is obtained from the Director's Office.

SEC. 1.1 *Authority to redelegate.* (a) Each State Director may redelegate or authorize the redelegation of any authority vested in him by this order to any qualified employee under his jurisdiction. Any order of redelegation of authority pursuant to this section must be approved by the Director, Bureau of Land Management, and published in the FEDERAL REGISTER, except that:

(1) The State Director may without such approval redelegate to any qualified employee on his immediate staff authority to take actions on behalf of the State Director in matters listed in sections 1.2 through 1.9 of Part I (according to the staff member's functional responsibilities).

(b) Any authority redelegated by the State Director may, in his discretion, be exercised personally by him notwithstanding the redelegation of authority.

AUTHORITY IN SPECIFIED MATTERS

SEC. 1.2 *General and miscellaneous matters.* The State Director may take the following actions, where he has authority in matters listed under other sections of this order:

(a) *Oaths.* Authorize any employee designated to make investigations of matters under the jurisdiction of the Bureau to administer any oath, affirmation, affidavit or deposition provided under the act of October 14, 1940 (5 U.S.C. 498), whenever necessary in the performance of such employee's official duties.

(b) *Cancellations or surrenders of contracts, leases, and permits.* Make partial or complete cancellations or accept surrenders of contracts, leases, and permits.

(c) *Copies of records.* Furnish copies and exemplifications of patents, plats, and other records.

(d) *Gifts.* Accept on behalf of the United States any lands within or without a grazing district as a gift, where such action will promote the purposes of the district or facilitate the administration of the public lands, pursuant to section 8a of the Taylor Grazing Act, as amended (43 U.S.C. section 315g).

(e) *Government contests.* Initiate Government contests against claims asserted to public lands, and take all necessary actions involving the prosecution of such contests except the presentation of the Government's case at the hearing.

(f) *Reports and certifications in connection with Federal land highway projects.* Make reports and certifications as to public lands, in connection with Federal land highway projects, required by (23 U.S.C. 202c).

(g) *Prorata road use and maintenance deposits.* Require a user or users of roads or trails to maintain such roads or trails on a prorata basis or to accept deposits to provide for such maintenance and to expend such deposited funds for the maintenance of any road or trail under the jurisdiction of the Bureau (43 U.S.C. 1382).

(h) *Cooperative agreements.* (1) May enter into cooperative agreements involving the improvement, management, use and protection of the public lands and their resources under his jurisdiction as provided in the Public Land Administration Act (43 U.S.C. 1363). May enter into Cooperative Agreements under sections 2, 9, and 12 of the June 28, 1934 act (43 U.S.C. 315 et seq.) and under the Act of March 29, 1928 (45 Stat. 380).

(2) Cooperative agreements not clearly within the scope of existing Bureau policies and procedures shall have advance clearance of the Director's office.

(i) *Studies.* May conduct cooperative or inhouse research projects, experiments, studies, or investigations; as provided in the Public Land Administration Act (43 U.S.C. 1362); after project work plans and budgets have been approved by the Director's office in each case.

(j) *Fire protection.* Make contracts and cooperative agreements with Federal, State, County, Municipal and private fire-control organizations for the protection from fire (prevention, presuppression, and suppression) of the public lands under the jurisdiction of the Bureau of Land Management.

SEC. 1.3 *Fiscal affairs.* The State Director may take the following actions:

(a) *Bonds and forfeitures.* (1) Take all actions on bonds required in connection with matters pertaining to the lands or the resources thereof under his jurisdiction.

(2) Expend funds made available as a result of the forfeiture of a bond or deposit by a timber purchaser or permittee or of a compromise under the Public Land Adminstration Act (43 U.S.C. 1381).

(b) *Contributions, donations, and refunds.* (1) Accept contributions or donations of money, services, and property for the improvement, management, use, and protection of the public lands and their resources under his jurisdiction. Also accept contributons for cadastral surveying performed on federally controlled or intermingled lands under the Public Land Administration Act (43 U.S.C. 1364).

(2) Accept contributions toward the administration, protection, and improvements of lands within or without grazing districts and remit or refund any unappropriated balances of such contributions pursuant to section 9 of the Taylor Grazing Act (43 U.S.C. section 315h).

(c) *Repayment.* Make repayment or refund from applicable funds in any case where payment has been made that is not required or is in excess of the amount required under the Public Land Administration Act (43 U.S.C. 1374); and repayments under 43 CFR Subpart 1822.

(d) *Trespass.* Determine liability and accept damages for trespass on the public lands, and dispose of resources recovered in trespass cases for not less than the appraised value thereof; recommend to the United States Attorney:

(1) Institution of suits arising out of trespass where the money judgment sought is not in excess of $1,000, and

(2) compromise of such suits where the amount is not in excess of $500.

SEC. 1.4 *Cadastral engineering.* The State Director may take the following actions:

(a) *Survey.* (1) Perform all functions pertaining to the survey and resurvey of the public lands under his jurisdiction pursuant to section 453 of the Revised Statutes (43 U.S.C. section 2) except the acceptance of plats of survey, resurvey and the approval of protracted survey diagrams.

(2) Recommend to the Director for appointment mineral surveyors found to be competent pursuant to section 2334 of the Revised Statutes (30 U.S.C. section 39).

(3) Approve plats and field notes of mineral surveys and certification as to expenditures pursuant to 43 CFR 3441.3.

(4) Prepare and publish in the FEDERAL REGISTER notices of the official filing of accepted plats of survey, resurvey, and approved protracted survey diagrams.

SEC. 1.5 *Classifications and withdrawals.* The State Director may take the following actions:

(a) *Classification of lands.* Classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315f), or pursuant to other laws.

(b) *Withdrawals and reservations.* (1) Act on matters pertaining to the withdrawals or reservation of Federal lands and the elimination of such lands from withdrawal or reservation pursuant to 43 CFR Group 2300, including determinations pursuant to section 3(d) of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 472d) except the authority to issue orders of withdrawal or reservation and orders eliminating lands from withdrawal or reservation.

(2) Determine pursuant to 43 CFR Group 2300 with the concurrences of the Administrator of General Services or his delegate when required that specific lands withdrawn or reserved from the public domain and subsequently declared excess to the needs of the agency for which withdrawn or reserved are suitable or not suitable for return to the public domain for disposition under the general public land laws.

(3) Determine that minerals in lands or portions of lands withdrawn or reserved from the public domain and subsequently declared excess to the needs of the agency for which withdrawn or reserved are suitable or not suitable for disposition under the public land mining and mineral leasing laws.

(c) *Restoration orders.* Issue orders of restoration where revocation or modification of a withdrawal or reservation is not involved and where an order of revocation provides for opening of the lands by an authorized officer of the Bureau. All such orders shall be published in the FEDERAL REGISTER.

SEC. 1.6 *Minerals.* The State Director may take the following actions:

(a) *Oil and gas leases.* Act on oil and gas leases pursuant to the Act of February 25, 1920 (30 U.S.C. section 221 et seq.), as amended and supplemented, the Act of August 7, 1947 (30 U.S.C. sections 351–359), and the Act of May 21, 1930 (30 U.S.C. sections 301–305), and oil and gas leases issued pursuant to the Act of August 21, 1916 (39 Stat. 519), embracing lands restored to the public domain pursuant to the provisions of the Act of August 15, 1953 (67 Stat. 592). Also

leases of oil and gas deposits transferred to this Department for measures to protect the deposits from drainage. This authority does not include any function pertaining to oil and gas deposits that involve approval or execution of unit or cooperative agreements, communization agreements, operating, drilling or development contracts without regard to acreage limitation or the sale of royalty oil taken in account of production.

(b) *Coal permits, leases, and licenses, asphalt leases.* (1) Act on all matters involving coal permits, leases, and licenses under sections 2 to 8 inclusive, of the Act of February 25, 1920, as amended and supplemented (30 U.S.C. sections 201–208), including coal permits and leases under the Act of August 7, 1947 (30 U.S.C. section 351–359), and coal permits and leases and asphalt leases under the Acts of June 26, 1944 (58 Stat. 483–485), June 24, 1948 (62 Stat. 596), and May 24, 1949 (63 Stat. 75).

(2) The authority delegated by this section shall not include any function relating to the grant, approval or termination of the waiver, suspension, or reduction of rental or minimum royalty, the reduction of royalty, or this suspension of operations and production under a lease.

(c) *Oil shale leases.* Take all actions on oil shale leases under section 21 of the Act of February 25, 1920 (30 U.S.C. section 241), and under the Act of August 7, 1947 (30 U.S.C. sections 351–359). The authority delegated by this section shall not include any function relating to the grant, approval or termination of the waiver, suspension or reduction of rental or minimum royalty, the reduction of royalty, or the suspension of operations and production under a lease.

(d) *Phosphate permit and leases.* Take all actions on matters related to phosphate permits and leases under sections 9 to 12 inclusive, of the Act of February 25, 1920 (30 U.S.C. 211–214), as amended, and phosphate permits and leases under the Act of August 7, 1947 (30 U.S.C. 351–359).

(e) *Potassium permits and leases.* Take all actions on matters related to potassium permits and leases under the Act of February 7, 1927 (30 U.S.C. sections 281–285), as amended and potassium permits and leases under the Act of August 7, 1947 (30 U.S.C. 351–359).

(f) *Sodium permits and leases.* Take all actions on sodium permits, leases and use permits under sections 23 to 25 inclusive, of the Act of February 25, 1920, as amended (30 U.S.C. sections 261–263), and under the Act of August 7, 1947 (30 U.S.C. sections 351–359).

(g) *Sulphur permits and leases.* Take all actions on sulphur permits and leases under the Act of April 17, 1926, as amended (30 U.S.C. section 271), and under the Act of August 7, 1947 (30 U.S.C. sections 351–359).

(h) *Agreements to compensate for drainage of oil or gas.* Execute agreements for payment of compensatory royalties because of drainage of oil or gas.

(i) *Gold, silver, and quicksilver leases.* Take all actions on leases of gold, silver, and quicksilver to the owners of confirmed private land claims, pursuant to 43 CFR Subpart 3321.

(j) *Minerals subject to lease under special laws.* Take all actions on permits and leases for sand, gravel, and other minerals under special laws, pursuant to 43 CFR Part 3320; also permits and leases for certain mineral deposits in acquired lands, pursuant to 43 CFR Part 3220.

(k) *Mining claims.* Take all actions on claims pursuant to the general mining laws and laws supplemental thereto and 43 CFR Groups 3400, 3500, and 3600.

(l) *Native asphalt, solid and semisolid bitumen and bituminous rock leases.* Take all action on matters related to the leasing of native asphalt, solid and semisolid bitumen and bituminous rock, including oil impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried, pursuant to the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. sections 181–263).

SEC. 1.7 *Range management.* The State Director may exercise the following authority:

(a) *Grazing district administration.* Act on matters pertaining to the administration of grazing districts pursuant to the Act of June 28, 1934, as amended and supplemented (43 U.S.C. section 315 et seq., 16 U.S.C. section 715i), and 43 CFR Parts 2120, 4110, and 4250 as follows:

(1) Licenses or permits to graze or trail livestock.

(2) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(3) The expenditure of funds appropriated by the Congress, or contributed by individuals, associations, advisory boards, or others, for the construction, purchase or maintenance of range improvements.

(4) Leases under the Pierce Act (43 U.S.C. sections 315m–1 to 315m–4 inclusive).

(5) Requirements of field employees to furnish horses and miscellaneous equipment necessary for the performance of their official duties pursuant to the Act of December 10, 1942 (43 U.S.C. section 315o–2), and make payments in connection therewith as authorized by the act.

(6) Hold hearings when necessary in connection with the modification of grazing district boundaries.

(7) Approve articles of incorporation, constitutions, and bylaws for local associations of stockmen pursuant to 43 CFR Part 4110.

(b) *Grazing leases.* (1) Grazing leases of public lands, under section 15 of the Act of June 28, 1934, as amended (43 U.S.C. section 315m), and the permits or cooperative agreements to construct and maintain improvements on lands so leased, and to determine the value of such improvements.

(2) Grazing leases of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, and crossing permits for such lands, in accordance with 43 CFR Part 4120.

(3) Grazing leases of public lands in Alaska, under the Act of March 4, 1927 (43 U.S.C. sections 471, 471a–471c); leases and permits for grazing of reindeer pursuant to section 14 of the Act of September 1, 1937 (50 Stat. 902; 48 U.S.C. 250m).

(c) *Appropriation of water.* Applications under State laws to appropriate water on lands under the administration of the Bureau of Land Management where required in connection with projects for the development, control or utilization of water; and procurement of easements or rights-of-way upon or over private lands, and also upon or over federally owned lands not under the administration of the Bureau and upon or over State, county, and municipally owned lands where improvements are installed.

(d) *Soil and moisture conservation; control of Halogeton glomeratus.* (1) Soil and moisture conservation on the public lands, pursuant to the National Soil Conservation Act of April 27, 1935 (16 U.S.C. section 590a, et seq.).

(2) Surveys and other operations and the expenditure of appropriated funds and contributions, under the Halogeton Glomeratus Control Act of July 14, 1952 (66 Stat. 597), and Departmental Order No. 2835 of October 2, 1958.

(3) The authority granted by paragraphs (1) and (2) shall include authority to enter into cooperative agreements in the matters listed and shall be subject to the coordination and general supervision of the Office of the Secretary.

(e) *Controlled brush burning.* Issue permits for the controlled burning of brush, as a means of improving the range by the replacement of the brush with grass and other desirable species.

SEC. 1.8 *Forest management.* The State Director may take the following actions:

(a) *Disposition of forest products.* (1) Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management. This authority shall not include the approval of any sale of timber in excess of 25,000,000 feet, board measure.

(2) Sell timber on lands under the jurisdiction of the Bureau of Reclamation, in accordance with Departmental Manual 586.1.3C and 586.1.3F.

(b) *Hearings in connection with sustained-yield forest units.* Schedule and hold public hearings on master forest units and their appurtenant marketing areas, and on sustained-yield forest units, comprising revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, and lands in private ownership or controlled by other public agencies, under authority of the Act of August 28, 1937 (50 Stat. 874), and (16 U.S.C. sections 383a–388i). The notice of hearing may designate any qualified employee in the area to holding the hearing. This shall not include the approval of sustained-yield timber units.

(c) *Cutting of timber on certain mining claims in Oregon.* Approve applications from owners of mining claims located since August 28, 1937, on revested Oregon and California Railroad and re-

conveyed Coos Bay Wagon Road grant lands in Oregon, to cut and use so much of the timber on the mining claims as is necessary in the development and operation of the mines until such time as the timber is otherwise disposed of by the United States pursuant to the Act of April 8, 1948 (62 Stat. 162).

(d) *Roads.* Act on matters involving the acquisition of rights-of-way and roads under the Act of July 26, 1955 (69 Stat. 374), including purchases after clearance with the Department of Justice but not including recommendations to the Attorney General for condemnation proceedings; also the approval of projects for the construction of roads to provide access to the timber on public lands subject to that act.

SEC. 1.9 *Land use.* The State Director may take the following actions:

(a) *Airports and air navigation facilities.* (1) Issue leases of public lands for public airports and permits for air navigation facilities under the Act of May 24, 1928 (49 U.S.C. section 211–214).

(2) Take all actions under the Federal Airport Act (49 U.S.C. section 1101).

(b) *Cemetery sites.* Take all actions relating to cemetery sites pursuant to 43 CFR Subpart 2231.

(c) *Color-of-title and riparian claims.* Take all actions relating to color-of-title and riparian claims under 43 CFR Subpart 2214.

(d) *Exchanges.* Take actions subject to the title opinion of the field solicitor, in all matters relating to exchanges of lands and of timber for lands, except as limited by Part 1.0(b)(4) and issue quitclaim deeds authorized by section 6 of the Act of April 28, 1930 (46 Stat. 257).

(e) *Homesteads.* Take all actions on homesteads pursuant to 43 CFR Subpart 2211.

(f) *Indian allotments.* Take all actions relating to Indian allotments with the concurrence of the Commissioner of Indian Affairs, pursuant to 43 CFR Subpart 2212.

(g) *Material other than forest products.* Take all actions relating to any sale or contract for the sale of material other than forest products, or the free use of materials other than forest products, under 43 CFR Part 3610.

(h) *Mineral or medicinal springs.* Take all actions relating to leases of lands adjacent to mineral or medicinal springs, under the Act of March 3, 1925 (43 U.S.C. section 971).

(i) *Sites for recreational or any public purpose.* Take all actions with respect to conveyances and leases to Federal, State and local government units and to non-profit associations and corporations pursuant to 43 CFR Subpart 2232, and to other applicable regulations.

(j) *Public sales.* (1) Take all actions on public sales pursuant to 43 CFR Subpart 2243, and other sales of land by competitive bidding when authorized by law.

(2) Applications by and sales to aliens, associations having an appreciable number of alien members, and corporations whose stock to an appreciable extent is held by aliens, are subject to approval by the Secretary of the Interior.

(k) *Railroad grants.* Adjust railroad grants and claims within such grants, pursuant to 43 CFR Subpart 2224, subject to approval of the validity of the grant rights.

(l) *Reclamation and irrigation.* Take all actions on reclamation and desert-land entries, State irrigation districts, and Nevada underground water permits and entries, pursuant to 43 CFR Group 2200; also entries, sales, and exchanges of lands in reclamation projects, pursuant to 43 CFR Chapter I, Bureau of Reclamation, or special instructions of the Secretary of the Interior, to the extent that action by the Bureau of Land Management is required.

(m) *Rights-of-way.* (1) Grant right-of-way permits and easements over public and acquired lands, including revested Orgeon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon and over reservations other than Indian reservations, when authorized by law, and rights-of-way over the Outer Continental Shelf pursuant to 43 CFR section 2234.5–3. However, only the Secretary of the Interior may issue an order, pursuant to 43 CFR 2234.1–3(c), requiring the discontinuance, without liability or expense to the United States, of the use of a right-of-way for the purpose granted.

(2) Consent to the appropriation of Federal agencies under the principles of the instructions of January 13, 1916 (44 LD 513) of rights-of-way over unreserved or withdrawn lands. (See 43 CFR 2234.1–1(a)(2).)

(n) *Small tracts.* Take all actions with respect to small tracts, under the Act of June 1, 1938 (43 U.S.C. section 682e), as amended.

(o) *Special land-use permits.* Take all actions in issuing:

(1) Special land-use permits for public lands, pursuant to 43 CFR Subpart 2236.

(2) Special land-use permits for revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon pursuant to 43 CFR Subpart 2236.

(3) Special land-use permits for acquired lands under the administration of the Bureau of Land Management, under the principles embodied in 43 CFR Subpart 2236.

(4) Permits to use areas below the high-water mark of navigable waters in Alaska for occupancy purposes under the principles embodied in 43 CFR Subpart 2236, subject to rules, regulations, and requirements of the Department of the Army respecting the navigation of such streams.

(5) Every such permit issued to a Federal agency or to a State agency or political subdivision shall be restricted to the smallest area needed for the proposed use. Not more than 50,000 acres may be included in any such permit, except that in Alaska permits may be issued to the Department of Defense for maneuver purposes for such acreages in excess of 50,000 acres and for such periods as may be deemed warranted in the circumstances. No permit may be issued under this authority where a withdrawal or a class which the Director is not authorized to make is requested.

(p) *State grants.* Take all actions on State grants and selections when authorized by law, but not including the approval of clear lists pursuant to section 2449 of the Revised Statutes (43 U.S.C. section 859) unless specifically authorized.

(q) *Surface rights.* Take all actions on nonmineral applications for lands embraced in mineral permits or leases, or in applications for such permits or leases, or classified, withdrawn, or reported as valuable for any leasable mineral or lying within the geologic structure of a field, in accordance with 43 CFR Subpart 2023.

(r) *Townsites.* Take all actions on all townsite matters except withdrawals, including the designation of townsite trustees as provided in 43 CFR 2242.9–1(b) under authority of section 11 of the Act of March 3, 1891 (26 Stat. 1099, 48 U.S.C. 355) and as provided in 43 CFR 2242.9–3(b) under authority of the Act of May 25, 1926 (44 Stat. 629, 48 U.S.C. 355a–355d). Provided, that reclamation townsite matters shall be handled jointly with the Commissioner of Reclamation pursuant to 43 CFR 2242.4–1 to 2242.4–4.

(s) *Water wells.* Take all actions on water-well leases, pursuant to section 40 of the Mineral Leasing Act (30 U.S.C. section 229a) and 30 CFR 241.6.

(t) *Matters pertaining to Alaska only.* (1) Alaska—furfarms. Take all actions on leases of public lands in Alaska for furfarms, under the Act of July 3, 1926 (48 U.S.C. section 360, 361).

(2) Alaska, homesites or headquarters. Take all actions on homesites or headquarters in Alaska, pursuant to 43 CFR 2233.9.

(3) Alaska Housing Authority. Transfer to the Alaska Housing Authority lands above-high-water mark and under the jurisdiction of the Department of the Interior pursuant to section 6 of the Alaska Housing Act of April 23, 1949 (48 U.S.C. section 484c).

(4) Alaska, trade and manufacturing sites. Take all actions on trade and manufacturing sites in Alaska, pursuant to 43 CFR Subpart 2213.

(5) Alaska missions claims. Take all actions pursuant to section 27 of the Act of June 6, 1900 (31 Stat. 330) and 50 L.D. 55.

(6) Shore space restrictions. Take all actions in connection with the waiver, pursuant to the Act of June 5, 1920, as amended (48 U.S.C. 372), and 43 CFR Subpart 2024, of the 160 rod restriction as to the length of claims along the shores of navigable waters in Alaska.

(u) *Certificates, scrip and lieu selections.* Take all actions in connection with certificates and scrip under 43 CFR Subpart 2221 and also forest lieu selections, in accordance with 43 CFR 2221.8, subjcet to approval of the validity of the scrip or other rights.

(v) *Choctaw-Chickasaw lands.* Take all actions on matters pertaining to the management and disposition of the Choctaw-Chickasaw lands pursuant to 43 CFR Subpart 2251.

(w) *Small holding claims.* Take all actions on claims under the act of March 3, 1891 (26 Stat. 854), as amended

by the act of February 21, 1893 (27 Stat. 470); and the act of June 15, 1922 (42 Stat. 650).

(x) *Mining claim occupancy.* Take all actions on claims under the act of October 23, 1962 (76 Stat. 1127) and 43 CFR Subpart 2215.

(y) *Disposal of specified tracts.* Take all actions in regard to the disposal of specified tracts of public lands when authorized by law.

SEC. 1.10 *Designation of Action Officials.* The State Director may designate:

(a) Acting State Director: By written order, any qualified employee in his State to perform the functions of the State Director in his absence.

(b) Acting Division Chief: By written order, any qualified employee of the various staff offices to perform the functions of the Chief of a Division in case of the absence of the Division Chief.

(c) Each employee who serves in such capacity in (a) or (b) above shall prepare a memorandum to be kept in the State Office showing the date and hour of the commencement and termination of each period of his service in that capacity.

PART II—REDELEGATION TO LAND OFFICE MANAGERS [3]

AUTHORITY IN GENERAL

SEC. 2.0 *Functions of Land Office Manager.* (a) The land office managers are authorized to perform in their respective areas of responsibility [4] and in accordance with the existing policies, regulations and procedures of this Department and under the direct supervision of the State Director,[5] the functions of the Director, Bureau of Land Management, as listed below, subject to the limitations listed in Part I together with any limitations specified below.

SEC. 2.1 *Authority to redelegate.* The land office manager may redelegate to assistant managers or section chiefs authority to exercise that authority vested in him by this Part. Any order of redelegation must specify the extent of, and limitations on the grant of authority, be approved by the State Director, and published in the FEDERAL REGISTER.

AUTHORITY IN SPECIFIED MATTERS

SEC. 2.2 *General and miscellaneous matters.* The land office manager may take all actions on:

(b) Cancellations or surrenders of contracts and leases.

(c) Copies of records.

(d) Government contests.

SEC. 2.3 *Fiscal affairs.* The land office manager may take all actions on:

(a) *Bonds.* Authority limited to section 1.3(a)(1) of Part I of this order.

(c) *Repayments.*

SEC. 2.4 *Cadastral engineering.* The land office manager may take the following action:

(a)(4) Preparation and publication in the FEDERAL REGISTER of notices of the official filing of accepted plats of survey, resurvey and approved protracted survey diagrams.

SEC. 2.5 *Classifications and withdrawals.* Subject to receipt of a report from the State Director, the land office manager may take all the listed actions on:

(b) Withdrawals and reservations.

(c) Restoration orders.

SEC. 2.6 *Minerals.* The land office manager may take all the listed actions on:

(a) Oil and gas leases.

(b) Coal permits, leases, and licenses; asphalt leases.

(c) Oil shale leases.

(d) Phosphate leases.

(e) Potassium permits and leases.

(f) Sodium permits and leases.

(g) Sulphur permits and leases.

(h) Agreements to compensate for drainage of oil and gas.

(i) Gold, silver, and quicksilver leases.

(j) Minerals subject to lease under special laws.

(k) Mining claims.

(l) Native asphalt, solid and semisolid bitumen and bituminous rock leases.

SEC. 2.7 *Range management.* The land office manager may take all actions on:

(b)(3) Grazing leases of public lands in Alaska under the act of March 4, 1927 (48 U.S.C. secs. 471, 471a–471c).

SEC. 2.9 *Land use.* Subject to classification action by the State Director where necessary, the land office manager may take all actions on:

(a) Airports and air navigation facilities.

(b) Cemetery sites.

(c) Color-of-title and riparian claims. Subject to approval of color-of-title or claim of right by the Field Solicitor.

(d) Exchanges.

(1) Authority subject to title approval of offered lands by the Field Solicitor and subject to Part 1.0(b)(4) where the selected lands appraisal value exceeds $250,000.

(e) Homesteads.

(f) Indian allotments.

(g) Material other than forest products.

(h) Mineral or medicinal springs.

(i) Sites for recreational or any public purposes.

(j) Public sales.

(k) Railroad grants.

(l) Reclamation and irrigation.

(m) Rights-of-way. Authority does not include logging road rights-of-way on public lands west of Range 8 East, Willamette Meridian, Oregon.

(n) Small tracts.

(o) Special land-use permits, except:

(1) Special land-use permits within grazing or forest districts.

(2) Special land-use permits for revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon.

(p) State grants.

(q) Surface rights.

(r) Townsites. Except designation of townsite trustees.

(s) Water wells.

(t) Matters pertaining to Alaska only. The land office manager may take all the listed actions on:

(1) Alaska, fur farms.

(2) Alaska, homesites or headquarters.

(3) Alaska, housing authority.

(4) Alaska, trade and manufacturing sites.

(5) Alaska mission claims.

(6) Shore space restrictions.

(u) Certificates, scrip and lieu selections.

(v) Choctaw-Chickasaw lands.

(w) Small holding claims.

(x) Mining claim occupancy.

(y) Disposal of specified tracts.

SEC. 2.10 *Designation of Acting Officials.* (a) Land office managers may, by written order, designate any qualified employee of the land office to perform the functions of the land office manager in his absence.

(b) Each employee who serves in such capacity in (a) above, shall prepare a memorandum to be kept in the land office showing the date and hour of the commencement and termination of each period of his service in that capacity.

PART III—REDELEGATION TO DISTRICT MANAGERS [6]

AUTHORITY IN GENERAL

SEC. 3.0 *Functions of District Manager.* (a) The district managers are authorized to perform in their respective areas of responsibility and in accordance with the existing policies, regulations and procedures of this Department, and under the direct supervision of the State Director, the functions of the Director, Bureau of Land Management, as listed below, subject to the limitations listed in Part I together with any limitations specified below.

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.2 *General and miscellaneous matters.* On matters in which he is authorized to act, the district manager may take all actions on:

(b) Cancellations or surrenders of contracts.

(c) Copies of records.

SEC. 3.3 *Fiscal affairs.* On matters in which he is authorized to act, the district manager may take all actions on:

(a) Bonds and forfeitures.

(b) Contributions, donations and refunds.

(c) Repayments.

(d) Trespass: Determine liability and accept damages for trespass on the public lands and dispose of resources recovered in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $2,000.

SEC. 3.7 *Range management.* The district manager may take all the listed actions on:

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[3] As used in Part II, the title "land office manager" also refers to the managers of merged district and land offices.

[4] The land office manager at Billings shall also have jurisdiction in North and South Dakota. The land office manager at Cheyenne shall also have jurisdiction in Nebraska and Kansas. The land office manager at Santa Fe shall also have jurisdiction in Oklahoma and Texas.

[5] The land office manager at Spokane is under the direct supervision of the State Director of Oregon.

[6] As used in Part 3, title "district manager" also refers to the managers of merged district and land offices.

(a) Licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(4) The expenditure of funds appropriated by Congress, or contributed by individuals, associations, advisory boards, or others for the construction, purchase or maintenance of range improvements.

(b) Grazing leases.

(c) Appropriation of water.

(d) Soil and moisture conservation; control of halogeton glomeratus.

(e) Controlled brush burning. In accordance with plans and specifications approved by the State Director.

SEC. 3.8 *Forest management.* The district manager may take all the actions on:

(a) Disposition of forest products except sales of timber in excess of 10,000,000 feet board measure must be approved by State Directors or their delegates prior to advertisement.

(e) In Oregon, cutting of timber on certain mining claims.

(d) Roads.

SEC. 3.9 *Land use.* The district manager may take all the listed action on:

(g) Material other than forest products not exceeding $2,000 unless authority to make sales in greater amounts is delegated by the State Director.

(m) Rights-of-way. Grant logging road rights-of-way over public land west of Range 8 East, Willamette Meridian, Oregon, and rights-of-way over public and acquired land pursuant to 43 CFR 2234.2-3(a)(2).

(o) Special land-use permits.

(1) Issue special land-use permits for public lands within the grazing and forest districts.

(2) Special land-use permits for revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon.

(3) Special land-use permits for lands outside established grazing and forest districts when specifically authorized by the State Director.

SEC. 3.10 *Designation of Acting Officials.* (a) District managers may, by written order, designate any qualified employee of the district office to perform the functions of the district manager in his absence.

(b) Each employee who serves in such capacity in (a) above, shall prepare a memorandum to be kept in the district office showing the date and hour of the commencement and termination of each period of his service in that capacity.

PART IV—REDELEGATIONS OF AUTHORITY TO THE DIRECTOR, EASTERN STATES OFFICE

SEC. 4.0 The Director, Eastern States Office, may take all actions on matters listed in Part I of this order together with those specific matters listed below.

(a) Drainage entries. Take all actions on Arkansas drainage entries, in accordance with 43 CFR Subpart 2254.

(b) Amendments of entries and patents.

(c) Patents. Issue patents or their equivalent for grants of land under the authority of the Government to be issued in the name of the United States, other than patents or other conveyances which require the approval or signature of the President. Patents may be signed by the Chief of the Patent Section, or in his absence, by the Acting Chief of that section.

(d) Cash and credit system: Take all actions on cash and credit system and preemption entries when full payment has been made.

(e) Private land claims: Take all actions on:

(1) Confirmed private land claims.

(f) Railroad grants: Approve the validity of the grant rights in regard to railroad grants and claims within such grants pursuant to 43 CFR Subpart 2224.

(g) Certificates, scrip and lieu selections: Approve the validity of scrip or other rights pursuant to 43 CFR Subpart 2221.

PART V—REDELEGATIONS OF AUTHORITY TO THE CHIEF, DIVISION OF ENGINEERING

AUTHORITY IN GENERAL

SEC. 5.0 *Functions of Chief, Division of Engineering.* (a) In accordance with existing policies, regulations and procedures of this Department, and under the direct supervision of the Assistant Director—Operating Services, the Chief, Division of Engineering of the Bureau of Land Management is authorized to perform all functions and sign for and on behalf of the Director all documents relating to (1) appointment of mineral surveyors, (2) acceptance of all types of surveys, and (3) approval of all types of protracted surveys.

PART VI—AUTHORITY OF HEARING EXAMINERS

AUTHORITY IN GENERAL

SEC. 6.0 *Functions of hearing examiners.* (a) Hearing examiners in cases before them for hearing and decision are authorized to exercise the powers and authority enumerated in 43 CFR 1850, or as specified in an order or decision of the Director or Secretary in any case.[7]

AUTHORITY IN SPECIFIED MATTERS

SEC. 6.1 *Reporter's fees.* Hearing examiners in accordance with 43 CFR 1851.6 and 1852.3-7, are authorized to take all actions on payments for reporter's fees required of parties to hearings, including action upon requests of parties to be relieved of such payments.

SEC. 6.2 *Copies of records.* Hearing examiners, in accordance with existing policies, regulations and procedures of this Department, are authorized to furnish copies and exemplifications of records, including their decisions and orders.

SEC. 6.3 *Bonds.* Hearing examiners are authorized to determine the amount of any bond required pursuant to 43 CFR 3533.1.

[7] The powers enumerated in section 7(b) of the Administrative Procedure Act (5 U.S.C. 1001-1011) are by the terms thereof vested in the hearing examiner in any case in which the parties must be afforded opportunity for a hearing conforming with the Act.

PART VII—APPEALS

SEC. 7.1 *Right of Appeal.* Any person aggrieved by the action of a State Director, Director, Eastern States Office, hearing examiner, land office manager, district manager or their delegate may appeal to the Director, Bureau of Land Management, and from his decision to the Secretary of the Interior, pursuant to 43 CFR, Part 1840.

PART VIII—REVOCATION

Bureau of Land Management Order 684, as amended, is hereby revoked. Redelegations of authority pursuant to Order No. 684, not inconsistent with the delegations herein made, shall continue in force until revoked or superseded.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 64-7492; Filed, July 28, 1964; 8:47 a.m.]

ALASKA

Filing of Plat of Survey; Order Providing for Opening of Public Lands

JULY 22, 1964.

1. Plat of extension survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m., August 3, 1964.

SEWARD MERIDIAN

T. 18 N., R. 3 E.,
Sec. 5: Lots 3 through 6, SE¼NE¼, S½;
Sec. 6: Lots 9 through 13, SE¼SE¼;
Sec. 7: Lots 1 through 26, E½W½, W½NE¼, NE¼NE¼;
Sec. 8: Lots 1 through 21, E½, SE¼SW¼;
Sec. 18: Lots 1 through 4.

Containing 1,774.80 acres.

2. The Matanuska River traverses southwesterly through secs. 5 and 6. Wolverine Lake is located in secs. 7 and 8. The area is mountainous, with a ground cover of spruce, birch, aspen and cottonwood. The soil is sandy loam.

a. Applications and selections under the non-mineral public land laws may be presented to the Acting Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

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

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., on August 3, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing. The lands will also be open to mining location at that date and hour.

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

4. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in Part 1821.2–3 (formerly 295.8) of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 2233.9–1(a), 2211.9–1(a), and 2211.0–6(a), (formerly Parts 64, 65 and 166) of Title 43 of the Code of Federal Regulations.

5. Inquiries concerning these lands shall be addressed to the Acting Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska.

AL J. HOLLEY,
Acting Manager,
Land Office.

[F.R. Doc. 64–7527; Filed, July 28, 1964; 8:49 a.m.]

[Montana 037262(SD)]

MONTANA

Filing of Plat of Survey

JULY 21, 1964.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Billings, Montana, effective at 10:00 a.m., August 26, 1964:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 6 N., R. 5 E.,
Sec. 25, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and SW¼;
Sec. 26, lots 1, 2, 3, 4, 5, 6, 7, and 8, and S½;
Sec. 27, lots 1, 2, 3, 4, 5, and 6, NE¼NE¼, W½NE¼, and W½;
Sec. 34, lots 1, 2, 3, 4, 5, 6, 7, and 8, and W½;
Sec. 35;
Sec. 36, lots 1, 2, 3, 4, 5, 6, 7, and 8, and W½.

The areas described aggregate 3792.59 acres.

2. The following described lands are privately owned:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 6 N., R. 5 E.,
Sec. 25, lots 1, 2, 3, 4, 5, and 6;
Sec. 26, lots 1, 2, 3, and 4;
Sec. 27, lots 1, 2, and 3, NE¼NE¼, W½NE¼, and W½;
Sec. 34, lots 1, 2, 3, and 4, and W½;
Sec. 36, lots 1, 2, 3, and 4.

The areas described aggregate 1652.75 acres.

3. The following described lands are embraced in PLO 2112, FEDERAL REGISTER, June 10, 1960 which withdrew the lands from all forms of appropriation except the mineral leasing laws, but excluded location under the mining laws:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 6 N., R. 5 E.,
Sec. 25, lots 7, 8, 9, 10, and 11, and SW¼.

The area described aggregates 375.99 acres.

4. The following described lands were withdrawn by Executive Order of December 18, 1878 as amended by Executive Order of May 27, 1885, for use of the War Department. The withdrawals have not been revoked:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 6 N., R. 5 E.,
Sec. 26, lots 5, 6, 7, and 8, and S½;
Sec. 27, lots 4, 5, and 6;
Sec. 34, lots 5, 6, 7 and 8;
Sec. 35;
Sec. 36 lots 5, 6, 7, and 8, and W½.

The areas described aggregate 1763.85 acres.

Under Public Law No. 346, approved June 22, 1944 (58 Stat. 284), the Department of the Army on September 11, 1944, transferred the lands to the Veterans Administration. On August 25, 1949 the Veterans Administration declared the area surplus and pursuant to Executive Order 9337 (April 24, 1943), Bureau of Land Management assumed custody and accountability August 10, 1954.

5. In view of the above the lands described will not be subject to disposition under the general public land laws by reason of the official filing of the plat.

R. PAUL RIGTRUP,
Manager, Montana Land Office.

[F.R. Doc. 64–7528; Filed, July 28, 1964; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SALMON RIVER LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

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

Salmon River Livestock Auction, Salmon, Idaho.
Lake Charles Livestock Commission Yard, Lake Charles, La.
Nelson Livestock Sales, St. Albans, Maine
Finger Lakes Livestock Market, Inc., Canandaigua, N.Y.
Sallisaw Sale Barn, Sallisaw, Okla.

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

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

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)).

Done at Washington, D.C. this 23d day of July 1964.

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

[F.R. Doc. 64–7497; Filed, July 28, 1964; 8:47 a.m.]

[Purchase Program FMP 96a]

FRESH CALIFORNIA PLUMS

Notice of Purchase Program

In order to encourage the domestic consumption of plums by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, a fresh plum purchase program was made effective on July 22, 1964, in California. Purchases will be made on an announced price basis as a surplus removal activity. Plums purchased under the program will be distributed to institutions and other eligible outlets. Details regarding price, container, and other program specifications are contained in the purchase announcement issued by Mr. W. B. Blackburn, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 650 Capitol Avenue, Room 8518, Sacramento, California, 95814. Quantities purchased will depend upon marketing conditions at the time of purchase, and availability of outlets for use of the plums without waste. Information concerning this purchase program may be obtained from Mr. Blackburn or the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C., 20250.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: July 24, 1964.

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

[F.R. Doc. 64–7555; Filed, July 28, 1964; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1463) has been filed by The Dow Chemical Company, Midland, Michigan, 48640, proposing that § 121.2520 *Adhesives* be amended by adding ethylene glycol monophenyl ether and diethylene glycol monophenyl ether to the list of substances in paragraph (c)(5), Components of Adhesives.

Dated: July 23, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-7538; Filed, July 28, 1964; 8:50 a.m.]

E. I. DU PONT DE NEMOURS AND CO., INC.

Withdrawal of Petition Relating to Hexamethylenetetramine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), E. I. du Pont Nemours and Company, Inc., Wilmington, Delaware, 19898, has withdrawn its petition (FAP 986), published in the FEDERAL REGISTER of January 23, 1963 (28 F.R. 595), proposing the issuance of a regulation to provide for the safe use of hexamethylenetetramine as a neutralizing agent employed in the application of sterato-chromic chloride complex coatings to paper and paperboard intended for use in contact with food.

The withdrawal of this petition is without prejudice to a future filing.

Dated: July 23, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-7539; Filed, July 28, 1964; 8:51 a.m.]

HERCULES POWDER CO.

Filing of Petition Regarding Food Additive Polyterpene Resin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1454) has been filed by Hercules Powder Company, Wilmington, Delaware, 19899, proposing the issuance of a regulation to provide for the safe use of polyterpene resin as a component of polypropylene film intended for food contact.

Dated: July 23, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-7540; Filed, July 28, 1964; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 70-813]

BATTELLE MEMORIAL INSTITUTE

Notice of Issuance of License

Notice is hereby given that the Atomic Energy Commission, on July 22, 1964 issued Special Nuclear Materials License No. SNM-807 to Battelle Memorial Institute. The license authorizes the transfer of irradiated fuel elements used in the reactor licensed under facility license R-4, from the site at West Jefferson, Ohio, to the Commission's Idaho Chemical Processing Plant in the type of cask specified and in accordance with the procedures described in the application. For further details see (1) the application dated November 14, 1963 as supplemented, and (2) a Safety Analysis by the Irradiated Fuels Branch of the Division of Materials Licensing, both of which are on file in Docket No. 70-813 at the AEC's Public Document Room. A copy of the Safety Analysis by the Irradiated Fuels Branch is available upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Acting Director, Division of Materials Licensing.

Dated at Bethesda, Md., this 22d day of July 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director, Division of Materials Licensing.

[F.R. Doc. 64-7462; Filed, July 28, 1964; 8:45 a.m.]

[Docket No. 50-193]

RHODE ISLAND AND PROVIDENCE PLANTATIONS ATOMIC ENERGY COMMISSION

Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Facility License No. R-95 to Rhode Island and Providence Plantations Atomic Energy Commission authorizing operation of its pool-type nuclear reactor at a maximum steady state power level of one (1) megawattt (thermal) at Fort Kearney in Narragansett, Rhode Island.

The Commission has found that the reactor has been constructed in conformity with Construction Permit No. CPRR-73 and will operate in conformity with the application, as amended, and in conformity with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission.

The license is substantially as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER on July 3, 1964, 29 F.R. 8435.

Dated at Bethesda, Md., this 21st day of July 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-7523; Filed, July 28, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15574—15577; FCC 64-677]

MOBILFONE OF BOSTON, ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Colgan Communications, Inc., d/b as Mobilfone of Boston, Docket No. 15574, File No. 71-C2-P-63, for a construction permit to establish a second channel for station KCA240 in the Domestic Public Land Mobile Radio Service at Boston, Massachusetts; Mary E. Anstead d/b as Radio-Phone Service, Docket No. 15575, File No. 1988-C2-R-63, for renewal of its regular service license for station KCC263 in the Domestic Public Land Mobile Radio Service at Boston, Massachusetts; Docket No. 15576, File No. 900-C2-ML-63, for modification of developmental license for station KCC263 to render a regular service in the Domestic Public Land Mobile Radio Service at Boston, Massachusetts; Comex, Inc., Docket No. 15577, File No. 4928-C2-ML-63, for modification of license for station KCC797 to convert its developmental service to a regular service in the Domestic Public Land Mobile Radio Service at Manchester, New Hampshire.

MOBILFONE AND RADIO-PHONE APPLICATIONS

1. Colgan Communications, Inc., d/b as Mobilfone of Boston (Mobilfone), the licensee of staton KCA240, a two-way radio common carrier facility at Boston, Massachusetts, has filed an application for a second channel on a base station frequency of 152.12 Mc/s.[1] Mary E. Anstead d/b as Radio-Phone Service (Radio-Phone), the licensee of station KCC263 at Boston, Massachusetts, a two-way radio common carrier facility which offers a regular service on a base station frequency of 152.09 Mc/s and a develop-

[1] Mobilfone filed an application on July 5, 1962, requesting a base station frequency of 152.09 Mc/s and a mobile station frequency of 158.55 Mc/s. On August 6, 1962, Mobilfone amended its application to request a base station frequency of 152.12 Mc/s and a mobile station frequency of 158.58 Mc/s.

mental service on a base station frequency of 152.12 Mc/s has filed a Petition to Deny the Mobilfone application.[2] An Opposition to said Petition was filed by Mobilfone and a Reply thereto was filed by Radio-Phone. Radio-Phone has applications on file for renewal of the license for station KCC263 on a base station frequency of 152.09 Mc/s and for modification of its developmental license for station KCC263 to permit a regular service on its base station frequency of 152.12 Mc/s.[3]

PLEADINGS

2. Radio-Phone's Petition to Deny alleges that Radio-Phone presently holds a developmental license for station KCC263, on a base station frequency of 152.12 Mc/s and a mobile frequency of 158.58 Mc/s: that Mobilfone's proposed co-channel operation will result in mutually destructive interference; that since Radio-Phone is currently rendering service to the public on these frequencies under appropriate authorization from the Commission, the frequency sought by Mobilfone is not available for assignments; and that Mobilfone has failed to submit the engineering showing required by § 21.501(c) of the Commission's rules.

3. In its Opposition to said Petition, Mobilfone alleges that its developmental application is in order; that Radio-Phone obtained its developmental authority by representing that it would convert its existing base station operating on a frequency of 152.09 Mc/s to a standby frequency on 152.12 Mc/s; that instead, Radio-Phone is utilizing both its developmental and regular facilities to serve the public; and that public notice of the developmental channel was defective in that it did not reflect it was an additional channel.

4. Radio-Phone in its Reply to Opposition alleges that Mobilfone had public notice of the granting of its developmental authority and that any protest regarding such a grant should have been filed at that time, and further that Mobilfone was afforded an opportunity in 1960 to file an application competing with Radio-Phone's application for renewal of authority to continue operation on a base station frequency of 152.09 Mc/s.

[2] Radio-Phone filed on August 10, 1962, a Petition to Dismiss or Deny the Application of Mobilfone. However, it appears that the Mobilfone amendment of August 6, 1962, changes the frequencies originally requested and negates the possibility of the destructive interference Radio-Phone alleged. Therefore, Radio-Phone's Petition to Dismiss or Deny, filed August 10, 1962 is considered moot and its Petition to Deny the Major Amendment of Mobilfone, will be considered a Petition to Deny the Mobilfone Application.

[3] As of November 1, 1963, a base station frequency of 152.12 Mc/s and a mobile frequency of 158.58 Mc/s are available for assignment on a regular basis. Prior to that date such frequencies could only be assigned if adjacent channel stations, within 75 miles, were using narrowband equipment. All the applicants herein have on file either an application to regularize a present developmental operation or have amended an application on file for a developmental authorization, to request such frequencies on a regular basis.

DISPOSITION

5. Notwithstanding Radio-Phone's Petition to Deny the Mobilfone application, the applications of Radio-Phone and Mobilfone to establish a two-way radio common carrier service at Boston, Massachusetts on a base station frequency of 152.12 Mc/s and a mobile frequency of 158.58 Mc/s may be mutually exclusive by reason of potentially harmful electrical interference. The Ashbacker doctrine requires a comparative hearing to determine which, if any, of these proposals would serve the public interest, convenience and necessity.[4] Moreover, it appears that Radio-Phone's representations in a letter of February 4, 1960, that its existing base station operating on a frequency of 152.09 Mc/s would be converted to a standby transmitter for its developmental station, raise a question as to the need for a renewal of the license for this facility, which should be explored in a comparative hearing to determine whether a grant of said renewal in the Boston area would serve the public interest, convenience and necessity.

COMEX APPLICATION

6. Comex, Inc. (Comex), the licensee of station KCC797, Manchester, New Hampshire, has an application on file to modify the license for station KCC797 and convert its present developmental service operating on a base station frequency of 152.12 Mc/s to a regular service.[5] Radio-Phone has filed a Petition to Deny Application and to Cancel Developmental Authority of Comex. An opposition to said Petition was filed by Comex and a Reply thereto was filed by Radio-Phone.

PLEADINGS

7. Radio-Phone's Petition to Deny Application and to Cancel Developmental Authority of Comex alleges that mobile units associated with and operating within the 37 dbu contour of Comex, would capture Radio-Phone's base station receiver and thus destroy all the communications on Radio-Phone's developmental system; and that Comex' developmental report does not comply with the requirements of the Commission's rules and regulations.

8. In its Opposition to said Petition, Comex alleges that its developmental report is in order; that there are discrepancies in Radio-Phone's engineering; that there is no basis either legally or equitably for Radio-Phone's attempt to acquire the frequency herein involved; and that if both applications cannot be granted, both should be designated for hearing.

9. In its Reply to Opposition, Radio-Phone alleges that its engineering is correct and that if Comex is allowed to operate on a co-channel basis, it would destroy an established common carrier service.

[4] Ashbacker Radio Corporation v. FCC, 326 U.S. 327 (1945) and Collier Electric Company 14 RR 848 (1956).

[5] On may 22, 1963, the Commission granted its consent to the assignment of station KCC797 from Ralph C. Peabody to Comex, Inc., which assignment was consummated on May 29, 1963. The application was filed by Ralph C. Peabody, who is the sole stockholder.

DISPOSITION

10. While Radio-Phone has not disclosed a sufficient basis to cancel the developmental authority of Comex, it appears that a serious question is posed concerning possible electrical interference to station KCC263 and that this matter should be explored in hearing to determine on the basis of competent engineering evidence whether such interference exists, the extent of such interference, whether such interference is tolerable, and whether Radio-Phone has taken all reasonable measures to eliminate such interference. It also appears that since the application of Comex for modification of the existing license for station KCC797 may be mutually exclusive with that on file for Radio-Phone, it should, under the Ashbacker doctrine, be considered in a consolidated hearing with the applications of Radio-Phone and Mobilfone.

OTHER MATTERS

11. Section 21.504 of the rules and regulations of this Commission describes a median field strength contour of 37 decibles above one microvolt per meter as the limits of reliable service area for base stations engaged in two-way communications service. It appears that the Commission's Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F50, 50) and interference (F50, 10) contours of the facilities involved in this proceeding.

12. We find that except for the matters placed in issue herein, all applicants are financially, legally, technically and otherwise qualified to render the services they have proposed.

13. *Accordingly, it is ordered,* That Radio-Phone's Petition to Deny or Dismiss Application of Mobilfone, filed on August 10, 1962, and that part of Radio-Phone's Petition to Deny Application and Cancel Developmental Authorization of Comex which seeks to cancel an outstanding authorization, are denied; and that the captioned applications are designated for hearing in a consolidated proceeding at the Commission's offices in Washington, D.C., on a date to be hereafter specified upon the following issues:

(a) To determine whether any harmful co-channel electrical interference would result from simultaneous operation on 152.12 Mc/s and 158.58 Mc/s by Radio-Phone and Mobilfone, in accordance with the standards set forth in paragraph 11 above, and if so, whether such interference would be intolerable or undesirable.

(b) To determine on competent engineering evidence whether any harmful co-channel interference would result from simultaneous operation on a mobile frequency of 158.58 Mc/s by Radio-Phone and Comex, and if so, whether such interference would be intolerable or undesirable.

(c) To determine whether Radio-Phone has taken all reasonable measures

to eliminate any harmful interference, as determined in issue (b).

(d) To determine on a comparative basis the nature and extent of the service proposed by Radio-Phone and Mobilfone in Boston, Massachusetts and Comex in Manchester, New Hampshire, including the rates, charges, personnel, practices, classifications, regulations and facilities pertaining thereto.

(e) To determine on a comparative basis the areas and population Radio-Phone, Mobilfone and Comex propose to serve within their respective 37 dbu contours as determined in accordance with the standards set forth in paragraph 11 above; and to determine the need for the proposed service in these areas, and whether one or more of the proposed facilities are required to satisfy the need thus demonstrated.

(f) To determine whether Radio-Phone's representations, in its letter dated February 4, 1960, constitute a bar to any showing of need for continued authorization to operate on the frequencies 152.09 Mc/s and 158.55 Mc/s subsequent to such date.

(g) To determine, in light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of any of the captioned applications, and the terms or conditions which should attach thereto.

14. *It is further ordered,* that the burden of proof on Issues (a), (d), (e) and (g) is placed upon the applicants so far as their respective applications are affected; and the burden of proof on Issues (b), (c), and (f) is placed upon Radio-Phone.

15. *It is further ordered,* That any party desiring to participate herein, shall file its notice of appearance on or before the time specified in § 1.221 of our rules.

Adopted: July 22, 1964.

Released: July 24, 1964.

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

[F.R. Doc. 64-7547; Filed, July 28, 1964; 8:52 a.m.]

[Docket No. 14650; FCC 64M-697]

DOMESTIC TELEGRAPH SERVICE

Order Scheduling Hearings

The Examiner having under consideration the understandings reached at the conference with record counsel on July 21, 1964, pursuant to a notice of hearing conference dated June 24, 1964 (FCC 64M-598; Mimeo 53634);

It is ordered, This 22d day of July 1964, that the following schedule shall govern the further presentation of witnesses and testimony in this proceeding:

(1) Mr. C. M. Mapes (AT&T)—September 1 and 2, 1964.

(2) General Services Administration—September 3 and 4, and September 22–25, 1964.

(3) Messrs. F. J. Woods and A. M. Froggatt (AT&T)—October 6–9, 1964.

(4) Messrs. W. M. Davidson and J. S. Cave (AT&T)—October 13–16, 1964.

(5) Mr. T. F. McMains (Western Union)—October 19–23, 1964.

(6) Messrs. F. G. Hollins and G. L. Best (AT&T)—October 26–30, 1964.

(7) American Communications Association, Commercial Telegraphers' Union and National Association of Manufacturers—November 4–6 and 12–13, 1964; and

It is further ordered, That the hearing sessions above indicated shall be held at the Commission's offices in Washington, D.C., and shall commence at 10:00 a.m. on each of the indicated dates.

Released: July 23, 1964.

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

[F.R. Doc. 64-7548; Filed, July 28, 1964; 8:52 a.m.]

[Docket Nos. 15429, 15430; FCC 64M-700]

DOVER BROADCASTING CO., INC., AND TUSCARAWAS BROADCASTING CO.

Order Continuing Hearing

In re applications of Dover Broadcasting Company, Inc., Dover-New Philadelphia, Ohio, Docket No. 15429, File No. BPH-3560; The Tuscarawas Broadcasting Company, New Philadelphia, Ohio, Docket No. 15430, File No. BPH-4196; for construction permits.

Upon the verbal request by counsel for The Tuscarawas Broadcasting Company, and with good cause being disclosed: *It is ordered,* This 23d day of July 1964, that the hearing in the above-entitled proceeding now scheduled for October 6, 1964, be and the same is hereby continued to October 20, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: July 23, 1964.

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

[F.R. Doc. 64-7549; Filed, July 28, 1964; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP65-2]

MICHIGAN WISCONSIN PIPE LINE CO.

Proposed Rate Change

JULY 23, 1964.

Take notice that on July 6, 1964, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing certain changes to its FPC Gas Tariff, Second Revised Volume No. 1. The effect thereof, as set out in the tendered sheets (First Revised Sheet No. 8, Fourth Revised Sheet No. 9, Fifth Revised Sheet No. 28 and First Revised Sheet No. 32) is to delete section 7.4 from its Rate Schedule ACQ-1, effective as of September 1, 1964. Section 7.4 provides for the release by Michigan Wisconsin's customers of a portion of the annual contract quantity and the purchase of such released gas by other customers. The filing indicates that the net effect of the proposed changes would not increase or decrease Michigan Wisconsin's total annual revenue over that produced by its currently effective tariff, but does result in an increase in the annual cost of gas for certain customers and a decrease for others.

Copies of the tender have been served on its customers and on interested State commissions by Michigan Wisconsin. Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C., 20426, pursuant to the Commission's rules of practice and procedure, on or before August 14, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-7485; Filed, July 28, 1964; 8:47 a.m.]

[Docket No. G-16760, etc.]

SINCLAIR OIL & GAS CO., ET AL.

Order Severing and Terminating Proceedings

JULY 22, 1964.

On April 30, 1964, Alfred C. Glassell and Gene M. Woodfin, Trustee for the Jean Curry Glassell Trust filed notices of withdrawal of their respective certificate applications in Docket Nos. CI63-221 and CI63-229, and on May 7, 1964, the Superior Oil Company filed its notice of withdrawal in Docket No. CI63-51. The notices, filed pursuant to § 1.11(d) of the Commission's rules of practice and procedure, state that the proposed sales involved were to the Lone Star Gathering Company from the Dubose Field, DeWitt and Gonzales Counties and were granted temporary authorization by letter of the Commission dated September 7, 1962. The notices further state that no sales have been made under the sales agreements and that such contracts have now been cancelled. By order of the Commission issued March 25, 1964, the proceedings in question were consolidated for hearing with the matters in Docket Nos. G-16760, et al., relating to determination of the in-line price for sales of natural gas from Texas Railroad District No. 2.

The Commission finds: In view of the aforestated considerations, good cause has been shown for severing the proceedings in Docket Nos. CI63-51, CI63-221 and CI63-229 from the consolidated matters in Docket Nos. G-16760, et al., and for terminating such severed proceedings.

The Commission orders:

(A) The proceedings in Docket Nos. CI63-51, CI63-21, and CI-63-229 are hereby severed from the consolidated proceedings in Docket Nos. G-16760, et al.

(B) The proceedings in Docket Nos. CI63-51, CI63-221 and CI63-229 are hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-7486; Filed, July 28, 1964; 8:47 a.m.]

[Docket Nos. 6–17960 etc.]

TURNBULL AND ZOCH DRILLING CO. ET AL.

Order Allowing Withdrawal of Application and Rate Schedule, Dismissing Petitions To Intervene, and Severing and Terminating Proceeding

JULY 22, 1964.

Turnbull & Zoch Drilling Co. (Operator), et al., Docket Nos. G–17960, etc.; H. L. Hawkins and H. L. Hawkins, Jr., Docket Nos. CI64–1277.

On April 27, 1964, H. L. Hawkins and H. L. Hawkins, Jr. (Hawkins) filed an application for a certificate of public convenience and necessity in Docket No. CI64–1277 authorizing the sale for resale in interstate commerce of natural gas produced in Texas Railroad Commission District No. 4. The initial price proposed in the application is 16 cents per Mcf at 14.65 psia. The application was noticed on May 5, 1964.[1] A notice of intervention in Docket No. CI64–1277 was timely filed by the Public Service Commission of New York on May 25, 1964. On May 28, 1964, a petition to intervene was timely filed by Long Island Lighting Company, and on the same day the application was consolidated for formal hearing in the proceeding entitled Turnbull & Zoch Drilling Co. (Operator), et al., Docket No. G–17960, et al.[2] Subsequently, other petitions to intervene and another notice of intervention were timely filed.[3]

On June 19, 1964, Hawkins filed a notice of withdrawal of application for a certificate of public convenience and necessity stating:

> In accordance with the provisions of Section 154.91(b) of the Regulations under the Natural Gas Act, the interest of Hawkins & Hawkins in gas produced from the Santo Nino Field, Duval and Webb Counties, Texas, heretofore dedicated to the performance of the Gas Purchase Contract dated March 8, 1963, filed as Jake Hamon (Operator), et al., F.P.C. Gas Rate Schedule No. 35, is now being sold and will continue to be sold pursuant to the certificate of public convenience and necessity issued to Jake L. Hamon (Operator), et al., on September 13, 1963 in Docket No. CI63–1362.[4]

The producer signatories to the contract referred to above are Jake L. Hamon, the operator of the property, H. L. Hawkins, H. L. Hawkins, Jr., J. M. Huber Corporation, Max L. Thomas, and John M. Hill and Joseph P. Driscoll, partners in Southwest Production Company.

[1] Houston Royalty Company, Operator (successor to Jay Simmons, et al.) et al., Docket No. G–4029, et al., 29 F.R. 6418 (May 15, 1964).

[2] Turnbull & Zoch Drilling Co. (Operator), et al., Docket No. G–17960, et al., Order Severing Proceedings, Consolidating Proceedings, Cancelling Docket Numbers, Fixing Date For Prehearing Conference And Notice of Applications.

[3] Petitions: Philadelphia Gas Works Division of the United Gas Improvement Company, June 11, 1964; The Brooklyn Union Gas Company, June 18, 1964; Notice of Intervention: Pennsylvania Public Utility Commission, June 18, 1964.

[4] Texaco Inc., et al., Docket No. G–4616, et al.

Section 154.91(b) of the regulations under the Natural Gas Act states, in pertinent part, as follows:

> (b) *Filings by operators signatory to a gas sales contract.* (1) Where the operator (i) of a natural gas producing property * * * is a signatory party to a contract for the sale of gas produced or processed, the operator shall make all the filings required under § 154.92 (rate schedules), § 154.94 (changes in rate schedules), or § 157.23 (applications for certificates) of all signatories for such sales, as well as for the sales and delivery (according to the terms of the contract) of the gas of non-signatory co-owners. Notwithstanding this requirement for filings by operators, a co-owner who is a signatory party to a contract of sale of natural gas may, but he need not, make his own filings * * * in addition to the filings required of the operators.

Although the application filed by Jake L. Hamon (Operator), et al., on May 6, 1963, in Docket No. CI63–1362, did not purport to cover the interests of H. L. Hawkins, H. L. Hawkins, Jr., J. M. Huber Corporation, and Southwest Production Company, because of § 154.91(b) of the regulations such application and the certificate of public convenience and necessity issued pursuant thereto on September 13, 1963 must be construed to cover the interests of such signatory co-owners. Accordingly, the certificate filing by Hawkins in Docket No. CI64–1277 is unnecessary and the withdrawal will be allowed.

Because of the withdrawal of the application, the petitions to intervene in Docket No. CI64–1277 are moot and will be dismissed.

Hawkins filed a notice of cancellation of rate schedule concurrently with its notice of withdrawal of certificate application. Since Hawkins does not have a temporary certificate and since no deliveries have been made under Hawkins rate schedule, such notice of cancellation of rate schedule will be considered a notice of withdrawal of rate schedule and such withdrawal will be allowed.

No party has opposed the withdrawals.

The Commission orders:

(A) The application for a certificate of public convenience and necessity filed in Docket No. CI64–1277 on April 27, 1964, by H. L. Hawkins and H. L. Hawkins, Jr. is hereby withdrawn, effective on the date of this order.

(B) The Gas Purchase Contract dated March 8, 1963, between South Texas Gas Gathering Company as buyer and Jake L. Hamon, H. L. Hawkins, H. L. Hawkins, Jr., J. M. Huber Corporation, Max L. Thomas, and Southwest Production Company as producers and filed by H. L. Hawkins and H. L. Hawkins, Jr. as an F.P.C. Gas Rate Schedule is hereby withdrawn, effective on the date of this order.

(C) The matters in Docket No. CI64–1277 are hereby severed from the consolidated proceeding in Turnbull & Zoch Drilling Co. (Operator), et al., Docket No. G–17960, et al., and the proceeding in Docket No. CI64–1277 is terminated.

(D) The petitions to intervene filed in Docket No. CI64–1277 by Long Island Lighting Company on May 28, 1964, The Philadelphia Gas Works Division of The United Gas Improvement Company on June 11, 1964, and The Brooklyn Union Gas Company on June 18, 1964, are hereby dismissed as being moot.

By the Commission.

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

[F.R. Doc. 64–7487; Filed, July 28, 1964; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

STATE AND SAVINGS BANK

Order Approving Merger of Banks

In the matter of the application of State and Savings Bank for approval of merger with The Monon Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by State and Savings Bank, Monticello, Indiana, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Monon Bank, Monon, Indiana, under the charter and title of State and Savings Bank. As an incident to the merger, the office of The Monon Bank would become a branch of State and Savings Bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction,

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

Dated at Washington, D.C., this 21st day of July, 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64–7463; Filed, July 28, 1964; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 428]

SECRETARY OF DEFENSE

Authority To Represent Interests of Federal Government Relating to Proposed Telephone Rate Increase, Anchorage, Alaska

1. Pursuant to the authority vested in me by the Federal Property and Ad-

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

ministrative Services Act of 1949, 63 Stat. 377, as amended, authority is hereby delegated to the Secretary of Defense, in accordance with sections 201(a)(4) and 205 (d) and (e) thereof, to represent the interests of the executive agencies of the Federal Government in the matter of Proposed Telephone Rate Increase, Anchorage, Alaska, before the Anchorage City Council.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective July 22, 1964.

Dated: July 22, 1964.

LAWSON B. KNOTT, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 64-7526; Filed, July 28, 1964; 8:49 a.m.]

OFFICE OF EMERGENCY PLANNING

MISSOURI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Missouri, dated July 8, 1964, and published July 15, 1964 (29 F.R. 9579), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 8, 1964:

Atchison.	Gasconade.
DeKalb.	Pemiscot.

Dated: July 22, 1964.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-7524; Filed, July 28, 1964; 8:49 a.m.]

NEBRASKA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated July 20, 1964, reading in part as follows:

I have determined the damage in various areas of Nebraska adversely affected by severe storms and flooding beginning on or about May 1, 1964, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Nebraska to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 20, 1964:

The counties of:

Antelope.	Knox.
Boone.	Lancaster.
Boyd.	Loup.
Cass.	Nance.
Clay.	Sarpy.
Dodge.	Saunders.
Douglas.	Sherman.
Greeley.	Stanton.
Hamilton.	Washington.
Holt.	York.

Dated: July 22, 1964.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-7525; Filed, July 28, 1964; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-528]

DIVERSIFIED TRUSTEE SHARES, SERIES E

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 23, 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 Diversified Trustee Shares, Series E ("Trust"), c/o First Investors Corporation, 120 Wall Street, New York, New York, a trust created under the laws of the State of New York and a unit investment trust registered under the Act has ceased to be an investment company. The Chemical New York Trust Company is the Successor Trustee. Evidence of beneficial interest in the Trust is represented by Certificates for Trust shares, which Trust Shares were issued under a Trust Indenture executed on May 28, 1947, and dated as of April 15, 1947. All interested persons are referred to the application on file with the Commission for a full statement of the representations contained therein which are summarized below.

Trust filed its notification of registration on Form N-8A pursuant to section 8(a) of the Act on May 2, 1947.

On April 15, 1960 the Trust Indenture dated April 15, 1947 was terminated pursuant to the termination provisions of the Trust Indenture, by Trust's Successor Depositor, First Investors Corporation. The right of the holders of the outstanding Certificates to receive in kind that portion of the under lying Trust Units and any cash or other property allocable to the outstanding Trust Shares represented by such Certificates on April 15, 1960, was terminated on July 14, 1960, after which date the remaining underlying stock was required to be sold, so far as possible, within 60 days.

The remaining underlying shares of stock were sold within the prescribed 60-day period and the total amount of funds then available for distribution to the 6,100 Trust Shares then outstanding amounted to $125,677.02, which after provision for applicable taxes and expenses amounted to approximately $20.58229 available for distribution per Trust Share.

A notice regarding the termination of the Trust Indenture and the first distribution of the cash held under said Trust Indenture was mailed on September 12, 1960 to the holders of Certificates for Trust Shares, who were required to present their certificates to the office of the Successor Trustee in order to obtain payment of the first distribution of $17.20 per Trust Share. By notice dated December 8, 1961, it was announced that the final liquidation distribution of $3.38229 per Trust Share became payable on and after December 8, 1961 to certificate holders who surrendered their Certificates at the office of the Successor Trustee. No other action with respect to further notification that Trust has terminated has been taken.

As of August 16, 1963, there remained outstanding Certificates for Trust Shares registered in the names of four holders. The remaining funds applicable to the outstanding Trust Shares are being held in trust for payment to the holders of the Certificates for Trust Shares upon the surrender of those Certificates to the Successor Trustee, provided that prior thereto payment thereof has not been made pursuant to the provisions of any applicable escheat laws. As of August 16, 1963, the balance of such funds held in trust by the Successor Trustee amounted to $3,191.27.

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 August 7, 1964, at 5:30 p m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request 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 O–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. 64–7484; Filed, July 28, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–III; Amdt. 5]

BRANCH MANAGER, NEWARK, N.J.

Delegation of Authority To Conduct Program Activities in the Philadelphia Regional Office

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179; 29 F.R. 4842, 5489 and 7571, Delegation of Authority No. 30–III, as amended, 28 F.R. 4688, 8052; 29 F.R. 5652, 6291 and 7900, is hereby amended by:

I. Adding Item L. in Section I.

L. The following authority is hereby redelegated to the Branch Manager at Newark, New Jersey.

1. To approve the following:

a. Direct loans not exceeding $25,000.

b. Participation loans not exceeding $100,000.

c. Simplified Bank Participation loans not exceeding $150,000.

d. Simplified Early Maturities Participation loans not exceeding $150,000.

e. Direct disaster loans not exceeding $50,000.

f. Participating disaster loans not exceeding $100,000.

2. To decline as follows:

a. Business loans not exceeding $100,000.

b. Disaster loans not exceeding $50,000.

3. To disburse unsecured disaster loans.

4. Items I.C. 6 through 11.

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

6. Item I.G. 1 through 4.

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

8. Items I.J. 2 and 3.

9. Item I.A. (Size determinations for financial assistance only).

10. Item I.B. (Eligibility determinations for financial assistance only).

Effective date: June 29, 1964.

EDWARD N. ROSA,
Regional Director,
Philadelphia.

[F.R. Doc. 64–7464; Filed, July 28, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 313]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 24, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 12), HELMS EXPRESS, INC., P.O. Box 268, Pittsburgh 30, Pa., filed July 12, 1964. Carrier's attorney: Richard J. Smith, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: from Hancock, Md., over U.S. Highway 522 to Cuckoo, Va., thence over U.S. Highway 33 to junction Virginia Highway 161, thence over Virginia Highway 161 to Richmond, Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from Hancock over U.S. Highway 40 to Frederick, Va., thence over U.S. Highway 240 to Washington, D.C., and from Washington, D.C., over U.S. Highway 1 to Richmond, and return over the same routes.

No. MC 11184 (Deviation No. 2), McDANIEL FREIGHT LINES, INC., 414 North Walnut Street, Crawfordsville, Ind., filed July 2, 1964. Carrier's attorneys: Lesow & Lesh, 3737 North Meridian Street, Indianapolis, Ind. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Danville, Ill., over Interstate Highway 74 to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Indianapolis over Indiana Highway 34 (U.S. Highway 136) to the Indiana-Illinois State line, thence over Illinois Highway 10 to Danville, and return over the same route.

No. MC 29929 (Deviation No. 1), CANNY TRUCKING CO., INC., 6–18 Spring Forest Avenue, Binghamton, N.Y., filed July 6, 1964. Applicant's attorney: Donald C. Carmien, 300 Press Building, Binghamton, N.Y. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from junction New York Highway 17 and the New York State Thruway (Interstate Highway 87), over Interstate Highway 87 to New York, N.Y., and (2) from junction New Jersey Highway 3 and U.S. Highway 46, near Clifton, N.J., over U.S. Highway 46 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction New York Highway 17, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from New York over U.S. Highways 1A and 9A to Jersey City, N.J., thence over U.S. Highway 1 (now designated as U.S. Highway 1 and 9) to junction New Jersey Highway 3, thence over New Jersey Highway 3 to Carlstadt, N.J., and thence over New Jersey Highway 17 to junction New York Highway 17, thence over New York Highway 17 to Binghamton, N.Y., and from New York over U.S. Highway 1 (now designated as U.S. Highway 1 and 9), to Newark, N.J., and also from New York over U.S. Highway 9 (now designated as U.S. Highways 1 and 9) and New Jersey Highway 25 (now designated as New Jersey Highway 505) to Newark, N.J., thence over U.S. Highway 22 to junction New Jersey Highway 30 (now designated as New Jersey Highway 69), thence over New Jersey Highway 69 to Buttzville, N.J., thence over U.S. Highway 46 to Portland, Pa., thence over U.S. Highway 611 to junction Pennsylvania Highway 307, thence over Pennsylvania Highway 307 to Scranton, Pa., and thence over U.S. Highway 11 to

Binghamton, N.Y., and return over the same routes.

No. MC 30605 (Deviation No. 13), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 1413 Railway Exchange, 80 East Jackson Boulevard, Chicago 4, Ill., filed June 29, 1964. Carrier's attorney: F. J. Steinbrecher (same address as carrier). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction Kansas Highway 17 and Kansas Highway 96 (approximately 7 miles south of Hutchinson, Kans.) over Kansas Highway 96 to Wichita, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Hutchinson over Kansas Highway 17 to junction U.S. Highway 54, thence over U.S. Highway 54 to Wichita, and return over the same route.

No. MC 32474 (Deviation No. 6) (Cancels Deviation Nos. 2 and 3), KEESHIN TRANSPORT SYSTEM, INC., 3131 Douglas Road, Toledo 6, Ohio, filed June 26, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Detroit, Mich., over Interstate Highway 94 to junction U.S. Highway 20 near Michigan City, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from Chicago, Ill., over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 19 to the Indiana-Michigan State line, thence over Michigan Highway 205 to junction U.S. Highway 12 and thence over U.S. Highway 12 to Detroit, and from Chicago over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to Elkhart, and thence to Detroit, as specified above, and return over the same routes.

No. MC 42487 (Deviation No. 27), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., filed June 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a devation route as follows: from Chicago, Ill., over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to Billings, Mont., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from Seattle, Wash., over U.S. Highway 10 to Preston, Wash., thence over Washington Highway 15B to Fall City, Wash. (also from Seattle over Washington Highway 2 via Bothell, Wash., to Falls City), thence over Washington Highway 2 to junction U.S. Highway 10, thence over U.S. Highway 10 to Teanaway, Wash., thence over U.S. Highway 97 to junction Alternate U.S. Highway 10, thence over Alternate U.S. Highway 10 to Spokane, Wash., thence over U.S. Highway 10 to Missoula, Mont. (also from Spokane over Alternate U.S. Highway 10 to junction U.S. Highway 10, near Missoula, and thence over U.S. Highway 10 to Missoula), thence over U.S. Highway 10N via Drummond, Mont., to Garrison, Mont., thence over U.S. Highway 10N to junction U.S. Highway 10 (also from Garrison over U.S. Highway 10S to junction U.S. Highway 10) (also from Drummond over alternate U.S. Highway 10 to junction U.S. Highway 10S, thence over U.S. Highway 10S to junction U.S. Highway 10), thence over U.S. Highway 10 to Fargo, N. Dak., and thence over U.S. Highway 52 to St. Paul, Minn., from Janesville, Wis., over U.S. Highway 14 to Harvard, Ill.; from Rice Lake, Wis., over U.S. Highway 53 to Eau Claire, Wis., thence over U.S. Highway 12 to Fairchild, Wis., thence over U.S. Highway 10 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to junction U.S. Highway 51, thence over U.S. Highway 51 to Madison, Wis., thence over U.S. Highway 14 to junction Wisconsin Highway 140, thence over Wisconsin Highway 140 to the Wisconsin-Illinois State line.

Thence over Illinois Highway 76 to junction Illinois Highway 173, thence over Illinois Highway 173 to Harvard, Ill., thence over U.S. Highway 14 to junction U.S. Highway 12, and thence over U.S. Highway 12 to Chicago; from Rice Lake over U.S. Highway 53 to junction U.S. Highway 8, thence over U.S. Highway 8 to Minneapolis-St. Paul; from Fairchild, Wis., over U.S. Highway 12 to Madison, Wis.; from Minneapolis over U.S. Highway 12 to junction Wisconsin Highway 172, thence over Wisconsin Highway 172 via Eau Claire, Wis., to junction U.S. Highway 12, thence over U.S. Highway 12 to Fairchild, Wis., thence over U.S. Highway 10 to Fremont, Wis., thence over Wisconsin Highway 110 to Winchester, Wis., thence over Wisconsin Highway 150 to Neenah, Wis., thence over U.S. Highway 41 to junction U.S. Highway 45 (formerly U.S. Highway 41), thence over U.S. Highway 45 to Oshkosh, Wis., (also from Neenah, Wis., over County Highway A to Oshkosh, Wis.), thence over U.S. Highway 45 (formerly U.S. Highway 41) to junction Wisconsin Highway 175 (formerly U.S. Highway 41) and thence over Wisconsin Highway 175 via Vandyne, Wis., to Fond du Lac, Wis., from Madison, Wis., over U.S. Highway 14 to Janesville, Wis., thence over U.S. Highway 51 to Beloit, Wis.; and from Youngstown, Ohio over U.S. Highway 422 to Cleveland, Ohio, thence over U.S. Highway 20 to Green Creek, Ohio, thence over Ohio Highway 113 (formerly portion U.S. Highway 20) via Fremont, Ohio, to junction U.S. Highway 20, thence over U.S. Highway 20 to Rockford, Ill., thence over U.S. Highway 51 via Beloit, Wis., to Madison, Wis., thence over U.S. Highway 12 via Tomah, Wis., to St. Paul, Minn. (also from Tomah over U.S. Highway 16 to La Crosse, Wis., thence over U.S. Highway 61 to St. Paul), thence over U.S. Highway 12 to Minneapolis, Minn., and return over the same routes.

No. MC 42487 (Deviation No. 28), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., filed July 15, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Cincinnati, Ohio, over Interstate Highway 71 to Columbus, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Indiana Highway 28, thence over Indiana Highway 28, to junction U.S. Highway 35, thence over U.S. Highway 35 to junction Ohio Highway 4, and thence over Ohio Highway 4 to Cincinnati; from Cleveland, Ohio over U.S. Highway 42 to Medina, Ohio, thence over Ohio Highway 3 to Columbus, thence over U.S. Highway 40 to Lafayette, Ohio, . . . thence over U.S. Highway 40 to Springfield, Ohio, . . .; and from Springfield over Ohio Highway 4 to Dayton, Ohio, and return over the same routes.

No. MC 42487 (Deviation No. 29), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., filed June 29, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from St. Louis, Mo. over Interstate Highway 70 to junction Interstate Highway 70 and U.S. Highway 40 at or near Washington, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from Philadelphia over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis; from Cleveland, Ohio over U.S. Highway 42 to Medina, Ohio, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to Lafayette, Ohio (also from Medina over U.S. Highway 42 to junction unnumbered highway (formerly portion U.S. Highway 42) near Lodi, Ohio), thence over unnumbered highway via Lodi to junction U.S. Highway 42, thence over U.S. Highway 42 to junction unnumbered highway (formerly portion U.S. Highway 42) thence over unnumbered highway via Ashland, Ohio, to junction U.S. Highway 42, thence over U.S. Highway 42 to Lafayette, thence over U.S. Highway 40 to Springfield, Ohio, thence over Ohio Highway 440 (formerly portion U.S. Highway 40) via Donnellsville, Phoneton, Vandalia, and Englewood, Ohio to junction U.S. Highway 40 (near Clayton, Ohio) thence over U.S. Highway 40 to Indianapolis, Ind., and from Indianapolis over U.S. Highway 40 to St. Louis, Mo., and return over the same routes.

No. MC 61440 (Deviation No. 9) LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla., filed June 29, 1964. Carrier proposes to

operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction H. E. Bailey Turnpike and U.S. Highway 277 near Oklahoma City, Okla., over H. E. Bailey Turnpike to junction H. E. Bailey Turnpike and U.S. Highway 277 located at the Red River approximately 7 miles southwest of Randlett, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Oklahoma City, Okla., over U.S. Highway 277 to Wichita Falls, Tex., and return over the same route.

No. MC 87511 (Deviation No. 1), SAIA MOTOR FREIGHT LINE, INC., Houma Air Station, P.O. Box 10157, Houma, La., filed June 29, 1964. Carrier's attorney: Joseph L. Waitz, O'Neal Building, Houma, La. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: between junction U.S. Highway 90 and Interstate Highway 10 near the Texas-Louisiana State line and junction Louisiana Highway 13 and Interstate Highway 10 near Crowley, La., over Interstate Highway 10, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: between the Texas-Louisiana State line and Crowley, over U.S. Highway 90.

No. MC 103435 (Deviation No. 6), UNITED BUCKINGHAM FREIGHT LINES, East 915 Springfield Avenue, Spokane, Wash., filed July 13, 1964. Carrier's representative: J. Maurice Andren, P.O. Box 1631, Rapid City, S. Dak. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from Davenport, Iowa, over Interstate Highway 80 to junction Interstate Highway 55 southwest of Joliet, Ill., thence over Interstate Highway 55 to Chicago, Ill., and (2) from Davenport, Iowa, over Interstate Highway 80 to junction Interstate Highway 55 southwest of Joliet, Ill., thence over Interstate Highway 55 to junction U.S. Highway 52 west of Joliet, thence over U.S. Highway 52 to Joliet, thence over U.S. Highway 30 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Chicago, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from Chicago over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 via Yorktown, Ill., to Moline, Ill., thence over U.S. Highway 6 to Iowa City, Iowa, thence over U.S. Highway 218 to Cedar Rapids, Iowa, thence over U.S. Highway 30 to Ames, Iowa, and thence over U.S. Highway 69 to Des Moines; from Chicago to Yorktown as specified above, thence over Illinois Highway 92 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U.S. Highway 30, thence over U.S. Highway 30 to Ames, Iowa, and thence over U.S. Highway 69 to Des Moines, and from Chicago to Iowa City as specified above, thence over U.S. Highway 6 to Des Moines and return over the same route.

No. MC 106401 (Deviation No. 6), JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte, N.C., filed July 1, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 31, Interstate Highway 65 just west of Georgiana, Ala., and Alabama Highway 106, over Interstate Highway 65 to junction Alabama Highway 21, thence over Alabama Highway 21 to junction U.S. Highway 31 at Atmore, Ala., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Atlanta over U.S. Highway 29 to junction U.S. Highway 80, thence over U.S. Highway 80 to Montgomery, Ala., thence over U.S. Highway 31 via junction U.S. Highway 84 and Flomaton, Ala., to Mobile, Ala., and return over the same route.

No. MC 106401 (Deviation No. 7), JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte, N.C., filed July 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 29 and Interstate Highway 85 at West Point, Ga., over Interstate Highway 85 to junction U.S. Highway 29 and Interstate Highway 85 approximately 6 miles south of Auburn, Ala., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service routes as follows: from Atlanta over U.S. Highway 29 to junction U.S. Highway 80, thence over U.S. Highway 80 to Montgomery, Ala., thence over U.S. Highway 31 via junction U.S. Highway 84 and Flomaton, Ala., to Mobile, Ala., and return over the same route.

No. MC 106401 (Deviation No. 8), JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte, N.C., filed July 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 78, and Georgia Highway 138 west of Monroe, Ga., over Georgia Highway 138 to junction Interstate Hightway 20 at Conyers, Ga., thence over Interstate Highway 20 to Atlanta, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from the South Carolina-Georgia State line, at a point southwest of Anderson, D.C., over U.S. Highway 29 to Athens, Ga., and thence over U.S. Highway 78 to Atlanta, and return over the same route.

No. MC 110325 (Deviation No. 14), TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif., 90015, filed July 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 64 and U.S. Highway 71, approximately 1 mile west of Fort Smith, Ark., over U.S. Highway 71 to junction U.S. Highway 271, thence over U.S. Highway 271 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Oklahoma Highway 9, thence over Oklahoma Highway 9 to junction U.S. Highway 270, thence over U.S. Highway 270 to junction Interstate Highway 40, thence over Interstate Highway 40 to Oklahoma City, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Fort Smith over U.S. Highway 64 to Warner, Okla., thence over U.S. Highway 266 to junction U.S. Highway 266 and U.S. Highway 62, thence over U.S. Highway 62 to Oklahoma City, and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 138B) (CORRECTION), GREYHOUND LINES, INC. (Central Greyhound Lines Division), 1740 Main Street, Kansas City 8, Mo., filed September 23, 1963. The summary of this notice as published in the FEDERAL REGISTER on October 9, 1963, incorrectly described in part, the proposed route in part A of the notice as being "from Purcell, Okla., over Interstate Highway 35 to Dallas, Tex. * * *" The route description should read, as pertinent, "from Purcell, Okla., over Interstate Highway 35 to Denton, Tex. * * *."

No. MC 2890 (Deviation No. 40), AMERICAN BUSLINES, INC., 1805 Leavenworth, Omaha, Nebr., filed July 10, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, mail, and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) between Des Moines, Iowa, and Omaha, Nebr., over Interstate Highway 80, and (2) between Des Moines and junction Iowa Highway 92 and Interstate Highway 35 2 miles west of Martensdale, Iowa, over Interstate Highway 35. Also over the following access routes: (1) from Des Moines, over U.S. Highway 6 to junction interstate Highway 80 approximately 20 miles west of Des Moines, (2) from junction Interstate Highway 80 and Iowa Highway 25 over Iowa Highway 25 to Greenfield, Iowa, (3) from junction Interstate Highway 80 and U.S. Highway 71 over U.S. Highway 71 to junction U.S. Highway 71 and Iowa Highway 92 approximately 8 miles east and 2 miles north of Griswold, Iowa, (4) from junc-

tion U.S. Highway 71 and U.S. Highway 6 approximately 1 mile east of Atlantic, Iowa, over U.S. Highway 6 to junction Iowa Highway 48, thence over Iowa Highway 48 to junction Iowa Highway 92 at Griswold, (5) from junction Interstate Highway 80 and U.S. Highway 59 over U.S. Highway 59 to junction Iowa Highway 92 approximately 1 mile east of Carson, Iowa, and (6) from junction Interstate Highway 80 and U.S. Highway 6 east of Council Bluffs, Iowa over U.S. Highway 6 to Council Bluffs, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above-mentioned property over the following service route: from Des Moines, Iowa, over Iowa Highway 28 to Martensdale, Iowa, thence over Iowa Highway 92 to junction Iowa Highway 375, thence over Iowa Highway 375 to Council Bluffs, Iowa, and return over the same route.

By the Commission.

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

[F.R. Doc. 64-7530; Filed, July 28, 1964; 8:49 a.m.]

[Notice No. 661]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 24, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

Section A. No. MC 126177 (AMENDMENT) filed April 10, 1964, published in FEDERAL REGISTER issue of April 29, 1964, amended July 15, 1964, and republished as amended this issue. Applicant: CHARLES TEESLINK, 127 Skyland Drive, Cornelia, Ga. Applicant's attorney: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry meal*, in bulk, from Cornelia, Ga., to Richmond, Ind. and Battle Creek, Mich., and *exempt agricultural commodities* on return.

NOTE: The purpose of this republication is to show the addition of the destination point of Richmond, Ind.

HEARING: September 17, 1964, at the Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Donald R. Sutherland.

Section B. No. MC 102567 (Sub-No. 91) (REPUBLICATION), filed November 1, 1963, published FEDERAL REGISTER issue of April 1, 1964, and republished, this issue. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. By application filed November 1, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of spent hardwood cooking liquor, in bulk, in tank vehicles, from the plant site of International Paper Co., at Bastrop, La., to the plant site of International Paper Co., at or near Pine Bluff, Ark. The application was referred to Joint Board No. 35 for hearing and the recommendation of an appropriate order thereon. Hearing was held on May 27, 1964 at Baton Rouge, La. The Board deemed it advisable, in view of applicant's operations being those of a common carrier, not to restrict the authority granted to the plant sites of the International Paper Co. at Bastrop and Pine Bluff. A Report and Order, served June 11, 1964, which became effective July 1, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *spent hardwood cooking liquor*, in bulk, in tank vehicles, from Bastrop, La., to Pine Bluff, Ark., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued. However, in view of a grant recommended being greater than that requested, such recommended grant will be published in the FEDERAL REGISTER so as to permit aggrieved parties, if any, to file exceptions to such recommended grant within the time prescribed in the Commission's rules of practice from the date of publication in the FEDERAL REGISTER.

No. MC 109132 (Sub-No. 13), filed August 18, 1963. Applicant: FREIGHT WAYS, INC., 1309 North Mosley, Wichita, Kans. Applicant's attorney: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), (1) between Wichita, Kans. and Liberal, Kans., as follows: From Wichita over U.S. Highway 54 to Liberal, and return over the same route, serving all intermediate points except those between Wichita and Pratt, and serving the junction of U.S. Highways 54 and 154 for the purpose of joinder only, (2) between junction of U.S. Highways 54 and 154 and Garden City, Kans., as follows: from the junction of U.S. Highways 54 and 154, at or near Mullinville, Kans., over U.S. Highway 154 to Dodge City, Kans., thence over U.S. Highway 50 to Garden City, and return over the same route, serving the intermediate point of Dodge City, (3) between Garden City and Liberal, Kans., as follows: from Garden City over U.S. Highway 83 to Liberal, and return over the same route, serving all intermediate points, (4) between Dodge City and Minneola, Kans., as follows: from Dodge City over U.S. Highway 283 to Minneola, and return over the same route, for operating convenience only, serving no intermediate points.

HEARING: September 28, 1964, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52.

NOTICE OF FILING OF PETITIONS

No. MC 125256 (PETITION FOR WAIVER OF RULE 1.101(e) AND FOR LEAVE TO FILE PETITION SEEKING AMENDMENT OF PERMIT AS ISSUED UPON VOLUNTARY CONVERSION AND TO ADD ADDITIONAL CONTRACTING SHIPPER), filed July 15, 1964. Petitioner: BAKERY PRODUCTS TRANSPORT, INC., Lindon, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Petitioner holds a Permit in No. MC 125256 to transport, over irregular routes: "*Bakery products and supplies*, from Belleville, N.J., to Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, with National Yeast Corp. of Belleville, N.J. *Bakery products and supplies*, from Philadelphia, Pa., to New York, N.Y., and points on Long Island, N.Y., Asbury Park, Garfield, Hackensack, Hackettstown, Jersey City, Morristown, Newark, New Brunswick, Newton, Passaic, Paterson, Perth Amboy, Toms River, and Westfield, N.J., and points in Essex County, N.J.; and *Returned bakery products*, from the immediately-above specified destination points to Philadelphia, Pa. RESTRICTION: The operations authorized in the two paragraphs next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Tasty Baking Co. of Philadelphia, Pa." By the instant petition, petitioner requests that its Permit be amended as follows, and further, permit service to be rendered for an additional contracting party; namely, Food Fair Stores, Inc., Linden, N.J.: "Regular Routes:

Bakery products and supplies, between New York, N.Y., and Philadelphia, Pa., serving the intermediate point of Trenton, N.J. from New York over U.S. Highway 1 to Philadelphia and return over the same route. Between New York, N.Y. and Philadelphia, Pa. serving the intermediate and off-route points of Newark, Jersey City and Belleville, N.J.,

and those in Essex County, N.J. from New York over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, N.J., and thence across the Delaware River to Philadelphia, and return over the same route. *Bakery products:* Serving New Brunswick, N.J., as an intermediate point, and Perth Amboy, Westfield, Garfield, Passaic, Paterson, Morristown, Hackensack, Newton, Hackettstown, Asbury Park and Toms River, N.J., and points on Long Island, N.Y., as off-route points in connection with carrier's regular-route operations between Philadelphia, Pa., and New York, N.Y. restricted to delivery of traffic moving from Philadelphia. RESTRICTION: The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with National Yeast Corp. of Belleville, N.J. and Tasty Baking Co. of Philadelphia, Pa. and Food Fair Stores, Inc. of Linden, N.J." Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 30446 (Sub-No. 4), filed July 15, 1964. Applicant: BRUCE JOHNSON TRUCKING CO., INC., 125 Craighead Road, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring special equipment), from Charlotte, N.C., to points in Cherokee, Transylvania, Buncombe, Henderson, McDowell, Rutherford, Caldwell, Burke, Cleveland, Wilkes, Alexander, Catawba, Lincoln, Gaston, Iredell, Mecklenburg, Surry, Yadkin, Davie, Rowan, Cabarrus, Union, Forsyth, Davidson, Stanly, Anson, Montgomery, Richmond, Moore, Scotland, Lee, Robeson, Harnett, Cumberland, Columbus, Sampson, New Hanover, Wake, Durham, Orange, Alamance, Guilford, Rockingham, Vance, and Halifax Counties, N.C.

NOTE: This is a matter directly related to MC–F 8814, published in FEDERAL REGISTER issue July 22, 1964.

No. MC 120789 (Sub-No. 4), filed July 20, 1964. Applicant: UNIVERSAL TRANSPORT SYSTEM, INC., 2672 Bayshore Frontage Road, Mountain View, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, to be specified by applicant at hearing, transporting: *Cement*, in bulk, between points in the San Francisco Territory as set forth below and points in Nevada. SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right of way at Arastradero Road; southeasterly along the Southern Pacific Co. right of way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits;

Easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

NOTE: This is a matter directly related to MC–F–8819, published this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7739 COOPER'S EXPRESS, INC.—PURCHASE (PORTION)—FERGUSON MOTOR TRANSPORTATION, INC. (JOEL J. STEIGER, RECEIVER), published in the December 21, 1960 issue of the FEDERAL REGISTER, on page 13156. Petition filed July 21, 1964, to substitute BLUE LINE EXPRESS, INC., Lowell Road, Nashua, N.H., as vendee under section 5, and as lessee under section 210a(b), in lieu of COOPER'S EXPRESS, INC.

No. MC–F–8817. Authority sought for merger into LOMBARD BROS., INCORPORATED, 249 Mill Street, Waterbury, Conn., of the operating rights and property of MARSTON'S EXPRESS COMPANY, INC., 56–58 North Putnam Street, Danvers, Mass., and for acquisition by GIOCONDA LOMBARD and CLOTILDA LOMBARD, both of Waterbury, Conn., of control of such rights and property through the transaction. Applicants' attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Danvers, Mass., and Lawrence, Mass., serving the intermediate point of Middleton, Mass., and between Haverhill, Mass., and Boston, Mass., serving certain intermediate and off-route points; and under the "grandfather" provisions of section 206(a)(7) of the Act, pursuant to BOR–99, in Docket No. MC–82352 Sub-2, covering the transportation of general commodities within the State of Massachusetts. LOMBARD BROS., INCORPORATED is authorized to operate as a *common carrier* in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

NOTE: LOMBARD BROS., INCORPORATED controls MARSTON'S EXPRESS COMPANY, INC., through ownership of capital stock, pursuant to authority granted November 1, 1963, in Docket No. MC–F–8424.

No. MC–F–8818. Authority sought for merger into STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, 2917 Gulden Lane, Dallas, Tex., of the operating rights and property of STRICKLAND MOTOR FREIGHT LINES, INC. (A CONNECTICUT CORP.), P.O. Box 5689, 2917 Gulden Lane, Dallas, Tex., and for acquisition by L. R. STRICKLAND, also of Dallas, Tex., of control of such rights and property through the transaction. Applicants' attorney: W. T. Brunson, 419 North West Sixth Street, Oklahoma City,

Okla. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between New Britain, Conn., and New York, N.Y., between Winsted, Conn., and New York, N.Y., between Boston, Mass., and Newark, N.J., serving all intermediate and certain off-route points, between St. Louis, Mo., and Newark, N.J., serving the intermediate points of Chicago, Ill., Cleveland, Ohio, and New York, N.Y., between Philadelphia, Pa., and Beach Haven and Barnegat City, N.J., serving all intermediate and certain off-route points, three alternate routes for operating convenience only; *general commodities*, except commodities of unusual value, Class A and B explosives, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., and Atlantic City, N.J., serving certain intermediate and off-route points, between Manahawkin, N.J., and Beach Haven and Barnegat City, N.J., serving all intermediate and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Connecticut, between Hartford, Middletown, Shelton, Ansonia, and Cheshire, Conn., on the one hand, and, on the other, Newark, Perth Amboy, Paterson, and Passaic, N.J., between New York, N.Y., on the one hand, and, on the other, points in Kings, Queens, Nassau, and Suffolk Counties, N.Y., between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, Danbury, Waterbury, New London, Norwich, Naugatuck, Seymour, and Beacon Falls, Conn., and Newark, Perth Amboy, Paterson, and Passaic, N.J.

Between points on U.S. Highway 1 between New York, N.Y., and the Connecticut-New York State line (except points in the New York, N.Y., commercial zone, as defined by the Commission), on the one hand, and, on the other, Danbury, Waterbury, New London, Norwich, Naugatuck, Seymour, and Beacon Falls, Conn., and Newark, Perth Amboy, Paterson, and Passaic, N.J., between Trenton, N.J., and points in Hudson, Bergen, Passaic, Essex, Middlesex, Somerset, and Morris Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in New Jersey, from New York, N.Y., to Newburgh and Middletown, N.Y., between points in Bergen, Essex, Hudson, Morris, Passaic, Union, Middlesex, Monmouth, Hunterdon, and Somerset Counties, N.J., on the one hand, and, on the other, New York, N.Y.; *household goods*, as defined by the Commission, between points in New Jersey on and east of U.S. Highway 9 between Toms River and Pleasantville, N.J., and those on and north of U.S. Highway 40, on the one hand, and, on the other, points in New York and Pennsylvania; *cotton webbing and brake lining*, from Middletown, Conn., to New York, N.Y.; *silverware and cutlery*, from Wallingford, Conn., to New York, N.Y., RESTRICTION: The operating rights described in this certificate are restricted against the transportation of commodities between points authorized to be served in Connecticut over irregular routes, on the one hand, and, on the other, points authorized to be served in Massachusetts over regular routes. STRICKLAND TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Texas, Arkansas, Tennessee, Louisiana, Mississippi, Missouri, Illinois, Oklahoma, Indiana, Michigan, Wisconsin, and Ohio. Application has not been filed for temporary authority under section 210a(b).

NOTE: STRICKLAND TRANSPORTATION CO., INC., controls STRICKLAND MOTOR FREIGHT LINES, INC. (A CONNECTICUT CORP.), through ownership of capital stock, pursuant to authority granted June 8, 1961, in Docket No. MC-F-7729.

No. MC-F-8819. Authority sought for purchase by UNIVERSAL TRANSPORT SYSTEM, INC., 2672 Bayshore Frontage Road, Mountain View, Calif., of the operating rights and certain property of SHA-NEVA TRUCKING COMPANY, junction of Highways 40 and 89, P.O. Box 668, Truckee, Calif., and for acquisition by FRANK R. GOLZEN, also of Mountain View, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Marvin Handler and Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Operating rights sought to be transferred: *Building, construction, mining, and excavation materials and supplies*, in bulk, as a *common carrier*, over irregular routes, between points in Plumas, Sierra, Nevada, Placer, El Dorado, Alpine, Mono, and Inyo Counties, Calif., and points in Washoe, Ormsby, Douglas, Lyon, and Storey Counties, Nev.; *road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *excavation and logging machinery and equipment*, the transportation of which because of size or weight requires the use of special equipment, between points in Alpine, El Dorado, Mono, Nevada, Placer, and Sierra Counties, Calif., Douglas, Lyon, and Ormsby Counties, Nev., and those in Washoe County, Nev., on and South of U.S. Highway 40, RESTRICTION: The service authorized herein is subject to the following conditions: Operations pursuant to this certificate shall be conducted separately from carrier's operations as a private carrier, a separate and distinct accounting system shall be maintained for each, and carrier shall not transport property both as a for-hire and a private carrier in the same vehicle at the same time. Vendee is authorized to operate under the "grandfather" provisions of section 206(a)(7) of the Act, pursuant to BOR-99, in Docket No. MC-120789 Sub-1, in the State of California. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-120789 Sub-4, is a matter directly related.

No. MC-F-8820. Authority sought for purchase by GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn., of the operating rights and property of T. M. WORTHY, doing business as WORTHY MOTOR LINES, 581 Oklahoma Street, Baton Rouge, La., and for acquisition by A. W. GORDON, SR. (A. W. GORDON, JR., M. M. GORDON, and ESTHER GORDON CATO, EXECUTORS), M. M. GORDON, A. W. GORDON, JR., JOHN K. GORDON, ESTER G. CATO, and MARY CONAWAY, all of 185 West McLemore Avenue, Memphis, Tenn., of control of such rights and property through the purchase. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98102 Sub-1, covering the transportation of property as a common carrier, in intrastate commerce, within the State of Louisiana. Vendee is authorized to operate as a *common carrier*, in Illinois, Tennessee, Missouri, Mississippi, Louisiana, Alabama, Kentucky, Arkansas, Georgia, Oklahoma, and Texas. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC-11220 Sub-89 is a matter directly related.

No. MC-F-8821. Authority sought for purchase by BLUE LINE EXPRESS, INC., Lowell Road, Nashua, N.H., of a portion of the operating rights and certain property of COOPER'S EXPRESS, INC., 620 Essex Street, Lawrence, Mass., and for acquisition by DANA L. CLARK, JR., also of Nashua, N.H., of control of such rights and property through the purchase. Applicants' attorneys: Francis E. Barrett and Francis P. Barrett, 25 Bryant Avenue, East Milton, Mass., 02186, and George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Methuen, Mass., and Attleboro, Mass., serving all intermediate and certain off-route points, between Lawrence, Mass., and New York, N.Y., serving all intermediate points between Lawrence and Sturbridge, Mass., and certain off-route points, between Manchester, N.H., and Providence, R.I., serving all intermediate points between Manchester, N.H., and Lawrence, Mass., including Lawrence, between Lawrence, Mass., and Hampton, N.H., serving all intermediate points on the above-specified routes in Massachusetts, and certain off-route points, an alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in New Hampshire, New York, Massachusetts, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

NOTE: See also No. MC-F-7739 (COOPER'S EXPRESS, INC.—PURCHASE (PORTION)—FERGUSON MOTOR TRANSPORTATION, INC. (JOEL J. STEIGER, RECEIVER), published this same issue.

No. MC-F-8822. Authority sought for control by OIL TRANSPORT COMPANY, East U.S. Highway 80, P.O. Box 2031, Abilene, Tex., of GYPSUM TRANSPORT, INC., U.S. Highway 80, P.O. Box 2031, Abilene, Tex., and for acquisition by B. R. GAMBLIN, also of

Abilene, Tex., of control of GYPSUM TRANSPORT, INC., through the acquisition by OIL TRANSPORT COMPANY. Applicants' attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex., 76102. Operating rights sought to be controlled: Authority applied for in pending Docket No. MC-126421, covering the transportation of building materials, gypsum and gypsum products, and materials and supplies used in the manufacture and/or distribution thereof, as a common carrier, over irregular routes, from the plant site of U.S. Gypsum Co. within a 5-mile radius of Sweetwater, Tex., to all points in Arkansas, Oklahoma, Louisiana, and New Mexico. OIL TRANSPORT COMPANY, is authorized to operate as a *common carrier* in Texas, Oklahoma, Kansas, Nebraska, New Mexico, and Arizona. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8823. Authority sought for purchase by HOUFF TRANSFER, INCORPORATED, P.O. Box 91, Weyers Cave, Va., of a portion of the operating rights and certain property of BOWARD TRUCK LINE, INC., P.O. Box 293, Staunton, Va., and for acquisition by CLETUS E. HOUFF, also of Weyers Cave, Va., of control of such rights and property through the purchase. Applicants' attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. Operating rights sought to be transferred:

Plumbing and heating supplies and equipment, as a *common carrier,* over regular routes, from Bayonne, N.J., and Lansdale, Pa., to Staunton, Va., serving the intermediate point of Baltimore, Md., and the off-route point of Trenton, N.J., restricted to pickup only; *general commodities,* excepting, among others, household goods, but not excepting commodities in bulk, over irregular routes, between Staunton, Va., and points in Augusta County, Va., within 50 miles of Staunton, on the one hand, and, on the other, Washington, D.C., Baltimore, Hagerstown, and Knoxville, Md., Philadelphia, Bristol, Pittsburgh, and Lancaster, Pa., and points in North Carolina, South Carolina, and West Virginia, between points in Rockbridge and Rockingham Counties, Va., on the one hand, and, on the other, Washington, D.C., Baltimore, Hagerstown, and Knoxville, Md., Philadelphia, Bristol, Pittsburgh, and Lancaster, Pa., and points in North Carolina, South Carolina, and West Virginia; *livestock,* from Harrisonburg and Waynesboro, Va., and points within 20 miles of Waynesboro, to Baltimore, Md.; *sugar,* from Baltimore, Md., to Waynesboro, Va., from Norfolk, Va., to Lexington and Staunton, Va.; *fresh apples,* from Waynesboro, Va., and points within 25 miles of Waynesboro, to New York, N.Y., Philadelphia and Pittsburgh, Pa., and points in North Carolina, South Carolina, and West Virginia; *apple products,* in containers, from Waynesboro, Va., to Baltimore, Md., Philadelphia, Pa., and points in North Carolina, South Carolina, Tennessee, and West Virginia; *apples,* from Staunton, Harrisonburg, Broadway, Mt. Jackson, Lovingston, and Crozet, Va., to New York, N.Y., Philadelphia and Pittsburgh, Pa., Baltimore, Md., Washington, D.C., Ronceverte, Charleston, Beckley, Bluefield, Parkersburg, Clarksburg, and Huntington, W. Va., and Charlotte, Durham, Fayetteville, Weldon, and Wilson, N.C.; *new furniture,* from Staunton and Waynesboro, Va., to Washington, D.C., Wilmington, Del., Camden, Trenton, and New Brunswick, N.J., Baltimore, Annapolis, and Union Bridge, Md., Buffalo, Rochester, and Syracuse, N.Y., points in the New York, N.Y., commercial zone as defined by the Commission, points in Allegheny County, Pa., and those in that part of Pennsylvania on and east of U.S. Highway 11.

Furniture finishing materials, from Parlin, N.J., and Philadelphia, Pa., to Staunton and Waynesboro, Va.; *alcohol,* from Baltimore, Md., to Staunton and Waynesboro, Va.; *veneer,* from Norfolk, Va., to Staunton and Waynesboro, Va.; *glue,* from Philadelphia and Williamsport, Pa., to Staunton and Waynesboro, Va.; *such commodities* as are sold by wholesale and retail grocery and food business houses, from Baltimore, Md., to Staunton and Lexington, Va.; *canned goods,* from Swedesboro, N.J., to Danville, Lexington, Woodstock, Harrisonburg, Culpeper, Lynchburg, Staunton, Covington, Clifton Forge, Roanoke, Salem, Christiansburg, East Radford, Pulaski, Wytheville, Marion, Galax, Abingdon, and Bedford, Va., and Bluefield and Princeton, W. Va., from Aberdeen, Westminster, Oxford, Elkton, Snow Hill, and Cambridge, Md., to Lexington, Covington, Clifton Forge, and Staunton, Va., from Baltimore, Md., to Clifton Forge, Va.; *roofing,* from York, Pa., to Staunton and Lexington, Va.; *flour,* from Waynesboro, Va., and points within 10 miles of Waynesboro, to points in North Carolina, from Swoope, Va., to points in North Carolina on and east of U.S. Highway 29; *lumber,* from points within 10 miles of Franklin, W. Va., including Franklin, and those in Augusta, Rockingham, and Highland Counties, Va., to Red Lion, Windsor, York, Harrisburg, and Philadelphia, Pa., Baltimore, Md., and Newport News, Va., from Pendleton, Va., to Baltimore, Md., and Washington, D.C.; *wool,* from Leesburg, Harrisonburg, Staunton, Millboro, Covington, McDowell, and Doe Hill, Va., and Sugar Grove, Franklin, and Circleville, W. Va., to Roanoke, Va., Baltimore, Md., Bristol and Philadelphia, Pa., Providence, R.I., Boston, Mass., and Elkins, N.C.; *junk,* from Staunton, Va., to Maurer, N.J., Philadelphia, Pa., and Baltimore, Md.; *fertilizer,* from Baltimore, Md., to Harrisonburg and Staunton, Va.; *fireworks,* from Elkton, Md., to Staunton and Lexington, Va.; *pickles,* from Mount Olive, N.C., to points in that part of Virginia on and west of U.S. Highway 1; and *shotguns* and *small arms ammunition,* from New Haven, Conn., to Staunton, Va. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Virginia, West Virginia, New York, Alabama, Georgia, Florida, Kentucky, Louisiana, Illinois, Indiana, New Jersey, North Carolina, Ohio, South Carolina, Tennessee, Massachusetts, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 64-7531; Filed, July 28, 1964; 8:50 a.m.]

[Notice 14]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

JULY 24, 1964.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The special rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

CALIFORNIA

No. MC 120709 (Sub-No. 1) (REPUBLICATION) filed January 21, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: ROZAY'S TRANSFER, 2167 East 25th Street, Los Angeles 58, Calif. and OSCAR FINE AND HERMAN GRANOFSKY, doing business as O & H TRUCKING CO., 820 South Alameda Street, Los Angeles, Calif., joint applicants. Applicant's attorney: Carl H. Fritze, 1010 Wilshire Building, Los Angeles 17, Calif.

NOTE: The purpose of this republication is to show Oscar Fine and Herman Granofsky, doing business as O & H Trucking Co., as joint applicant.

TENNESSEE

No. MC 120663 (Sub-No. 1) (REPUBLICATION), filed February 8, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: DAVID D. DORTCH, doing business as HUMBOLDT EXPRESS, Nashville, Tenn. (former lessee, portion Tennessee Certificate No. 1864). HUMBOLDT EXPRESS, INC., Nashville,

Tenn. (purchaser—the leased portion Tennessee Certificate No. 1864, and transferee, MC–FC–66612) and WEST TENNESSEE MOTOR EXPRESS, INC., Nashville, Tenn. (former lessor, portion Tennessee Certificate No. 1864, and transferor, MC–FC–66612).

NOTE: This application is republished for the purpose of showing Humboldt Express, Inc., as the purchaser from West Tennessee Motor Express, Inc., of the portion of Tennessee Certificate No. 1864, formerly leased by David D. Dortch, doing business as Humboldt Express, and as joint applicant in this proceeding.

By the Commission.

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

[F.R. Doc. 64–7532; Filed, July 28, 1964; 8:50 a.m.]

[Notice 662]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 24, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 1485 (Sub-No. 9) filed July 15, 1964. Applicant: SCHROLL TRANSPORTATION, INCORPORATED, 360 Governor Street, East Hartford, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, sea foods* and *frozen foods* from Boston, Mass. to points in Connecticut.

NOTE: The purpose of the instant application is to eliminate applicant's present gateway points of East Hartford, Conn., and Springfield, Mass., on transportation of the considered commodities to points in five counties in Connecticut which applicant is now required to observe. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 5152 (Sub-No. 8), filed July 15, 1964. Applicant: ERNEST CHRISTENSEN, doing business as VANCOUVER FAST FREIGHT, 304 Columbia Street, Vancouver, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans and/or can ends*, nested and/or flat, made of tin, aluminum, iron, and steel from Vancouver, Wash., to points in Lane, Linn, Benton, Lincoln, Polk, Marion, Clackamas, Yamhill, Tillamook, Washington, Multnomah, Columbia, and Clatsop Counties, Oreg.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 9325 (Sub-No. 21) filed July 15, 1964. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Eureka, Calif., to points in Curry, Josephine, and Jackson Counties, Oreg.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 10761 (Sub-No. 165) filed July 13, 1964. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Smith and Little Rock, Ark., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut Rhode Island, Delaware, New Jersey, New York, Pennsylvania, West Virginia, Ohio, and District of Columbia, and *refused and damaged shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10761 (Sub-No. 166) filed July 13, 1964. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of Chase Brass & Copper Corp., located near junction Ohio Highway 15 and Alternate U.S. Highway 20 (Jefferson Township, Williams County, Ohio) as an off-route points in connection with applicant's regular-route operation between Chicago, Ill., and Cleveland, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11344 (Sub-No. 7), filed July 13, 1964. Applicant: H. F. BARNHILL, doing business as BARNHILL MOTOR EXPRESS, Highway I–85, Gaffney, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products* from points in Cherokee County, S.C., Guilford and Union Counties, N.C. to points in Georgia, North Carolina, South Carolina, and points in that portion of Tennessee on and east of U.S. Highway 11 extending from the Georgia-Tennessee State line to Knoxville, and on and east of Tennessee Highway 33 extending from Knoxville to Tazewell, and on and east of U.S. Highway 25–E extending from Tazewell to the Tennessee-Kentucky-Virginia State line and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 20992 (Sub-No. 13), filed July 15, 1964. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts thereof* as defined in appendix 12, when moving in the same vehicle, from West Bend, Wis., to points in Montana, Wyoming, Colorado, Kansas, Oklahoma, and Texas, and *defective, rejected or returned shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 22195 (Sub-No. 101), filed July 13, 1964. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, Post Office Box 946, 41st and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk from Mitchell, S. Dak., and points within 15 miles thereof (except from the terminal site of Kanab Pipeline Co. at or near Mitchell, S. Dak.), to points in Minnesota, North Dakota, Iowa, and Nebraska and *rejected and returned shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Sioux Falls, S. Dak.

No. MC 22301 (Sub-No. 4), filed July 13, 1964. Applicant: SIOUX TRANSPORTATION COMPANY, INC., 1619 11th Street, Sioux City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and packing-*

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

house products, from Sioux City, Iowa, and Omaha, Nebr., to points in Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 22301 (Sub-No. 5), filed July 13, 1964. Applicant: SIOUX TRANSPORTATION COMPANY, INC., 1619 11th Street, Sioux City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C., 209 and 766 and *equipment and supplies used by meat packinghouses* in truckloads (except liquid commodities in bulk in tank vehicles), between Cherokee, Iowa, and Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 25869 (Sub-No. 23), filed July 8, 1964. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 217, Farnhamville, Iowa. Applicant's representative: Anthony T. Thomas, 3554 South Archer Avenue, Chicago 9, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Cherokee, Iowa, to points in Illinois, St. Louis, Mo., Omaha, Nebr., and Milwaukee, Wis. Applicant states that the proposed operation will be restricted to Wilson & Co., Inc., traffic originating at the plant site and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 152) (CORRECTION) filed June 23, 1964, published in FEDERAL REGISTER issue July 8, 1964, corrected July 15, 1964, and republished as corrected this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Cherokee, Iowa, to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

NOTE: Applicant states the proposed service is to be "restricted to Wilson and Co., Inc., originating at the plant site or cold storage facilities utilized by Wilson and Co., Inc. at or near Cherokee, Iowa." The purpose of this republication is to show the aforementioned restriction, in lieu of that previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 38170 (Sub-No. 22), filed July 14, 1964. Applicant: WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the plant of Chevrolet Division of General Motors Corp., located in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary applicant requests it be held at Detroit or Lansing, Mich.

No. MC 42487 (Sub-No. 603), filed July 9, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: W. J. Hickey, 1530 Russ Building, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers, fertilizer ingredients*, and *fertilizer solutions*, in bulk, from Cheyenne, Wyo., and points within ten (10) miles thereof, to points in Nebraska, Colorado, Kansas, North Dakota, South Dakota, Montana, Utah, and Idaho.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 50002 (Sub-No. 42), filed July 15, 1964. Applicant: T. CLARENCE BRIDGE & HENRY W. BRIDGE, doing business as BRIDGE BROTHERS, North Santa Fe Trail, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita, Kans., 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, dry and liquid, *acids, chemicals and fertilizer compounds*, including, but not limited to *anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions*, in bulk, in tank or hopper type vehicles, from Fremont, Nebr., and points within 10 miles thereof, to points in Illinois, Iowa, Missouri, Minnesota, Kansas, North Dakota, South Dakota, and *damaged or rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 50069 (Sub-No. 302), filed July 13, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Wyandotte, Mich., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52709 (Sub-No. 248), filed July 14, 1964. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving points within 10 miles of Cheyenne, Wyo., as off-route points in connection with carrier's regular route operations to and from Cheyenne, Wyo.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 55236 (Sub-No. 90) (AMENDMENT), filed June 12, 1964, published FEDERAL REGISTER issue of July 1, 1964, amended July 20, 1964, and republished as amended this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Post Office Box 1187, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from the plant site of the Hydrite Chemical Co., located at Milwaukee, Wis., to points in Illinois, Indiana, Iowa, and Minnesota.

NOTE: The purpose of this republication is to restrict the origin area to the plant site of the Hydrite Chemical Co., at Milwaukee, Wis. and to add phosphoric acid to the commodities previously omitted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59367 (Sub-No. 16), filed July 9, 1964. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat-packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Cherokee, Iowa, to points in Illinois and Wisconsin.

NOTE: Applicant proposes to restrict service to traffic of Wilson & Co., Inc., originating at the plant site of that shipper and/or cold storage facilities utilized by it at or near Cherokee, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 60157 (Sub-No. 5), filed July 13, 1964. Applicant: C. A. WHITE TRUCKING COMPANY, a corporation, 4641 Greenville Avenue, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex., 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, pipe connections, and pipe couplings* (except that used in or in connection with the discovery, development, production, refining, manufacture, proc-

essing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts), between Lone Star and Bond, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 61438 (Sub-No. 13), filed July 16, 1964. Applicant: KANSAS CITY SOUTHERN TRANSPORT COMPANY, INC., 114 West 11th Street, Kansas City, Mo. Applicant's attorney: R. W. Spachman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, between Anacoco, La. and Toledo Bend Dam Site located on the Sabine River in Louisiana and Texas; from Anacoco over Louisiana Highway 111 to junction Louisiana Highway 392, thence over Louisiana Highway jointly numbered 111 and 392 to junction Louisiana Highway 111 and proposed extension (presently under construction) of Louisiana Highway 392, thence over proposed extension Louisiana Highway 392 to the construction site of the Toledo Bend Dam Site located on the Sabine River in the states of Louisiana and Texas at a point approximately eleven (11) miles west of Anacoco, La., and return over the same route, serving no intermediate points.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 64932 (Sub-No. 345), filed July 10, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles, from Jackson, Mich., to Thornton, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 64932 (Sub-No. 346), filed July 14, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cadet, Mo., to points in Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 76661 (Sub-No. 1), filed July 13, 1964. Applicant: W. M. SMITH, doing business as SMITH TRUCK SERVICE, 617 Elm Street, Post Office Box 373, Perry, Okla. Applicant's attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earth drilling machinery* and *equipment*, (2) *machinery, equipment, materials, supplies* and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, or (b) digging of slush pits and clearing, preparing, constructing or maintaining drilling sites, (3) *machinery, equipment, materials, supplies* and *pipe* incidental to, used in, or in connection with (a) the completion of holes or wells drilled, (b) the production, storage, transmission and distribution of commodities resulting from drilling operations, or (c) injection or removal of commodities into or from holes or wells, as follows: (1) between points in Oklahoma, Kansas, and Texas, and (2) betwen points in Oklahoma, on the one hand, and, on the other, points in Arkansas and Louisiana.

NOTE: (1) Applicant seeks no duplicating authority, (2) applicant presently holds authority to transport Mercer case oilfield and pipeline commodities between the same points and within the same territory set forth in item II above, and (3) if a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 79476 (Sub-No. 20), filed July 8, 1964. Applicant: YOUNGS MOTOR TRUCK SERVICE, INC., 10 Grosvenor Street, Taunton, Mass. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, abrasive or foundry, in bulk, in pneumatic or blower type vehicles, from Coventry, R.I., and points in Barnstable and Plymouth Counties, Mass., to points in Connecticut, Massachusetts, New Hampshire, and Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 89723 (Sub-No. 35), filed June 22, 1964. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo., 63103. Applicant's attorney: Robert S. Davis, 1218 Olive Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Kansas City, Mo. and Omaha, Nebr., serving the intermediate points of Leavenworth and Atchison, Kans., for the purpose of joinder only; and (2) between St. Joseph, Mo. and Omaha, Nebr., over the following routes: (a) U.S. Highway 40 and U.S. Highway 73, (b) U.S. Highway 59, and (c) Kansas Highway 92, Missouri Highway 92 and U.S. Highway 71, serving no intermediate points on (a), (b) and (c), except those specified for joinder in (1) above.

NOTE: Applicant is seeking authority herein to remove the keypoint of Omaha, Nebr., applicable to those routes as presently authorized. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 92983 (Sub-No. 444), filed July 13, 1964. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* in bulk, from points in Maryland and New Mexico to points in the Kansas City, Mo.-Kans., commercial zone.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95147 (Sub-No. 4), filed June 3, 1964. Applicant: DOMENICO S. SACCO, doing business as SACCO's TRUCKING, 76 Turner Avenue, Pittsfield, Mass. Applicant's attorney: Rudolph A. Sacco, 73 North Street, Pittsfield, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Massachusetts, and (2) between points in Massachusetts, on the one hand, and, on the other, points in Massachusetts, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, New Jersey, Virginia, Pennsylvania, Maryland, Delaware, and District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 98499 (Sub-No. 5), filed July 13, 1964. Applicant: WHITE TRUCK LINE, INC., 1534 Jonesboro Road, S.E., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and dangerous explosives, livestock, commodities in bulk, and those requiring special equipment, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), between Atlanta, Ga. and Rex, Ga., from Atlanta over U.S. Highway 23 to junction Rex Road, thence over Rex Road to Rex, and return over the same route, serving all intermediate points.

NOTE: Applicant states that Rex Road is a county road situated approximately three (3) miles north of junction U.S. Highway 23 and Georgia Highway 138. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No MC 99421 (Sub-No. 2), filed July 8, 1964. Applicant: J. & H. TRUCKING CO., INC., 74 Midland Drive, Cranston, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Seekonk, Mass., Providence, R.I. and points in the commercial zone of Providence, on the one hand, and, on the other, points in Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 103880 (Sub-No. 316), filed July 10, 1964. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Midland, Mich., to Bay City, Mich.

NOTE: Applicant indicates that subsequent movement of the above commodities will be by water to foreign ports. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105881 (Sub-No. 34), filed July 13, 1964. Applicant: M.R. & R. TRUCKING COMPANY, a corporation 715 North Ferdon Boulevard, Crestview, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities, including Classes A and B explosives* (but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Birmingham, Ala. and Cottondale, Fla.; from Birmingham over U.S. Highway 31 to junction Interstate Highway 65 at or near Alabaster, Ala., thence over Interstate Highway 65 to junction U.S. Highway 31 at or near Deatsville, Ala., thence over U.S. Highway 31 to Montgomery, Ala., and thence over U.S. Highway 231 to Cottondale, and return over the same route, serving Montgomery and Dothan, Ala. only as intermediate points, and (2) between Birmingham, Ala. and Crestview, Fla.; from Birmingham to Montgomery, Ala. over U.S. Highway 31 to junction Interstate Highway 65 at or near Alabaster, Ala., thence over Interstate Highway 65 to junction U.S. Highway 31 at or near Deatsville, Ala., thence over U.S. Highway 31 to Montgomery, thence over U.S. Highway 331 to Brantley, Ala., thence over U.S. Highway 29 to Andalusia, Ala., thence over Alabama Highway 55 to the Alabama-Florida State line, thence over Florida Highway 85 to Crestview, and return over the same route, serving Montgomery and Andalusia, Ala., only as intermediate points. RESTRICTION: The authority sought in routes (1) and (2) above is to be restricted against the transportation of any traffic (a) between Birmingham and Montgomery, (b) between Birmingham and Andalusia, and (c) between Montgomery and Andalusia.

NOTE: Applicant states it proposes to join the authority sought herein to the authority presently held by it to enable it to perform through service between points herein sought to be served and points presently served. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.

No. MC 106644 (Sub-No. 54), filed July 13, 1964. Applicant: SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, regardless of how they are equipped, except tractors used in pulling commercial highway trailers, and those which because of size or weight require the use of special equipment, and (2) *parts, implements, attachments, accessories and supplies*, for commodities described above in (1), between points in Virginia, North Carolina, South Carolina, Florida, Georgia, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, and Kentucky (except Louisville, Ky.).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 106920 (Sub-No. 21), filed July 8, 1964. Applicant: RIGGS FOOD EXPRESS, INC., Box 26, West Monroe Street, New Bremen, Ohio. Applicant's attorney: Carroll V. Lewis, Ohio Building, Sidney, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Appendix I to the report in *Description in Motor Carriers Certificate* 61 M.C.C. 209, from points in Illinois and Indiana to Philadelphia, Pa., Baltimore, Md., New York, N.Y., Trenton and Newark, N.J., and points in Pennsylvania on and west of U.S. Highway 219 and points in New York and New Jersey within 25 miles of New York, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 106920 (Sub-No. 22), filed July 8, 1964. Applicant: RIGGS FOOD EXPRESS, INC., Box 26, West Monroe Street, New Bremen, Ohio. Applicant's attorney: Carroll V. Lewis, Ohio Building, Sidney, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, in mechanically refrigerated vehicles from Rock Island, Ill., to points in Alabama, Georgia, and Florida.

NOTE: If a hearing is deemed necessary, applicant request it be held at Chicago, Ill.

No. MC 107002 (Sub-No. 219), filed July 14, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss., 39205. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, petroleum, and petroleum products*, in bulk, between points in Orange and Jefferson Counties, Tex., on the one hand, and, on the other, points in the Continental United States, except Alaska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107107 (Sub-No. 313), filed July 13, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients, food materials, and related advertising* and *promotional material*, between points in Georgia on the one hand, and, on the other, points in Alabama, Mississippi, and Louisiana.

NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107107 (Sub-No. 314), filed July 13, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients, food materials* and *related advertising and promotional material* (1) between points in Florida and (2) between points in Florida, on the one hand, and, on the other, points in Georgia (except (a) candy and confectionery from Atlanta, Ga. and points in its commercial zone to points in Florida, (b) meats, meat products, and meat byproducts and dairy products from Jacksonville, Miami, Orlando, Tampa, and West Palm Beach to points in Florida, and (c) candy and confectionery between points in Florida).

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107403 (Sub-No. 562), filed July 10, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Sayreville, N.J., to points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, New Hampshire, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 565), filed July 16, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate*, dry, in bulk, in tank or hopper type vehicles, (1) from Baltimore, Md., to points in Virginia and North Carolina, and (2) from Front Royal, Va., to points in North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 488), filed July 13, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in Sections

A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Cherokee, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Kentucky (except Louisville), New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, and Rhode Island.

NOTE: Applicant states the proposed service will be restricted to Wilson & Co., Inc., traffic originating at the plant site and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 139), filed July 14, 1964. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distribued by meat packinghouses* as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plant site and/or cold storage facilities of Wilson & Co., at or near Cherokee, Iowa to points in Arkansas, Oklahoma, Mississippi, California, Nevada, Utah, and Memphis, Tenn.

NOTE: Applicant states proposed operations will be restricted to Wilson & Co., Inc., traffic originating at the plant site and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108341 (Sub-No. 8), filed July 10, 1964. Applicant: MOSS TRUCKING COMPANY, INC., Post Office Box 8409, Charlotte, N.C. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire fencing or netting* (chain link fence) and in connection therewith, *materials, supplies, tools and equipment used in the installation thereof*, in other than van or open-top trailers, from Atlanta, Ga., to points in North Carolina, South Carolina, and Virginia, and *returned shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C. or Atlanta, Ga.

No. MC 108517 (Sub-No. 3), filed July 10, 1964. Applicant: DALE I. BURT, doing business as CLAY CENTER FREIGHT SERVICE, 1419 Sherman, Clay Center, Kans. Applicant's attorney: Leland M. Spurgeon, 308 Casson Building, 6th & Topeka Boulevard, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain augers and parts therefor* and (2) *grain grinders and parts therefor*, and *empty containers or other such incidental facilities* used in transporting the above commodities and *exempt commodities*, between Clay Center, Kans., on the one hand, and, on the other, points in Nebraska, Colorado, Oklahoma, Missouri, Iowa, Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Texas, and Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 109365 (Sub-No. 23), filed July 15, 1964. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, Ashdown, Ark. Applicant's attorney: Robert L. Garrett, Slattery Building, Shreveport, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, and (2) *prefabricated wooden roof trusses*, with either metal or wooden gussets at joints (sometimes known as trussed rafters), (a) from points in Bienville, Bossier, Claiborne, DeSoto, Jackson, Lincoln, Morehouse, Natchitoches, Ouachita, Red River, Sabine, Union, Webster, Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, LaSalle, Madison, Rapides, Richland, Tensas, Vernon, West Carroll, and Winn Parishes, La., and from points in Arkansas, Ashley, Bradley, Calhoun, Clark, Cleburne, Cleveland, Columbia, Dallas, Desha, Fulton, Garland, Grant, Hempstead, Hot Spring, Howard, Jefferson, Lafayette, Lincoln, Little River, Logan, Lonoke, Miller, Montgomery, Nevada, Ouachita, Perry, Pike, Polk, Pulaski, Saline, Scott, Sebastian, Sevier, Union, Van Buren, Yell, Chicot, Conway, Crawford, Drew, Faulkner, Franklin, Johnson, Madison, Monroe, Newton, Phillips, Pope, Prairie, Washington, and White Counties, Ark., to points in Kansas, Oklahoma, and Texas; and (b) from Texarkana, Tex., to points in Arkansas, and *empty containers or other incidental facilities* (not specified) used in transporting the commodities described above in (1) and (2), and *rejected shipments*, on return.

NOTE: Applicant states he is not seeking duplication of authority in the transportation of lumber under (a) of the above proposed operations. Service from all or part of the first named thirteen parishes in Louisiana, and all or part of the first named thirty-seven counties in Arkansas, to points in Kansas, Oklahoma, and Texas is presently authorized in Certificate No. MC 109365. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 110193 (Sub-No. 65), filed July 13, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, and *food products in mixed shipments* with commodities, the transportation of which is partially exempt under the provisions of Section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with food products, fresh or frozen, from the plant site of Ralston Purina Company at or near California, Mo., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Ohio, Indiana, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or St. Louis, Mo.

No. MC 110193 (Sub-No. 66), filed July 10, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Webster City, Fort Dodge, and Des Moines, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 110193 (Sub-No. 67), filed July 15, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from La Porte, Ind., to points in Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Missouri, and Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110193 (Sub-No. 68), filed July 15, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Cherokee, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia.

NOTE: Applicant states the proposed operations will be restricted to Wilson and Company, Inc., traffic originating at the plant site and/or cold storage facilities utilized by Wilson and Company, Inc., at or near Cherokee, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110420 (Sub-No. 376), filed July 17, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils*, in bulk, in tank vehicles from the plant site of Wilson & Co., Inc., located at or near Cherokee, Iowa, to points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois,

Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 665), filed July 16, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Sayreville, N.J., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111398 (Sub-No. 8), filed July 14, 1964. Applicant: FISCHBACK TRUCKING CO., a corporation, 921 Sherman Street, Akron 11, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed and dealt in by rubber and rubber products manufacturers, and in connection therewith, *equipment, materials* and *supplies* used in conduct of such business, (1) between Avon, Green Camp, and Marietta, Ohio, on the one hand, and, on the other, Clarksville, Tenn., and points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and Rhode Island, (2) between Calvert City and Louisville, Ky., on the one hand, and, on the other, Clarksville, Tenn., and points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, Ohio, New Jersey, New York, Pennsylvania, and Rhode Island, (3) between Henry, Ill., on the one hand, and, on the other, Clarksville, Tenn., and points in Connecticut, Indiana, Massachusetts, Michigan, Kentucky, Ohio, New Jersey, New York, Pennsylvania and Rhode Island, (4) between Clarksville, Tenn., on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Ohio, New Jersey, New York, Pennsylvania, and Rhode Island, (5) between Oaks and Dubois, Pa., on the one hand, and, on the other, Clarksville, Tenn., and points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Ohio, New Jersey, New York, and Rhode Island, (6) between Riverside, N.J., on the one hand, and, on the other, Clarksville, Tenn., and points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Ohio, Pennsylvania, New York, and Rhode Island, (7) between Staten Island, N.Y., on the one hand, and on the other, Clarksville, Tenn., and points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Ohio, Pennsylvania, New Jersey, and Rhode Island, (8) between Shelton, Conn., on the one hand, and, on the other, Clarksville, Tenn., and points in Illinois, Indiana, Massachusetts, Michigan, Kentucky, Ohio, Pennsylvania, New York, New Jersey, and Rhode Island, and (9) between Institute, W. Va., on the one hand, and, on the other, Clarksville, Tenn., and points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, Kentucky, Ohio, Pennsylvania, New York, New Jersey and Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio or Washington, D.C.

No. MC 111812 (Sub-No. 256), filed July 8, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, South Dakota, 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site and/or cold storage facilities of Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Delaware, Connecticut, New Jersey, New York, Pennsylvania, Maryland, Michigan (Lower Peninsula only), Ohio, Virginia, West Virginia, District of Columbia, Idaho, Montana, Arizona, California, Nevada, Utah, Oregon, Washington, and Wyoming.

NOTE: Common control may be involved. Applicant indicates that the proposed operation will be restricted (1) to shipments originating at the plant site and/or cold storage facilities of Wilson & Co., Inc., (2) against tacking or joinder at origin, and (3) against the transportation of commodities in bulk in tank vehicles, and hides. No duplicating authority is sought by this application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112148 (Sub-No. 27), filed July 9, 1964. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Cherokee, Iowa, to points in the lower peninsula of Michigan.

NOTE: Applicant proposes to further restrict service to traffic of Wilson & Co., Inc., originating at the plant site of that shipper and/or cold storage facilities utilized by it at or near Cherokee, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113325 (Sub-No. 24), filed July 13, 1964. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo., 63104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast and blends and derivatives thereof*, in bulk, from Belleville, Ill., and points within ten (10) miles thereof, to points in the United States (except Alaska and Hawaii), and *rejected or returned shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113325 (Sub-No. 25), filed July 13, 1964. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo., 63104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast and blends and derivatives thereof*, in bulk, from Bonne Terre, Mo., and points within ten (10) miles thereof, to points in the United States (except Alaska and Hawaii), and *rejected or returned shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113678 (Sub-No. 78), filed July 8, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as defined by the Commission, from Greeley, Colo., to points in Arkansas, Georgia (except Savannah), Kentucky (except Bellevue, Covington, Louisville, and Lexington), North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113908 (Sub-No. 146) filed July 13, 1964. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils*, in bulk, in tank vehicles, from the plant site of Wilson & Co., at or near Cherokee, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, District of Columbia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114194 (Sub-No. 74) filed July 13, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road,

East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch, sugar and products of corn*, in bulk, in tank or hopper vehicles, from Muscatine, Iowa to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee and Wisconsin, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115038 (Sub-No. 1), filed July 15, 1964. Applicant: VAUPEL TRANSPORTATION, INC., doing business as VAUPEL TRANSPORTATION, Davis Junction, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients*, and *feed ingredient mixtures and compounds*, (1) between Muscatine, Iowa and New Milford, Ill. (Rockford, Ill.), and (2) from Muscatine, Iowa and New Milford, Ill. (Rockford, Ill.), to points in Wisconsin, on and south of Wisconsin Highway 29, and points in Iowa, on and east of U.S. Highway 63.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115162 (Sub-No. 91), filed July 17, 1964. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 346, Evergreen, Ala. Applicant's representative: Robert E. Tate, Traffic Building, 2031 Ninth Avenue South, Birmingham, Ala., 35205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bagged plaster calcined*, from Jacksonville, Fla., to Evergreen, Ala.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 115841 (Sub-No. 189), filed July 16, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from West Richfield, Ohio, to points in Kentucky, Virginia, North Carolina, South Carolina, Florida, Georgia, Tennessee, Alabama, Mississippi, Louisiana, and Arkansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 115915 (Sub-No. 24), filed July 10, 1964. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINES, 6120 North 16th Street, Omaha, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C, Appendix I in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Cherokee, Iowa, to points in Idaho, Illinois, Montana, Nebraska, North Dakota, Oregon, South Dakota, and Wyoming.

NOTE: Applicant states that the proposed operation is restricted to Wilson & Co., Inc., traffic originating at the plant site and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116587 (Sub-No. 9), filed July 13, 1964. Applicant: EASTERN-WESTERN TRUCKING, INC., 37201 Military Road North, Puyallup, Wash. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, timbers, trusses*, and *beams*, fabricated or not fabricated, and *connecting hardware items*, from points in Pierce County, Wash., to points in Idaho, Montana, Oregon, Utah, Colorado, Wyoming, Nevada, New Mexico, and Arizona.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 116763 (Sub-No. 40) (AMENDMENT), filed June 26, 1964, published FEDERAL REGISTER, issue July 15, 1964, amended July 14, 1964, and republished as amended this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, fruit butter, preserves, jellies, syrup, and ice cream topping*, in containers, from Archbold, Delphos, and Orrville, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE: Applicant states it "requests no duplicating authority." The purpose of this republication is to add the included commodities as shown above, in lieu of that as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 113865 (Sub-No. 7), filed July 13, 1964. Applicant: CEMENT EXPRESS, INC., Hokes Mill Road and Lemon Street, York, Pa. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of the Medusa Portland Cement Co. at York, Pa., to points in Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119879 (Sub-No. 1), filed July 9, 1964. Applicant: STEEL CITY CARTAGE CO., INC., 7869 Melton Road, Gary, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the plant site of the Bethlehem Steel Co. in Porter County, Ind. and Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119880 (Sub-No. 13) (AMENDMENT), filed July 1, 1964, published in FEDERAL REGISTER issue of July 15, 1964, amended July 17, 1964, and republished as amended this issue. Applicant: DRUM TRANSPORT, INC., Box 2056 East Peoria, Ill. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, liquid and dry, *acids and chemicals, and fertilizer compounds*, including but not limited to anhydrous ammonia, aqua ammonia nitrogen fertilizer solutions, urea solutions, fertilizer ammoniated solutions, mixed fertilizer solutions, and other fertilizer solutions, in bulk, in tank or hopper type vehicles, from Fremont, Nebr., and points within ten miles thereof, to points in Iowa, Minnesota, North Dakota, South Dakota, Illinois, Kansas, and Missouri.

NOTE: The purpose of this republication is to broaden the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119991 (Sub-No. 1), filed July 16, 1964. Applicant: ROSCOE HUFFORD, doing business as ROSCOE HUFFORD TRUCKING, Lake Cicott, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green hides* and *skins*, salted, from Philadelphia, Pa., to points in Maine.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123048 (Sub-No. 48), filed July 9, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A, Racine, Wis., 53401. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and continental rollo mixers*, from Osseo, Wis., to points in the United States (except Hawaii), and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Milwaukee or Madison, Wis.

No. MC 124238 (Sub-No. 1), filed July 8, 1964. Applicant: CEMENT TRANSPORTS, INC., 300 Simons Building, Dallas, Tex. Applicant's attorney: William D. White, Jr., 2420 Republic National Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and associated materials*, from points in Nolan County, Tex., to points in Ar-

kansas, Colorado, Kansas, Louisiana, New Mexico, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 124813 (Sub-No. 15), filed July 9, 1964. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, in bags, in bulk, and in mixed shipments of bag and bulk, from Chicago Heights, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124987 (Sub-No. 3), filed July 16, 1964. Applicant: EARL L. BONSACK, 1129 Vine Street, La Crosse, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, between La Crosse and Sheboygan, Wis., and Winona and Red Wing, Minn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 125802 (Sub-No. 2), filed July 20, 1964. Applicant: ROBERT H. REED, doing business as DOVER TRUCKING CO., Post Office Box 527, Dover, Delaware. Applicant's attorney: L. Agnew Myers, Jr., 1050 Warner Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosive lading*, including such items as *ammunition, explosives, incendiary*, or *gas, smoke or tear producing, Classes A and B explosives*, and *rocket motors*, or *jet thrust units*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between the Pennsylvania Railroad Facilities at Kenton, Del., and Dover Air Force Base, Dover, Del.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dover or Wilmington, Del.

No. MC 125916 (Sub-No. 1), filed July 13, 1964. Applicant: THERON E. COON, doing business as THERON E. COON TRUCKING CO., 7105 West 3500 South Street, Magna, Utah. Applicant's attorney: Macoy A. McMurray, Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* of a character for use, and to be used only in oil or gas well drilling operations, from Salt Lake City, Spray and Lake Point, Utah, to points in Mesa, Delta, Montrose, Ouray, San Miguel, Dolores, San Juan, Montezuma, and La Plata Counties, Colo., and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodity, and *rejected shipments*, on return.

NOTE: Applicant states he now holds contract carrier authority in Permit No. MC 123211, covering the identical commodity and territory. This application is made pursuant to an election granted the applicant in MC 123211 (Sub-No. 2), to seek conversion of his existing contract carrier authority to common carrier authority under section 207(a) of the Act. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 125916 (Sub-No. 2), filed July 13, 1964. Applicant: THERON E. COON, doing business as THERON E. COON TRUCKING CO., 7105 West 3500 South Street, Magna, Utah. Applicant's attorney: Macoy A. McMurray, Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* of a character for use, and to be used only in oil or gas well drilling operations, from points in Salt Lake and Tooele Counties, Utah, to points in Mesa, Delta, Montrose, Ouray, San Miguel, Delores, San Juan, Montezuma, and La Plata Counties, Colo., and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodity, and *rejected shipments*, on return.

NOTE: Applicant states he now holds contract carrier authority in Permit No. MC 123211 and has simultaneously filed an application pursuant to an election granted him in MC 123211 (Sub-No. 2) to seek conversion of his existing contract carrier authority to common carrier authority under section 207(a) of the Act. The within application is made to extend the common carrier authority, if and only if, the simultaneous application for conversion of the aforesaid permit authority is granted. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 126224 (Sub-No. 2), filed July 13, 1964. Applicant: JAMES F. BAILEY, doing business as BAILEY TRUCKING, Rural Route 1, Garrett, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, from Rittman, Ohio, St. Louis and Port Huron, Mich., to points in DeKalb, Noble, Kosciusko, Whitley, Allen, Lagrange, and Steuben Counties, Ind., (2) *alfalfa meal*, from Blissfield, Mich., and Toledo, Ohio, to points in DeKalb, Noble, Kosciusko, Whitley, Allen, Lagrange, and Steuben Counties, Ind., (3) *agricultural lime*, from Gibsonburg and Rockford, Ohio, to points in DeKalb, Noble, Kosciusko, Whitley, Allen, Lagrange, and Steuben Counties, Ind., (4) *nitrogen fertilizer*, dry, from Lima, Ohio, to points in DeKalb, Noble, Kosciusko, Whitley, Allen, Lagrange, and Steuben Counties, Ind., (5) *picket cribbing, fence posts and poles*, from Chicago Heights, Ill., and Louisville, Ky., to points in DeKalb, Noble, Kosciusko, Whitley, Allen, Lagrange, and Steuben Counties, Ind., (6) *soybean meal*, from Danville and Decatur, Ill., and Fostoria, Ohio, to points in DeKalb, Noble, Kosciusko, Whitley, Allen, Lagrange, and Steuben Counties, Ind., and (7) *meat scraps and tankage*, from Toledo, Ohio, to points in DeKalb, Noble, Kosciusko, Whitley, Allen, Lagrange, and Steuben Counties, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities (1) through (7), on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 126257 (Sub-No. 2), filed July 14, 1964. Applicant: GEORGE KOLENDRISKI, doing business as G. K. TRUCKING CO., 397 Halladay Street, Jersey City, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Secaucas, N.J., to Mount Kisco and Newburgh, N.Y., and *rejected, refused or returned shipments of frozen foods*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 126342 (Sub-No. 2), filed July 8, 1964. Applicant: SOUTHERN MILL CREEK PRODUCTS CO. INC., 1906 North Armenia Avenue, Tampa, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid technical malathion*, in bulk from Linden, N.J. to points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 126347 (Sub-No. 1), filed July 13, 1964. Applicant: SHEFFLER HIWAY EXPRESS, INC., 42 Federal Street, Niles, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal shipping containers and carriers* and *parts* therefor, from Niles, Ohio to points in Erie, Crawford, Warren, Mercer, Venango, Forest, Clarion, Jefferson, Lawrence, Butler, Armstrong, Beaver, Indiana, Allegheny, Westmoreland, Washington, Greene, Fayette, and Somerset Counties, Pa., and points in Niagara, Erie, Chautauqua, and Cattaraugus Counties, N.Y., and points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, and Pleasants Counties, W. Va.

NOTE: Applicant states the proposed operations will be under contract with Republic Steel Corp., Cleveland, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 126375 (Sub-No. 1), filed July 16, 1964. Applicant: CEL TRANSPORTATION COMPANY, a corporation, Post Office Box 447, Latrobe, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *contract* carrier, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk in tank vehicles under a continuing contract or contracts with Jacob Stern & Sons, Inc., from Canton, Columbus, McConnellsville, Toledo, and Zanesville, Ohio; Ann Arbor and Port Huron, Mich., to the plant and other facilities of Jacob Stern & Sons, Inc., at Philadelphia, Pa.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 126382, filed July 1, 1964. Applicant: SOUTHWEST DRAYAGE CO., INC., doing business as SOUTHWEST TRANSFER COMPANY, 5136 Southwest Avenue, St. Louis, Mo., 63110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxes, crates, bottles, cans, drums, barrels, pails and tubs*, (2) *pulpboard and fiberboard*, loose and in packages, and (3) *empty containers or other incidental facilities* (not specified) used in transporting the commodities described in (1) and (2), between St. Louis, Mo., and points in St. Louis County, Mo., and Belleville, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 126404, filed July 13, 1964. Applicant: JOHN W. BOSTON AND KENNETH BOSTON, a partnership, doing business as BOSTON HAY COMPANY, Cascade Way, Ellensburg, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphoric acid*, from points in Idaho and Montana, to ports of entry on the international boundary line between the United States and Canada located in Idaho, Montana, and Washington; and (2) *fertilizer*, in bulk and in bags, (a) from ports of entry on the international boundary line between the United States and Canada located in Washington, Idaho, and Montana, to points in Washington, Oregon, Idaho, and Montana; and (b) between points in Washington, Oregon, Idaho, and Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126409, filed July 7, 1964. Applicant: TIGER TANK LINES, INC., 1600 South Joyce, Arlington, Va. Applicant's attorneys: Leonard A. Jaskiewicz and J. William Cain, Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate* (salt cake), dry, in bulk, (1) from Baltimore, Md., to points in Virginia and North Carolina, and (2) from Front Royal, Va., to points in North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126410, filed July 13, 1964. Applicant: WILLIAM M. BLACKLEDGE, Rockport, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed fertilizer and limestone*, seasonal between September 1st and May 31st, inclusive, between points in Pike, Calhoun, and Adams Counties, Ill. and points in Marion, Ralls, Pike, Monroe, and Shelby Counties, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 126411 filed July 13, 1964. Applicant: COX CAR CORPORATION, 3500 Sixth Avenue South, Birmingham, Ala. Applicant's representative: Robert E. Tate, Traffic Building, 2031 Ninth Avenue South, Birmingham, Ala., 35205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles* on special automobile trailers, between points in Alabama, Florida, Georgia, Louisiana, North Carolina, Mississippi, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

MOTOR CARRIERS OF PASSENGERS

No. MC 50655 (Sub-No. 24), filed July 15, 1964. Applicant: GULF TRANSPORT COMPANY, a corporation, 505 Conception Street, Mobile, Ala. Applicant's attorney: John W. Adams, Jr., Post Office Box 881, Mobile, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, small express and parcels*, in the same vehicle with passengers between Springfield, Ill., and the Illinois-Kentucky State line at Cairo, Ill., from Springfield over Illinois Highway 29 to Pana, thence over U.S. Highway 51 to DuQuoin, thence over Illinois Highway 152 to the junction of Illinois Highway 13, thence over Illinois Highway 13 to Carbondale, thence over U.S. Highway 51, to the Illinois-Kentucky State line at Cairo, and return over the same route serving all intermediate points.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 86761, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 58692 (Sub-No. 10), filed July 14, 1964. Applicant: AUSTIN F. ROBBINS, doing business as CHENANGO VALLEY TRANSIT, 123 Eldredge Street, Binghamton, N.Y. Applicant's attorney: Harry H. Frank, Commerce Building (Post Office Box 432), Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, in round trip sightseeing, and pleasure tours, from points in Broome County, N.Y., and points in Tioga County, N.Y., where such points in Tioga County are within 15 miles of the City of Binghamton, N.Y., to points in the District of Columbia, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 107583 (Sub-No. 27), filed July 16, 1964. Applicant: SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 113 West 42d Street, Suite 1004, New York, N.Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and effects*, in special operations in door-to-door service limited to the transportation of not more than 11 passengers in any 1 vehicle, not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, between points in Montgomery, Chester, and Delaware Counties, Pa., on the one hand, and, on the other, Philadelphia, Pa.

NOTE: Applicant states it intends to segment the proposed service to its existing authority. All passengers to be transported to and from points in the above-specified counties will be transported in interstate commerce only. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12853 (Sub-No. 1), filed July 8, 1964. Applicant: WHITE ROSE MOTOR CLUB, 118 East Market Street, York, Pa. Applicant's attorneys: Robert H. Griswold, Box 432, Harrisburg, Pa., and Robert O. Beers, 145 East Market Street, York, Pa. For a license (BMC 5) to engage in operations as a *broker* at York, Pa., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Individual passengers, groups of passengers and baggage of passengers*, in connection with domestic tours and international tour destinations, beginning and ending at York, Pa., and extending to points in the United States.

No. MC 12917, filed July 13, 1964. Applicant: BOLES TRAVEL AGENCY AND TOURS, INC., 4123 Willmeade Drive, Winston-Salem, N.C. Applicant's attorney: James M. Hayes, Jr., Suite 1206, Reynolds Building, Post Office Box 3012, Winston-Salem, N.C. For a license (BMC 5) to engage in operations as a *broker* at Winston-Salem, N.C., in arranging for the transportation by motor vehicle, in interstate or foreign commerce of *individual passengers, groups of passengers*, and *baggage of passengers*, in charter operations, beginning and ending at Winston-Salem, N.C., and extending to points in the United States.

NOTE: Applicant states no express will be involved in this operation.

APPLICATIONS FOR WATER CARRIERS

No. W-1205 Franklin Loucks, Jr., common carrier application, filed July 16, 1964. Applicant: FRANKLIN LOUCKS, JR., 5009 North Winchester Ave., Chicago 40, Ill. Application filed July 16, 1964, for certificate authorizing operation as a *common carrier* by water, covering a new operation in interstate or foreign commerce under Part III of the Interstate Commerce Act, in year-round operation, in the transportation of *passengers* and *property generally*, between ports, and points on Lake Michigan.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 22195 (Sub-No. 99) (AMENDMENT), filed March 3, 1964, published in FEDERAL REGISTER issue March 25, 1964, amended June 22, 1964, and republished this issue. Applicant: DAN DUGAN TRANSPORT COMPANY, a

corporation, Post Office Box 946, 41 and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalts and road oils* in bulk, in tank vehicles, (1) from points in North Dakota, to points in Minnesota and South Dakota; and (2) from points in South Dakota, to points in Iowa, Minnesota, Nebraska, and North Dakota, and *rejected shipments* of the above specified commodities in (1) and (2) above, on return.

NOTE: The purpose of this republication is to broaden the commodity description and eliminate part (3) of the previous territorial description. Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at either Sioux Falls, S. Dak., or Des Moines, Iowa.

No. MC 110698 (Sub-No. 284), filed July 13, 1964. Applicant: RYDER TANK LINE, INC., Box 8418, Winston-Salem Road, Greensboro, N.C. Applicant's attorney: James W. Lawson, 1000—16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper vehicles, from Cape Kennedy, Fla., and points within 10 miles thereof to points in Alabama, Georgia, Louisiana, Mississippi, and South Carolina.

NOTE: Common control may be involved.

No. MC 126408 filed July 10, 1964. Applicant: WILLIAM A. POPOFF, doing business as B. P. TRUCKING, LTD., Box 266 Castlegar, British Columbia, Canada. Applicant's attorney: Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between the ports of entry on the International Boundary line between the United States and Canada located in Washington and Northport, Wash.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 55) filed July 6, 1964. Applicant: GREYHOUND LINES, INC., Western Greyhound Lines, 371 Market Street, San Francisco, Calif. Applicant's attorney: W. T. Meinhold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage. Establish an additional and more direct special-operations route between San Mateo, Calif., and Hayward, Calif., over California Highway 92, to be designated as California Route No. 118–C, as a segment of the route to be used for transportation of interstate traffic in special operations between points of Palo Alto, Redwood City, and San Mateo, through Hayward, and/or San Leandro and Oakland, on the one hand, and, on the other, Stateline, Nevada, in conjunction with applicant's authorized routes between the aforesaid points in California and Stateline, Nevada, and for other interstate special operations as may be requested by patrons of applicant, to be described and numbered on a revised Certificate Sheet No. 25A*, to read as follows: "118–C Between San Mateo and Hayward: From San Mateo over California Highway 92 via San Mateo Toll Bridge to Hayward, serving all intermediate points, subject to limitation that service shall be authorized to be conducted in special operations only. The extension of operating authority hereinabove shown and explained is proposed to be incorporated in the designated revised sheet of said Certificate No. MC 1515 (Sub-No. 7) (formerly No. MC 1501 (Sub-No. 138). Common control may be involved.

No. MC 124310, filed March 28, 1962. Applicant: PRESLEY TOURS, INC., R.F.D. No. 1, Makanda, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at Makanda, Ill., and extending to points in Alaska.

NOTE: Applicant states the port of entry on the international boundary line between the United States and Canada to be used in travel to Alaska will be Sweetgrass, Mont., and the port of entry on the international boundary line between the United States and Canada to be used on return travel to Makanda, Ill., will be Blaine, Wash.

By the Commission.

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

[F.R. Doc. 64–7533; Filed, July 28, 1964; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 24, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 2037 MC Sub 6, filed June 25, 1964. Applicant: NICK TOTONI & SONS, INC., 1373 West Hubbard Street, Chicago, Ill. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *automotive parts, washing machine parts* and *equipment*, from points in Carroll County, Ill., to points in Cook County, Ill.

HEARING: September 1, 1964, at 10:00 a.m. (daylight saving time), at 160 North La Salle Street, Chicago, Ill.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Illinois Commerce Commission, 160 North La Salle St., Chicago 1, Ill., and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 64–7534; Filed, July 28, 1964; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 24, 1964.

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

LONG-AND-SHORT HAUL

FSA No. 39159: *Cement from Lime, Oreg., to Kennewick, Wash.* Filed by North Pacific Coast Freight Bureau, agent (No. 64–1), for and on behalf of Union Pacific Railroad Co. Rates on cement, in bulk or in sacks, in carloads, from Lime, Oreg., to Kennewick, Wash.

Grounds for relief: Market competition.

Tariff: Supplement 34 to North Pacific Coast Freight Bureau, agent, tariff I.C.C. 1042.

FSA No. 39160: *Iron or steel articles to Havana, Ill.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2732), for interested rail carriers. Rates on iron or steel, sheet or strip, in carloads, from Martin's Ferry, Mingo Junction, Steubenville, and Yorkville, Ohio, to Havana, Ill.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 436 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. 3388.

FSA No. 39161: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 509), for interested rail carriers. Rates on canned goods, beverages, empty returned containers, and perlite, other than crude, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff: Supplement 15 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 39162: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 510), for interested rail carriers. Rates on canned goods, petroleum refinery treating waste, beverages, empty returned containers, and perlite, other than crude, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 15 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

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

[F.R. Doc. 64-7529; Filed, July 28, 1964; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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

1 CFR

	Page
CFR Checklist	8253

3 CFR

	Page
PROCLAMATIONS:	
3595	9417
3596	9419
3597	9421
3598	9423
3599	9645
3600	10389
3601	10391
EXECUTIVE ORDERS:	
Mar. 3, 1913 (revoked by PLO 3421)	9665
Sept. 5, 1916 (revoked by PLO 3421)	9665
Dec. 12, 1917 (modified by PLO 3415)	9385
Feb. 1, 1921 (revoked in part by PLO 3417)	9385
April 17, 1926 (revoked in part by PLO 3411)	9384
1032 (revoked in part by PLO 3422)	9666
5182 (revoked in part by PLO 3414)	9385
9703 (amended by E.O. 11160)	9315
11160	9315
11161	9317

5 CFR

	Page
213	8253, 9425, 9693, 9767, 10395, 10439
1204	10499

6 CFR

	Page
310	9819

7 CFR

	Page
1	9319
13	9425
51	10486
52	9836, 9838
55	9605
70	9655
81	8456, 9426
301	9553
401	9655, 10487–10493
402	10493
404	10493
405	10494
406	10494
701	10494
722	8375, 9767, 10393, 10494
724	9927
728	8375, 8393, 9655, 9927
730	8459
775	9479
777	10495
778	9840
780	8460
849	8253
892	9426
908	8395, 9319, 9480, 9481, 9704, 9840, 10393, 10495.
909	9704
910	8395, 9319, 9481, 9525, 9705, 9777, 10393, 10459
911	8460, 8461, 9777
915	8462–8464
917	9319, 9655, 9656
921	9525
922	9482, 9526
923	9605
929	10394
944	9320, 9526, 9778
947	9527
948	9705
987	8464, 9706
989	9482, 9560
993	10394
1032	8255
1068	9657
1070	9957
1071	9875
1131	8255
1133	9528
1134	9880
1136	10394
1407	10495
1421	8396, 8465, 9320, 9779, 9840, 9957
1427	8465, 9429, 9780
1443	8396
1464	9657, 10497
1481	10395
1483	9431
PROPOSED RULES:	
51	8428, 8429, 9392
53	9392
101	9397
102	9397
103	9397
104	9397
105	9397
106	9397
107	9397
108	9397
110	9397
111	9397
112	9397
113	9397
318	9843
722	10399
724	10399
728	10399
730	8482, 10399
813	9398
814	9398
919	10398
921	9339
945	10398
946	9453
948	9540, 9671
989	9712
1003	9002
1005	9002
1008	9002
1009	9002
1011	9002
1013	9002
1016	9002
1030	9110, 9339
1031	9110, 9339
1032	9110
1033	9002
1034	9002
1035	9002
1036	9002
1037	9002
1038	9110
1039	9110
1040	9002
1041	9002, 10398
1042	9002
1043	9002
1044	9002, 10399
1045	9110
1046	9002
1047	9002, 9398
1048	9002
1049	9002
1051	9110
1061	9110
1062	9110
1063	9110, 9671
1064	9110
1065	9214, 9802
1066	9214
1067	9110
1068	8271, 9110
1069	9110
1070	9110, 9671
1071	9214

7 CFR—Continued

Page

PROPOSED RULES—Continued

1072 ... 9214, 9713
1073 ... 9214
1074 ... 9214
1075 ... 9214
1076 ... 9214, 9713
1078 ... 9110, 9671
1079 ... 9110, 9671
1090 ... 9002
1094 ... 9110
1096 ... 9110
1097 ... 9110
1098 ... 9002, 10398
1099 ... 8271, 9110
1101 ... 9002, 10398
1102 ... 9110
1103 ... 9110, 9569
1104 ... 9214
1105 ... 9110, 9569
1106 ... 9214
1107 ... 9110
1108 ... 9110
1120 ... 9214
1125 ... 9214
1126 ... 9214
1127 ... 9214
1128 ... 9214
1129 ... 9214
1130 ... 9214
1131 ... 9214
1132 ... 9214
1133 ... 9214
1134 ... 9214
1135 ... 9214
1136 ... 9214, 9506
1137 ... 9214
1138 ... 9214

8 CFR

3 ... 9709
103 ... 9660
205 ... 10498
212 ... 9660
243 ... 10498
264 ... 9660
299 ... 10498

9 CFR

1 ... 9889
9 ... 9889
10 ... 9889
11 ... 9889
74 ... 8470
78 ... 9323
131 ... 8321
155 ... 9819

10 CFR

30 ... 9529, 9787
140 ... 9529

PROPOSED RULES:

Ch. I ... 9458
40 ... 8431

12 CFR

1 ... 8470
208 ... 9787
530 ... 9560, 9958
555 ... 9560
561 ... 9561
570 ... 9606

PROPOSED RULES:

207 ... 9725
210 ... 9725
563 ... 9570, 9965

13 CFR

107 ... 10499
124 ... 9561

PROPOSED RULES:

121 ... 9726

14 CFR

4b ... 8401
11 [New] ... 9661
31 [New] ... 8256
40 ... 8401, 8405
41 ... 8401, 8405
42 ... 8401, 8405
47 [New] ... 9369
71 [New] ... 8260, 8261, 8471, 9485, 9529, 9533, 9662–9664, 9787, 9788, 9820, 9821, 9892, 9893, 10459, 10501, 10502.
73 [New] ... 8322, 9369, 9821, 9893
75 [New] ... 8471, 9534, 9664, 9893, 10396, 10502
91 [New] ... 8401, 9665, 9823, 9893
95 [New] ... 9693
97 [New] ... 9370, 9374, 9609, 9696, 9961
99 [New] ... 9485
231 ... 9821
288 ... 8474
292 ... 9821
302 ... 9822
507 ... 8417, 8474, 9324, 9325, 9433, 9665, 9788, 9789, 9823, 9961, 9962, 10460, 10503, 10504.
514 ... 8401

PROPOSED RULES:

31 [New] ... 8272
71 [New] ... 8494, 9400, 9569, 9672, 9673, 9675, 9721, 9907, 10472.
73 [New] ... 9459
75 [New] ... 9907
225 ... 9843
241 ... 9540
248 ... 9964
507 ... 8274, 9340, 9675, 10523

15 CFR

201 ... 9841
230 ... 9841
370 ... 9606
371 ... 9606, 9841
373 ... 9606
374 ... 9606
377 ... 9606
379 ... 9606
380 ... 9606
399 ... 10439

16 CFR

13 ... 8261–8263, 8322–8324, 8397–8400, 8475–8478, 9486, 9561, 9562, 9658–9660, 9824–9826, 10504–10506.
105 ... 9369
300 ... 8263
408 ... 8324

PROPOSED RULES:

74 ... 9507

17 CFR

200 ... 9486
201 ... 9486
231 ... 9827, 9828
241 ... 9828
270 ... 9433

PROPOSED RULES:

150 ... 10522
240 ... 9621
249 ... 9621
270 ... 9456

18 CFR

PROPOSED RULES:

101 ... 9723
104 ... 9723
105 ... 9723
141 ... 9723

18 CFR—Continued

Page

PROPOSED RULES—Continued

201 ... 9723, 10473
204 ... 9723, 10473
205 ... 9723, 10473
260 ... 9723, 10473

19 CFR

14 ... 9789
16 ... 9606
23 ... 8478
24 ... 9534
25 ... 8478
31 ... 8400

21 CFR

8 ... 9379, 9608
27 ... 8480
121 ... 8263, 8264, 8376, 9326, 9329, 9434, 9435, 9490, 9563, 9708, 9793, 9958, 10460, 10506.
141a ... 10510
146 ... 9958
146a ... 9709, 10510
147 ... 9958
148w ... 9958
191 ... 8480

PROPOSED RULES:

5 ... 9803
8 ... 9623, 9804
120 ... 9804
121 ... 9399, 9456, 9804, 9964

22 CFR

208 ... 9534

24 CFR

203 ... 8264

25 CFR

47 ... 9326
221 ... 9619

26 CFR

1 ... 9380, 9789
31 ... 8305
48 ... 9792
186 ... 9895
201 ... 9895
301 ... 9792

PROPOSED RULES:

1 ... 8268, 9440, 9797, 9798, 10470, 10516
301 ... 8422, 10472

29 CFR

417 ... 8264, 8480, 9537
1500 ... 8375

PROPOSED RULES:

516 ... 9399
551 ... 9399

31 CFR

10 ... 9647

32 CFR

1 ... 9747
2 ... 9749
3 ... 9749
4 ... 9751
5 ... 9751
6 ... 9752
7 ... 9753
8 ... 9754
9 ... 9754
10 ... 9761
11 ... 9763
12 ... 9763
15 ... 9764
16 ... 9764
513 ... 10512
734 ... 10512
1001 ... 9784
1004 ... 9766

32 CFR—Continued

Page

1005 9766
1007 9767
1012 9767
1451 9490
1452 9490
1464 9491
1466 9490

32A CFR

BDSA (Ch. IV):
BDSA Reg. 2, Dir. 10 8480
BDSA Reg. 2, Amdt. 7 10461
TMS (Ch. VIII):
TM 6 9793
TM 13 9794

33 CFR

203 9382, 9435, 9491
207 9710, 10513
303 9330

35 CFR

4 8418

36 CFR

1 9330
2 9334
311 9563, 9710
312 9710
324 9710
325 9710
326 9710

37 CFR

PROPOSED RULES:
1 9398, 10472

38 CFR

1 9795, 10513
3 9537, 9563, 10396
21 9618

39 CFR

4 9538
17 9338
61 9338
92 9795
94 9338
121 9538
141 9795
151 9538
168 9338

41 CFR

1-1—1-8 10104, 10141, 10155, 10185, 10187, 10189, 10192, 10196.

41 CFR—Continued

Page

1-10—1-12 10247, 10254, 10264
1-14—1-17 10281, 10285, 10305, 10348
1-16 10461
1-30 10356
60-80 9657
8-6 9829
8-7 9829
8-10 9829
9-15 10515

42 CFR

52 9831

43 CFR

16 9382
1852 9565
2240 10462
PUBLIC LAND ORDERS:
3409 9384
3410 9384
3411 9384
3412 9384
3413 9385
3414 9385
3415 9385
3416 9385
3417 9385
3418 9386
3419 9539
3420 9711
3421 9665
3422 9666
3423 9832

44 CFR

100 9338

45 CFR

14 9491
580 9539
PROPOSED RULES:
Ch. I 9457

46 CFR

401 9796, 10464
402 10468
502 10468
512 9386
530 8376
531 9832, 9833, 10468
PROPOSED RULES:
401 8377
532 10472

47 CFR

0 9564, 10396
1 9386, 9492

47 CFR—Continued

Page

2 9565
5 9387
21 9388
23 9388
25 9833
73 9389, 9435, 9492, 9666, 9670
81 9386
83 9386
89 9390, 10514
91 9437, 9835
93 10515
97 9438
PROPOSED RULES:
2 9501, 10524, 10525
21 9502, 9503
73 9460, 9503, 9804, 10524
87 10525
89 9501, 9844
91 9501–9503
93 9501

48 CFR

13 9670

49 CFR

6 8418
71—78 10431, 10435, 10436
95 8419, 8420, 9670
170 9539
176 8481, 9711, 9835
191 8420
193 8420
194 8420
195 8420
500 8421
PROPOSED RULES:
8 9506
170 8274, 8275, 9341

50 CFR

25 9568
26 9568
27 9568
28 9566
29 9568
31 9568
32 9390, 9568, 9836
33 8376, 9568
70 9568
71 9568
PROPOSED RULES:
32 8270, 8428, 9339, 10400
33 10400
253 9454

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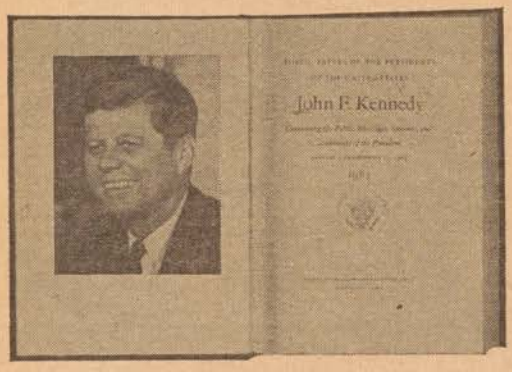

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