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FEDERAL REGISTER

VOLUME 29 NUMBER 66

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FEDERAL REGISTER

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11149

ESTABLISHING THE PRESIDENT'S ADVISORY COMMITTEE ON SUPERSONIC TRANSPORT

WHEREAS the United States has initiated a program for the development of commercial supersonic aircraft; and

WHEREAS supersonic transport will advance technical knowledge, expand our international trade, strengthen our manufacturing capability, and provide employment for thousands of our citizens; and

WHEREAS the development of supersonic transport will require the participation and assistance of various Federal agencies as well as private manufacturing and transportation interests; and

WHEREAS the development of supersonic transport will involve heavy expenditures of money and resources and it is therefore essential that the activities of the Federal agencies concerned be coordinated at the highest level:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established the President's Advisory Committee on Supersonic Transport (hereinafter referred to as the Committee). The Committee shall be composed of the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Federal Aviation Agency, and such other members as the President may from time to time appoint. The Secretary of Defense shall serve as Chairman of the Committee.

SEC. 2. The Committee shall study, and shall advise and make recommendations to the President with regard to, all aspects of the supersonic transport program. The Committee shall devote particular attention to the financial aspects of the program and shall maintain close coordination with the Director of the Bureau of the Budget in this regard.

SEC. 3. All Federal departments and agencies shall cooperate with the Committee and furnish it with such information and assistance, not inconsistent with law, as it may require in the performance of its duties.

SEC. 4. Members of the Committee who are officers or employees of the Federal Government shall receive no additional compensation by reason of such membership. Other members of the Committee shall be entitled to receive compensation and travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving the government intermittently (5 U.S.C. 73b—2).

SEC. 5. Each Federal department and agency represented on the Committee shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Such assistance may include the detailing of employees, including consultants and experts, to the Committee to perform such functions consistent with the purposes of this Order as the Committee may assign.

LYNDON B. JOHNSON

THE WHITE HOUSE,
April 1, 1964.

[F.R. Doc. 64-3352; Filed, Apr. 2, 1964; 10:43 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 842.2, Amdt. 3]

PART 842—BEET SUGAR AREA

1964 and Subsequent Crops

Correction

In F.R. Doc. 64–3117, appearing at page 4139 of the issue for Tuesday, March 31, 1964, the following corrections are made in the tabular matter of § 842.2(a)(6)(i):

1. The first entry under Treasure County, Mont., should read as follows:

1. T. 7 N., R. 36 E.; T. 6 N., Rs. 36 and 37 E.;

2. The first entry under Dawson County, Nebr., should read:

1. Tps. 9, 10 and 11 N., R. 21 W.; Tps. 9 and 10 N., R. 20 W.; T. 9 N., R. 19 W.;

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

[Grapefruit Reg. 6, Amdt. 5]

PART 944—FRUITS; IMPORT REGULATIONS

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 6, as amended (§ 944.102; 28 F.R. 9877, 29 F.R. 311, 1316, 2857, 3391), are hereby further amended to read as follows:

§ 944.102 **Grapefruit regulation No. 6.**

(a) On and after 12:01 a.m. e.s.t., April 6, 1964, the importation of any grapefruit is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3\frac{12}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; or

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 38 (§ 905.415); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

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

Dated, April 1, 1964, to become effective at 12:01 a.m., e.s.t., April 6, 1964.

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

[F.R. Doc. 64–3317; Filed, Apr. 2, 1964; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 16—MARKING, BRANDING, AND IDENTIFYING PRODUCTS

PART 17—LABELING

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

Marking, Branding, and Identifying Products; Labeling; Reinspection and Preparation of Products

On January 28, 1964, there was published in the FEDERAL REGISTER (29 F.R. 1413) a notice with respect to proposed amendments to Parts 16, 17, and 18, Subchapter A, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Meat Inspection Act, as amended (21 U.S.C. 71 et seq.), and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), the regulations in Parts 16, 17, and 18, as amended, governing marking, branding, and identifying products, labeling, and reinspection and preparation of products, are hereby further amended in the following respects:

1. Section 16.13(c)(2) is amended to read:

§ 16.13 **Marking of meat food products in casings.**

* * * * *

(c) * * *

(2) When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products in casings, as permitted in Part 18 of this subchapter, the product shall be legibly and conspicuously marked in a manner approved by the Director to show a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added", whichever may be applicable.

2. A new § 16.20 is added to read:

§ 16.20 **Marking of meat food products other than products in casings.**

When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products, as permitted by Part 18 of this subchapter, the product shall be legibly and conspicuously marked in a manner approved by the Director to show a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added", whichever may be applicable.

3. Section 17.8(c)(58) is amended to read:

§ 17.8 **False or deceptive labeling and practices.**

* * * * *

(c) * * *

(58) When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products, as permitted in Part 18 of this subchapter, there shall appear on the label, in a prominent manner, approved by the Director, contiguous to the product name, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added", as may be applicable.

4. Paragraphs (u) and (v) of § 18.7 are amended to read:

§ 18.7 **Use in preparation of meat food products of chemicals, antioxidants, coloring matter, flavoring, water, ice, cereal, vegetable starch, nonfat dry milk, etc.**

* * * * *

(u) With appropriate declarations, as required in Parts 16 and 17 of this subchapter, approved artificial smoke flavoring in an approved solvent or on an approved carrier may be used in the preparation of meat food products.

(v) With appropriate declarations, as required by Parts 16 and 17 of this subchapter, approved smoke flavoring produced by the controlled burning of hard-

wood and absorption of the smoke in an approved solvent or on an approved carrier may be used in the preparation of meat food products.

(34 Stat. 1260–1265, as amended, sec. 306, 46 Stat. 689, as amended; 19 U.S.C. 1306, 21 U.S.C. 71–91; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments permit the use of artificial smoke flavoring or smoke flavoring in meat food products without restricting their use to products not usually smoked and which have not in fact been smoked. The amendments relieve restrictions presently imposed and should be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of March 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64–3261; Filed, Apr. 2, 1964; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the addition of a new position, Special Assistant to the Secretary (for Mental Retardation Activities). Effective upon publication in the FEDERAL REGISTER, subparagraph (20) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

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

(20) Special Assistant to the Secretary (for Mental Retardation Activities).

* * * * *

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

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

[F.R. Doc. 64–3265; Filed, Apr. 2, 1964; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Paragraph (a)(4) of § 213.3111 is amended to show a change in title from Regional Office Manager to Regional Director; paragraph (a)(5) is amended to show a change in title from Regional Operations Manager to Regional Director; and paragraph (a)(6) is amended to show that the position formerly excepted under this paragraph in Cincinnati now is excepted under this paragraph in St. Louis, and to show a change in title from Regional Operations Manager to Regional Director.

Effective upon publication in the FEDERAL REGISTER, subparagraphs (4), (5), and (6) of paragraph (a) of § 213.3111 are amended as set out below.

§ 213.3111 Post Office Department.

(a) *General.* * * *

(4) One Administrative Assistant to each Regional Director (15 positions).

(5) One Administrative Assistant to the Assistant to the Regional Director (Dallas Region).

(6) One Administrative Assistant to the Assistant to the Regional Director (St. Louis Region).

* * * * *

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

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

[F.R. Doc. 64–3266; Filed, Apr. 2, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket 63–SW–63]

PART 73—SPECIAL USE AIRSPACE [NEW]

Designation of Restricted Area

On October 3, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10681) stating that the Federal Aviation Agency was considering an amendment to § 73.63 of the Federal Aviation Regulations to designate the San Antonio, Texas (Kelly AFB), Restricted Area/Military Climb Corridor R–6311. The notice stated also that the description of the San Antonio (Kelley AFB), Texas, control zone (§ 71.171), the San Antonio, Texas, control area extension (§ 71.165), low altitude airways V–17 and V–163W (§ 71.123) and intermediate altitude airways V–1537 and V–1643 (§ 71.143) would be amended to require approval from appropriate authority prior to operation within those portions of these areas which coincide with R–6311. The descriptions of these areas are not changed herein since this requirement is included in § 91.95 of the Federal Aviation Regulations.

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

In commenting on the notice, the Air Transport Association suggested that the Federal Aviation Agency thoroughly explore the feasibility of meeting the air defense and air traffic control requirements at San Antonio by the fullest use of radar and thereby possibly eliminate the requirement for designating the restricted area/military climb corridor as proposed in the notice.

A restricted area/military climb corridor affords continuous segregation between ADC and other air traffic. The use of radar data does not provide this capability since the provision of radar services are subject to interruption by atmospheric conditions and planned and unplanned outages. Also, there is no assurance that VFR air traffic detected by radar would be in communications with an air traffic control facility. Segregating ADC and other air traffic when these conditions occur would not be possible.

In consideration of the foregoing and for the reasons stated in the notice, the following action is taken:

In § 73.63 Texas (29 F.R. 1276), the following is added:

R–6311 San Antonio, Texas (Kelly AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 29°20'15" N., longitude 98°33'50" W., the area centered on a bearing therefrom of 164°, extending to a point 30 nmi S, having a width of 2 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes: 3,000 feet MSL to 19,000 feet MSL from point of beginning to 1 nmi S; 3,000 feet MSL to 23,000 feet MSL from 1 to 6 nmi S of point of beginning; 5,000 feet MSL to 23,000 feet MSL from 6 to 11 nmi S of point of beginning; 10,000 feet MSL to 23,000 feet MSL from 11 to 15 nmi S of point of beginning; 14,000 feet MSL to 23,000 feet MSL from 15 to 20 nmi S of point of beginning; 17,000 feet MSL to 23,000 feet MSL from 20 to 25 nmi S of point of beginning; 20,000 feet MSL to 23,000 feet MSL from 25 to 30 nmi S of point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, San Antonio Approach Control.

Using agency. Commander, Kelly AFB, Texas.

This amendment shall become effective May 28, 1964.

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

Issued in Washington, D.C., on March 27, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64–3245; Filed, Apr. 2, 1964; 8:45 a.m.]

[Airspace Docket No. 64–LAX–2]

PART 73—SPECIAL USE AIRSPACE [NEW]

Designation of Temporary Restricted Area

On March 4, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 2949) stating that the Federal Aviation Agency was considering an amendment to § 73.25 of the Federal Aviation Regulations which would designate a temporary restricted area of approximately 14,500 square

miles covering portions of California, Nevada and Arizona to contain hazardous activities to be conducted in conjunction with a military exercise known as "Desert Strike."

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

Comments have been received from 60 persons. Nearly all of the comments received either objected to the proposal or suggested changes in the proposed area.

Nine persons objected to the limited comment period. As stated in the notice of proposed rule making, it was necessary that the Federal Aviation Agency take expeditious action to process this request since the Air Force has requested that the restricted area be established by May 17, 1964. To ensure that any action taken would be properly portrayed on appropriate aeronautical charts, a sharp reduction in the normal time period allotted for public comment was required.

A substantial number of the comments received were general objections relating to the designation of restricted airspace. As stated in the notice of proposed rule making, the purpose of establishing the restricted area is to contain military activities which would be hazardous to nonparticipating aircraft. These activities include parachute drops of personnel and heavy equipment; heavy concentrations of high-speed jet fighter aircraft throughout the area, executing simulated dive bombing and strafing attacks and reconnaissance missions; and U.S. Army drone aircraft.

The majority of the comments received objected to the proposal because of the impact the restricted area would have upon civil aircraft operations either within or desiring to enter the area, particularly those of commercial aircraft operators engaged in business activities such as contract carriers, air taxi operations and commercial charter flights. Nearly all of those persons commenting requested that arrangements be made for access to the area by separate corridors or on a joint-use basis.

Similarly, a number of comments received objected to the proposal because of the economic effect the restricted area would have upon business activities such as ranching, farming and recreational areas.

A few of the comments received requested that a ceiling lower than 14,000 feet be placed upon the entire area or along specified airways and routes within the area.

After the publication of the notice of proposed rule making, the Federal Aviation Agency was formally advised by the Office of the Secretary of Defense that:

"Desert Strike" is an operation of military necessity and is of paramount importance to the National defense effort. This Exercise is specifically designed to train participants in the conduct of joint operations, evaluate concepts of tactical nuclear employment, and determine capabilities of conventional weapons systems in a tactical nuclear environment. Budgetary limitations have required the postponement of other significant maneuvers in order to proceed with "Desert Strike."

Due to the nature of this Exercise, which permits free movement of forces according to the tactical situation, shared use of the requested restricted area with non-participating military and civil aircraft is not considered feasible. Provisions will be made, however, for emergency flights and those of critical necessity to operate within the maneuver area.

Flights of an emergency nature, or those with a critical necessity for operating within the restricted area may obtain the necessary approval by communicating with the Exercise Director, Needles, California, by reverse charge telephone calls, or the Los Angeles ARTC Center directly or through flight service stations.

The Administrator has been authorized by Congress to order the use of airspace under such terms and conditions and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of airspace. In exercising the authority granted to him, the Administrator also is required to give full consideration to the requirements of national defense. The Administrator is cognizant that the "Desert Strike" operation requires an almost exclusive utilization of an extensive land mass area and airspace allocation which will result in causing inconvenience to certain type users of the area.

However, since the "Desert Strike" operation is of paramount importance to the national defense and is of critical military necessity involving concepts of tactical nuclear employment, hazardous type air missions and massive troop movements, the following action is taken:

In § 73.25 California (29 F.R. 1238), the following is added:

Needles, Calif., Temporary.

Boundaries. Beginning at latitude 35°34'30" N., longitude 116°23'30" W.; to latitude 35°33'00" N., longitude 114°10'00" W.; to latitude 33°45'00" N., longitude 113°20'00" W.; to latitude 33°30'00" N., longitude 113°33'00" W.; to latitude 33°30'00" N., longitude 114°30'00" W.; to latitude 33°45'00" N., longitude 114°30'00" W.; to latitude 33°45'00' N., longitude 115°00'00" W.; to latitude 33°30'00" N., longitude 115°00'00" W.; to latitude 33°30'00" N., longitude 115°20'00" W.; to latitude 34°00'00" N., longitude 115°20'00" W.; to latitude 34°14'00" N., longitude 115°44'00" W.; to latitude 34°25'00" N., longitude 115°44'00" W.; to latitude 34°25'00" N., longitude 115°47'00" W.; to latitude 34°33'00" N., longitude 115°47'00" W.; to latitude 34°35'30" N., longitude 115°58'00" W.; to latitude 34°41'00" N., longitude 116°03'00" W.; to latitude 34°43'00" N., longitude 116°17'00" W.; to latitude 34°43'00" N., longitude 116°26'30" W.; to latitude 34°40'30" N., longitude 116°29'40" W.; to latitude 35°07'00" N., longitude 116°47'45" W.; to latitude 35°07'00" N., longitude 116°34'00" W.; to latitude 35°18'45" N., longitude 116°18'45" W.; to latitude 35°28'35" N., longitude 116°18'45" W.; to point of beginning.

Designated altitudes. Surface to 14,000 feet MSL, except surface to 8,000 feet MSL for the airspace within the confines of V–8N and V–16 and the airspace between V–16 and the southern boundary of the area.

Time of designation. Continuous from 0000 P.s.t., May 17, 1964, to 2359 P.s.t., May 30, 1964.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center, Palmdale, California.

Using agency. United States Air Force Strike Command, Langley AFB, Virginia.

This amendment shall become effective 0000 P.s.t., May 17, 1964.

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

Issued in Washington, D.C., on March 27, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64–3246; Filed, Apr. 2, 1964; 8:45 a.m.]

[Airspace Docket 64–SO–2]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

The purpose of this amendment to § 73.30 of th eFederal Aviation Regulations is to change the radius of Dawsonville, Georgia, Restricted Area R–3001 from 2.5 to 1.5 miles as requested by the Department of the Air Force.

Since this amendment will reduce the burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedures Act is unnecessary and it may be made effective upon publication.

In consideration of the foregoing, § 73.30 (29 F.R. 1249), is amended as follows:

In the description of R–3001, Dawsonville, Georgia, "Boundaries. A circular area with a 2.5-mile radius centered at latitude 34°22'00" N., longitude 84°10'00" W." is deleted and "Boundaries. A circular area with a 1.5-mile radius centered at latitude 34°22'00" N., longitude 84°10'00" W." is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on March 27, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64–3247; Filed, Apr. 2, 1964; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33–4665 etc.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Use of Registration Statement; Correction

In F.R. Doc. 64–1405, amending § 240.12b–35 of Title 17 of the Code of Federal Regulations, published at 29 F.R. 2420, the words "the limitations of" were inadvertently omitted after the words "subject to" in the first sentence of paragraph (e) of § 240.12b–35.

Paragraph (e) should read as set forth below.

§ 240.12b–35 Use of registration statement under Securities Act of 1933.

* * * * *

(e) In copies of the application filed with the Commission the registrant shall, subject to the limitations of § 201.24 of this chapter, incorporate by reference the registration statement referred to in paragraph (a) (1) of this section and any reports required by paragraph (b) of this section which are on file with the Commission. If such registration statement or any such annual report incorporates by reference any financial statements or exhibits required by the appropriate form which are on file with the Commission but are not on file with the exchange, copies of the application filed with the exchange shall include copies of such financial statements or exhibits. Section 240.12b–36 shall apply to financial statements filed as a part of, or incorporated by reference in, applications for registration filed pursuant to this rule.

* * * * *

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 27, 1964.

[F.R. Doc. 64–3250; Filed, Apr. 2, 1964; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.507]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Treaty Traders

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to provide that an alien who is to be employed in an unskilled manual capacity may not be classified as a nonimmigrant treaty trader under the Immigration and Nationality Act.

Paragraph (a) of § 41.40 is amended to read as follows:

§ 41.40 Treaty traders.

(a) An alien shall be classifiable as a nonimmigrant treaty trader if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a) (15) (E) (i) of the Act and that: (1) He intends to depart from the United States upon the termination of his status; and (2) If he is employed by a foreign person or organization having the nationality of the treaty country which is engaged in substantial trade as contemplated by section 101(a) (15) (E) (i), he will be engaged in duties of a supervisory or executive character, or, if he is or will be employed in a minor capacity, he has special qualifications that will make his services essential to the efficient operation of the employer's enterprise and will not be employed solely in an unskilled manual capacity.

* * * * *

Effective date. The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: March 25, 1964.

ABBA P. SCHWARTZ,
Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 64–3264; Filed, Apr. 2, 1964; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6719]

PART 19—TEMPORARY REGULATIONS UNDER THE REVENUE ACT OF 1964

Certain Elections

The following regulations relate to elections under section 172(b) (3) (C) of the Internal Revenue Code of 1954, as added by section 210(a) (4) of the Revenue Act of 1964 (78 Stat. 48), and section 1375(e) of the Internal Revenue Code of 1954, as added by section 233(b) of the Revenue Act of 1964 (78 Stat. 112).

The regulations set forth herein are temporary and are designed to inform taxpayers of the method and time for making such elections. More comprehensive rules with respect to these elections will be issued subsequently.

In order to provide temporary regulations under section 172(b) (3) (C) and section 1375(e) of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 19.1–1 Election with respect to portion of net operating loss attributable to foreign expropriation loss.

(a) *In general.* Section 210 of the Revenue Act of 1964 (78 Stat. 47) amends section 172(b) of the Internal Revenue Code of 1954 (relating to net operating loss carrybacks and carryovers) to provide that if—

(1) A taxpayer has a net operating loss for a taxable year ending after December 31, 1958,

(2) The foreign expropriation loss (as defined in section 172(k) (1)) for such taxable year equals or exceeds 50 percent of the net operating loss for such taxable year, and

(3) The taxpayer makes a valid election under section 172(b) (3) (C) (ii) or (iii), whichever is applicable,

then the portion of the net operating loss for such taxable year attributable (under section 172(k) (2)) to such foreign expropriation loss shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss and shall be a net operating loss carryover to each of the 10 taxable years following the taxable year of such loss.

(b) *Time and manner of making election—(1) Taxable years ending after December 31, 1963.* In the case of a taxpayer who has a foreign expropriation loss for a taxable year ending after December 31, 1963, the election referred to in paragraph (a) (3) of this section shall be made by attaching to the taxpayer's income tax return for the taxable year of such foreign expropriation loss a statement containing the information required by subparagraph (3) of this paragraph. The election must be made on or before the date prescribed by law (including extensions of time) for filing such return and such election shall be irrevocable after the due date (including extensions of time) of such return.

(2) *Taxable years ending after December 31, 1958, and before January 1, 1964.* In the case of a taxpayer who has a foreign expropriation loss for a taxable year ending after December 31, 1958, and before January 1, 1964, the election referred to in paragraph (a) (3) of this section shall be made by filing on or before December 31, 1965, with the district director for the district in which the taxpayer filed his income tax return for the taxable year of such foreign expropriation loss a statement containing the information required in subparagraph (3) of this paragraph. Such election shall be irrevocable after December 31, 1965. See paragraph (c) of this section for special rules relating to taxable years affected by an election under this subparagraph.

(3) *Information required.* The statement referred to in subparagraphs (1) and (2) of this paragraph shall contain the following information:

(i) The name, address, and taxpayer account number of the taxpayer;

(ii) A statement that the taxpayer elects under section 172(b) (3) (C) (ii) or (iii), whichever is applicable, to have section 172(b) (1) (D) of the Code apply;

(iii) The amount of the net operating loss for the taxable year; and

(iv) The amount of the foreign expropriation loss for the taxable year, including a schedule showing the computation of such foreign expropriation loss.

In addition, if a taxpayer makes the election under subparagraph (2) of this paragraph, the taxpayer shall specify the internal revenue district in which he filed his return for the three taxable years immediately preceding the taxable year of the foreign expropriation loss.

(c) *Rules relating to elections for taxable years ending after December 31, 1958, and before January 1, 1964.* If a taxpayer makes an election under paragraph (b) (2) of this section, then (notwithstanding any law or rule of law) with respect to any taxable year ending before January 1, 1964, which is affected by the election the following rules shall apply:

(1) The time for making or changing any choice or election under sections 901 through 905 of the Code (relating to foreign tax credit) shall not expire before January 1, 1966.

(2) Any deficiency attributable to the election under paragraph (b) (2) of this

section or to the application of subparagraph (1) of this paragraph may be assessed at any time before January 1, 1969. However, if the period within which a deficiency may be assessed under section 6501 of the Code would expire on a date after December 31, 1968, then such later date shall apply.

(3) Refund or credit of any overpayment attributable to the election under paragraph (b)(2) of this section or to the application of subparagraph (1) of this paragraph may be made or allowed if claim therefor is filed before January 1, 1969. However, if the period within which a claim for refund or credit may be filed under section 6511 of the Code would expire on a date after December 31, 1968, then such later date shall apply.

§ 19.2–1 Election to treat certain distributions as made on the last day of the taxable year.

(a) *In general.* Section 233(b) of the Revenue Act of 1964 (78 Stat. 112) amends the Internal Revenue Code of 1954 by adding to section 1375 a new subsection (e) (relating to certain distributions after close of taxable year). Section 1375(e) provides that a corporation, with the consent of its shareholders, may elect, for purposes of chapter 1 of the Code, to treat a distribution of money made after the close of the taxable year as made, and as received by its shareholders, on the last day of such taxable year if the following conditions are satisfied:

(1) The corporation makes a distribution of money to its shareholders on or before the 15th day of the third month following the close of a taxable year with respect to which it was an electing small business corporation within the meaning of section 1371(b);

(2) Such distribution is made pursuant to a resolution of the corporation's board of directors, adopted before the close of such taxable year, to distribute to its shareholders all or a part of the proceeds of one or more sales of capital assets, or of property described in section 1231(b), made during such taxable year; and

(3) Each shareholder on the day such distribution is received—

(i) Owns the same proportion of the stock of the corporation on such day as he owned on the last day of such taxable year, and

(ii) Consents to such election.

Section 1375(e) applies only with respect to taxable years of corporations beginning after December 31, 1957.

(b) *Time and manner for making election*—(1) *Taxable years ending after February 26, 1964.* For taxable years ending after February 26, 1964, an election under section 1375(e) with respect to a taxable year shall be made by attaching to the corporation income tax return for such taxable year, filed not later than the time (including extensions thereof) prescribed by law, the following documents:

(i) A statement that the corporation elects the application of section 1375(e) and the date and amount of each distribution to which the election applies;

(ii) A copy of the resolution of the board of directors referred to in paragraph (a)(2) of this section; and

(iii) A statement of the consent of each shareholder of the corporation containing the information required by, and filed in the manner provided in, paragraph (c) of this section.

(2) *Taxable years beginning after December 31, 1957, and ending on or before February 26, 1964.* For taxable years beginning after December 31, 1957, and ending on or before February 26, 1964, an election under section 1375(e) with respect to a taxable year shall be made on or before June 25, 1964, by either attaching the documents described in subparagraph (1) of this paragraph to its income tax return for such taxable year, or by filing such documents with the district director with whom the corporation has filed, or intends to file, its income tax return for such taxable year.

(3) *Election is binding.* An election under subparagraph (1) or (2) of this paragraph is binding and may not be withdrawn.

(c) *Shareholders' consent.* The consent of a shareholder to an election under section 1375(e) shall be in the form of a statement signed by the shareholder in which such shareholder consents to the election of the corporation. Such shareholder's consent is binding and may not be withdrawn after a valid election is made by the corporation. Each person who is a shareholder of the electing corporation must consent to the election; thus, where stock of the corporation is owned by a husband and wife as community property (or the income from which is community property), or is owned by tenants in common, joint tenants, or tenants by the entirety, each person having a community interest in such stock and each tenant in common, joint tenant, and tenant by the entirety must consent to the election. The consent of a minor shall be made by the minor or by his legal guardian, or his natural guardian if no legal guardian has been appointed. The consent of an estate shall be made by the executor or administrator thereof. The statement shall set forth the name, address, and account number of the corporation and of the shareholder, the date the distribution is received, the number and proportion of the shares of stock of the corporation owned by him on the date the distribution is received, and the number and proportion of such shares owned by him on the last day of the taxable year of the corporation with respect to which the election is made. The consents of all shareholders may be incorporated in one statement.

Because this Treasury decision merely provides temporary regulations designed to inform taxpayers how to make certain elections, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

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

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: April 1, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64–3310; Filed, Apr. 2, 1964; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

PART 804—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

Release of Matters of Official Record

In Part 804, §§ 804.1 through 804.5 are revoked and the following substituted therefor:

Sec.
804.1 Purpose.
804.2 Definition.
804.3 Policy.
804.4 Submitting aplications.
804.5 Action on applications.
804.6 Fees.

AUTHORITY: The provisions of §§ 804.1 to 804.6 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 11–22, March 13, 1964.

§ 804.1 Purpose.

Sections 804.1 to 804.6 prescribe the procedures and state the places where the public may apply for access to matters of official record under the control of the Department of the Air Force.

§ 804.2 Definition.

The public: Includes agencies of State and local governments, private organizations, and individuals, including U.S. Government personnel (military and civilian) whose official duties do not entitle them to the matters of official record to which they may desire access.

§ 804.3 Policy.

It is the policy of the Department of the Air Force to make matters of official record available to persons properly and directly concerned and who have a legitimate and valid reason, except for:

(a) Information and documents that relate solely to the internal management of the Department of the Air Force.

(b) Matters of official record which, in the public interest, should not be released. For example:

(1) If it is classified in the interest of the defense of the United States.

(2) If it is Atomic Energy Restricted Data as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011–2281).

(3) If its release would interfere unduly with the efficient and effective performance of functions of the Department of the Air Force or some other Govern-

ment department or agency. This includes but is not limited to functions such as: law enforcement, maintenance of discipline, the conduct of investigations, or relations with foreign governments.

(4) If its release would violate a legal or moral obligation to hold the information or its source in confidence.

(5) If the information contains unsubstantiated derogatory allegations to the character or conduct of an individual which might injure an innocent person if released.

§ 804.4 Submitting applications.

(a) Except as prescribed in paragraphs (b) and (c) of this section, write the Secretary of the Air Force, Washington, D.C., 20330. If the applicant is an agent, attorney, or physician acting for another, inclose evidence of authority to act for the principal, client, or patient. The application should:

(1) Identify as precisely as possible the documents or records involved.

(2) Indicate whether access to, copies of, or information from the records are desired.

(3) State the nature of the applicant's interest in sufficient detail to demonstrate that the applicant is properly and directly concerned with a legitimate and valid reason for the application.

(b) Write directly to the places specified in this paragraph for matters of official record concerning Air Force military personnel. Include, in addition to the information described in paragraph (a) of this section: the first name, middle name or initial, surname, date of birth, and service number of the individual concerned.

(1) USAF officers (active duty and retired)—to Hq USAF (AFDASE), Washington, D.C., 20330.

(2) USAF airmen (active duty and retired)—to USAF Airmen Records Annex (AFDASEH), Randolph AFB, Texas, 78148.

(3) Air Force Reserve (not on active duty)—Air Reserve Records Center, 3800 York Street, Denver, Colo., 80205.

(4) Former Air Force military personnel (not on active duty or reserve)—Military Personnel Records Center (Air Force), 9700 Page Boulevard, St. Louis, Mo., 63132.

(c) Send applications for matters of official record for use in litigation to Hq USAF (AFJALF), Washington, D.C., 20330, or directly to the records custodian if known. Sections 804.401 to 804.410 prescribe policies and procedures.

§ 804.5 Action on applications.

The Secretary of the Air Force or a person designated by him will approve or disapprove each application in accordance with the policies prescribed in § 804.3, and he will notify the applicant of the decision. If the application is approved, he will advise the applicant when appropriate, of the time and place that he may have access to the records.

§ 804.6 Fees.

A charge may be made for copying, certifying, and searching records in accordance with Subchapter P, Part 288, Chapter I of this title.

By Order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64-3251; Filed, Apr. 2, 1964; 8:45 a.m.]

PART 804—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

PART 878—DECORATIONS AND AWARDS

Miscellaneous Amendments

Present § 804.501 is revoked and the following substituted therefor:

RESPONSIBILITY OF THE CONTRACTOR

§ 804.501 Contract food service attendants.

In any contract food service attendant arrangement, the contractor provides, but is not limited to:

(a) Food service attendants to maintain food service facility sanitation, to prepare (washing, peeling, and cutting) vegetables for cooking and to serve food from steam tables.

(b) Management and supervision of food service attendants.

(c) Uniforms and the laundering thereof.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFM 146-1, Nov. 25, 1963]

1. Revise § 878.44 to read as follows:

SERVICE AWARDS

§ 878.44 List of authorized service medals and ribbons.

The service medals and ribbons described in §§ 878.41 to 878.82 are listed in the following paragraphs. The order of precedence for these medals and ribbons is prescribed in AFM 35-10 (Service and Dress Uniforms for Air Force Personnel).

(a) Good Conduct Medal or Air Force Good Conduct Medal.

(b) American Defense Service Medal.

(c) Women's Army Corps Service Medal.

(d) American Campaign Medal.

(e) Asiatic-Pacific Campaign Medal.

(f) European-African-Middle Eastern Campaign Medal.

(g) World War II Victory Medal.

(h) Army of Occupation Medal.

(i) Medal for Humane Action.

(j) National Defense Service Medal.

(k) Korean Service Medal.

(l) Antarctica Service Medal.

(m) Armed Forces Expeditionary Medal.

(n) Air Force Longevity Service Award Ribbon.

(o) Armed Forces Reserve Medal.

(p) USAF NCO Academy Graduate Ribbon.

(q) Small Armed Expert Marksmanship Ribbon.

(r) Philippine Defense Ribbon.

(s) Philippine Liberation Ribbon.

(t) Philippine Independence Ribbon.

(u) United Nations Service Medal.

(v) United Nations Medal.

2. Add new §§ 878.57, 878.68a, 878.70a and 878.70b, as follows:

§ 878.57 Good Conduct Medal and Air Force Good Conduct Medal.

(a) *Requirements for award*—(1) *Quality of service.* The Good Conduct Medal or the Air Force Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in an enlisted status while in the active Federal military service of the United States. During the period considered for the award, there must be no conviction by a civil court (other than for a minor traffic violation), or by court martial, or record of punishment under Article 15. Where such conviction or record of punishment exists, creditable service toward the Good Conduct Medal or the Air Force Good Conduct Medal begins the day following any time lost under 10 U.S.C. 8638 and/or the day following the completion of any punishment imposed by a court martial, including punishment under Article 15. Any period of service covered by a "referral" Airman Performance Report, AF Form 75, is disqualifying for the award of the medal. Table 1 explains the basis for award.

TABLE 1

BASIS FOR AWARD OF GOOD CONDUCT MEDAL OR AIR FORCE GOOD CONDUCT MEDAL

For service from—	*Basis for award*
August 27, 1937, to September 30, 1957.	All "character" and "efficiency" ratings must have been recorded as "excellent" or higher, except that the following ratings are not disqualifying: ratings of "unknown"; service school efficiency ratings below "excellent" awarded prior to March 3, 1946.
October 1, 1957, to April 14, 1960.	Specific recommendation of the unit commander must have been recorded in section X of AF Form 75, "Airman Performance Report."
April 15, 1960, to present.	Specific recommendation of the unit commander, who will consider carefully the prerequisite requirements for the award—exemplary behavior, efficiency, and fidelity; the chronological listing of past service creditable for award of the medal (Note); information contained in AF Form 75, "Airman Performance Report"; and all other information available within the unit reflecting the quality of service of the airman concerned.

NOTE: Information contained in "Remarks," AF Form 7; see paragraph 8-18, AFM 35-12 (Airman Military Personnel Records System).

(2) *Length of service.* Provided the above quality requirements are met, the basic Good Conduct Medal or Air Force Good Conduct Medal may be awarded for periods of continuous service given in Table 2.

(b) *Type of medal to be awarded.* An airman who qualified for award of the basic Good Conduct Medal or a successive award of the Good Conduct Medal on or before May 31, 1963 will be awarded the Good Conduct Medal, or the appropriate clasp. An airman who completes the qualifying service on or after June 1, 1963, will be awarded the Air Force Good Conduct Medal. When both medals have been awarded, they must be worn with the Air Force Good Conduct Medal taking precedence over the Good Conduct Medal. After award of the first Air Force Good Conduct Medal, successive awards will be denoted by oak leaf clusters, which are identical to the clusters used to denote additional awards of military decorations. Oak leaf clusters are issued in two sizes—large and small—and in two colors—bronze and silver. The large size is worn on the suspension ribbon of the Air Force Good Conduct Medal, and the small size on the ribbon bar. A bronze oak leaf cluster is used for the second through fifth, seventh through tenth, etc., awards of the Air Force Good Conduct Medal. A silver oak leaf cluster is used for the sixth, eleventh, etc., award, or in lieu of five bronze oak leaf clusters. (See AFM 35–10 for the proper placement of oak leaf clusters on the suspension ribbon and ribbon bar.)

(c) *Computation of total service.* Periods of service as a commissioned officer or warrant officer, other than Regular Air Force, will not be considered as an interruption of continuous service, although such periods will not be included in computation of total service accumulated. A period in excess of 24 hours between enlistments or between periods of commissioned and enlisted service will be considered a break in continuous active service. Time spent in either aviation cadet or officer candidate status is creditable provided it meets the requirements of paragraph (a)(1) of this section.

(d) *Service in the Navy, Marine Corps, or Coast Guard.* Service performed in the United States Navy, Marine Corps, or Coast Guard may not be credited for award of the Good Conduct Medal or Air Force Good Conduct Medal under §§ 878.41 to 878.82.

(e) *Time period required after basic award.* After the basic award of the Good Conduct Medal or Air Force Good Conduct Medal, a 3-year period of continuous active service is always required for additional awards of these medals. Service must always meet the requirements of paragraph (a)(1) of this section.

TABLE 2. Length of service requirements for basic award of Good Conduct Medal or Air Force Good Conduct Medal

For service during—	Upon completion of continuous active Federal service for a period of—	Upon separation		Basic award will be the—
		Completion of 1 year but less than 3 continuous years active Federal military service [1]	For physical disability incurred in the line of duty for less than 1 continuous year	
	Years			
Aug. 27, 1937–Dec. 6, 1941	3	----------	----------	Good Conduct Medal.
Dec. 7, 1941–Mar. 2, 1946 (WWII)	1	----------	----------	Do.
Mar. 3, 1946–June 26, 1950	3	(2)	(2)	Do.
June 27, 1950–July 27, 1954 (Korean Operation).	1	----------	----------	Do.
July 28, 1954–May 31, 1963	3	----------	----------	Do.
June 1, 1963–indefinite	3	----------	----------	Air Force Good Conduct Medal.
During any future period while U.S. is at war	1	----------	----------	Do.

[1] Includes termination of active Federal military service in an enlisted status in order to accept a commission.
[2] Applicable only if some portion of the service is performed after June 27, 1950.

§ 878.68a Armed Forces Expeditionary Medal.

(a) *Requirements for award.* Awarded to any member of the Armed Forces of the United States, who after July 1, 1958, participates or has participated in the following operations to the degree and during the periods indicated:

(1) United States military operations and inclusive dates:

Berlin	Aug. 14, 1961, to June 1, 1963.
Lebanon	July 1, 1958, to Nov. 1, 1958.
Quemoy and Matsu Islands	Aug. 23, 1958, to June 1, 1963.
Taiwan Straits	Aug. 23, 1958, to Jan. 1, 1959.
Cuba	Oct. 24, 1962, to June 1, 1963.

(2) U.S. operations in direct support of the United Nations and inclusive dates:

Congo	July 14, 1960, to Sept. 1, 1962.

(3) U.S. operations of assistance for friendly foreign nations and inclusive dates:

Laos	Apr. 19, 1961, to Oct. 7, 1962.
Vietnam	July 1, 1958, to a date to be announced.

(4) Degree of participation: Individual must be a bona fide member of a unit engaged in the operation, or meet one or more of the following criteria:

(i) Shall serve not less than 30 consecutive days in the area of operations.

(ii) Be engaged in direct support of the operation for 30 consecutive days or 60 nonconsecutive days provided this support involves entering the area of operations.

(iii) Serve for the full period when an operation is of less than 30 days duration.

(iv) Be engaged in actual combat, or duty which is equally as hazardous as combat duty, during the operation, with armed opposition, regardless of time in the area.

(v) Participate as a regularly assigned crew member of an aircraft flying into, out of, within, or over the area in support of the military operation.

(vi) Be recommended, or attached to a unit recommended, by the Chief of a Service or the commander of a unified or specified command for award of the medal, although the criteria in this subparagraph have not been fulfilled. Such recommendation may be made to the Joint Chiefs of Staff for duty of such value to the operation as to warrant particular recognition.

(b) *Explanation of terms.* (1) "Bona fide member of a unit" means an assigned or attached member who is or was present with the unit during the operation.

(2) "A unit engaged in the operation" means a complete unit (not elements or aircraft of a unit) which is or was physically present in the area of operations during the specified period.

(3) "Area of operations" means the foreign territory specifically designated by §§ 878.41 to 878.82 upon which troops have actually landed or are present and specifically deployed for the direct support of the designated military operations; the adjacent water areas in which ships are operating, patrolling, or providing direct support of operations; the air space above and adjacent to the area in which operations are being conducted.

(4) "Direct support" means service being supplied the combat forces in the area of operations by ground units, ships, and aircraft providing supplies and equipment to the forces concerned, provided it involves actually entering the designated area; and ships and aircraft providing fire, patrol, guard, reconnaissance, or other military support.

(c) *Subsequent awards.* Not more than one medal shall be awarded to any person, but for each succeeding operation justifying such an award, a bronze service star will be awarded to be worn as outlined in § 878.78.

(d) *Limitations.* The medal shall be awarded only for operations for which no other United States campaign medal is approved. The service qualifying the person for the award shall have been honorable.

§ 878.70a USAF NCO Academy graduate ribbon.

(a) *Requirement for award.* Awarded to graduates of accredited Air Force Noncommissioned Officer Academies as defined in AFR 50–39 (Noncommissioned Officer Training) and the annual Hq USAF NCO Academy accrediting letter. Graduates of USAF NCO Academy classes conducted prior to original publication of AFR 50–39 are authorized to wear the ribbon only if the major air command which supervised the training determines that course standards were sufficiently high to merit award of the ribbon. Graduation from NCO leadership courses and similar training conducted by other military services does not qualify an individual for this award.

§ 878.70b Small Arms Expert Marksmanship Ribbon.

(a) *Requirement for award.* Awarded to Air Force personnel, including Reserve component members whether or not on active duty, who, after January 1, 1963, qualify as "expert" in small arms marksmanship on the weapons specified and in accordance with AFR 50–8 (Small Arms Marksmanship Training). By issuance of appropriate special orders, the ribbon is awarded only once, regardless of the number of times an individual may qualify, and it may be permanently retained and worn by the qualifying individual.

3. Revise §§ 878.75(c) (2) and add new § 878.78(d), as follows:

§ 878.75 United Nations Medal.

* * * * *

(c) * * *

(2) A minimum period of 6 months has been established by the Secretary General of the United Nations as the period of service required for eligibility to receive the award.

* * * * *

§ 878.78 Service stars.

* * * * *

(d) On the service and suspension ribbon of the Armed Forces Expeditionary Medal to denote participation in more than one operation. A silver service star is worn in lieu of five bronze service stars.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Statutory provisions interpreted or applied are cited to text.) [AFR 900–10A, Nov. 21, 1963 and AFR 900–10B, Feb. 28, 1964]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–3252; Filed, Apr. 2, 1964; 8:46 a.m.]

PART 825—AIRCRAFT ARRESTING SYSTEMS

PART 861—OFFICERS' RESERVE USAF OFFICER TRAINING SCHOOL (OTS)

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 874—AVIATION CADET TRAINING

PART 881—PERSONNEL REVIEW BOARDS

Miscellaneous Amendments

1. Part 825 is revised to read as follows:

Sec.
825.1 Purpose.
825.2 Use of arresting systems by non-U.S. Government aircraft.

AUTHORITY: The provisions of this Part 825 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 55–42, Nov. 13, 1963.

§ 825.1 Purpose.

This part outlines the responsibilities for operating aircraft arresting systems at Air Force installations and joint-use civil airports.

§ 825.2 Use of arresting systems by non-U.S. Government aircraft.

In an emergency, pilots of nongovernment aircraft may, upon request, use arresting systems installed by the Air Force at Air Force or joint-use airfields in the U.S. or overseas. However, the Air Force will accept no liability for damages resulting from attempted engagements by such aircraft.

2. In § 861.6(c):

a. Subparagraph (1) is revoked and a new subparagraph (1) is inserted.

b. Subparagraph (2) is redesignated subparagraph (3) and a new subparagraph (2) is inserted as follows:

§ 861.6 Eligibility requirements.

* * * * *

(c) *Educational qualifications.* (1) Applicants must be college graduates with a baccalaureate or higher degree from a college or university listed in the latest issue of Part 3, "Higher Education," Education Directory, published by the Department of Health, Education, and Welfare.

(2) An applicant who is a graduate of an unlisted or foreign college or university, if otherwise qualified, may meet the educational requirements by submitting evidence that the college's credits have been and are accepted as if coming from an accredited institution by not fewer than three U.S. accredited institutions.

* * * * *

3. Revise §§ 861.10(c) and 861.18 to read as follows:

§ 861.10 How to apply.

* * * * *

(c) An official transcript of college credits indicating the undergraduate or graduate degree awarded and grades received. A student enrolled in his senior year of college must provide a statement from his school attesting to that fact, the date he is scheduled to graduate, the degree to be awarded, and his college major.

* * * * *

§ 861.18 Civilian applicants.

Lackland Military Training Center will furnish letters of acceptance, two certified copies of SFs 88 and 89, and class assignments to fully qualified and selected applicants. Letters of acceptance will authorize selected applicants to enlist in the Regular Air Force for two years in accordance with AFM 39–9. After enlisting, each selected applicant, who has received class assignment instructions, will be assigned to the Air Force OTS. Upon entering training, the applicant will be promoted to the grade of E–5 (staff sergeant).

4. Add new § 861.26 as follows:

§ 861.26 Eligibility requirements; Air National Guard.

The applicant may either be an airman of the Air National Guard or a civilian, but in all cases must meet the eligibility requirements prescribed in § 861.6.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 9411) [AFR 53–27A, Feb. 10, 1964]

5. Revise § 862.8 to read as follows:

§ 862.8 Legal requirements.

Before a student is eligible to enroll in the Air Force Reserve Officers Training Corps, he must be:

(a) A male citizen of the United States.

(b) Not less than 14 years of age.

(c) Physically qualified for military service at the time of enrollment or will be so on becoming of military age.

(d) A student at an institution where an AFROTC unit is established.

NOTE: A student may not enroll in an AFROTC unit unless the unit is hosted by the same institution where he is enrolled.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 8540, 9381–9387, 70A Stat. 527, 568–571; 10 U.S.C. 9381–9387) [AFR 45–48A, Nov. 5, 1963]

6. In § 874.14(b) (3) (i) revise (*a*) to read as follows:

§ 874.14 Information furnished applicants.

* * * * *

(b) *Fully qualified applicants.* * * *

(3) * * *

(i) * * *

(*a*) A selected applicant who had previously completed more than 6 months of continuous active service at the time of enlistment may request separation under paragraph 3h, AFR 39–14 (Separation for Convenience of the Government), if he is eliminated in the nonflying phase of training. If he is eliminated in the flying phase of training, he is not eligible to request separation under this authority.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 70A Stat. 504; 72 Stat. 1566; 10 U.S.C. 8257) [AFR 51–3A, June 4, 1963]

7. In § 881.101 revise paragraphs (a) and (c) to read as follows:

§ 881.101 Jurisdiction and authority.

* * * * *

(a) The Board determines whether the type of discharge or dismissal the former service man or woman received was equitably and properly given and, if not, instructs the Director of Administrative Services (AFDAS) to adjust the discharge or dismissal in accordance with the facts presented to the Board. The Board's findings are subject to review only by the Secretary of the Air Force.

* * * * *

(c) The Board may on its own motion consider a case, which appears likely to result in a decision favorable to the former military member, without his knowledge or presence. If the decision is favorable, the Board directs AFDAS to notify the former member at his last known address. If the decision is unfavorable, the Board returns the case to the files without record of formal action. It will reconsider the case without prejudice if the former member subsequently files an application for review.

* * * * *

8. Revise § 881.102(c) to read as follows:

§ 881.102 Application for review.

* * * * *

(c) Applicants will forward their requests for review as follows: Mail to Air

Force Section, Military Personnel Records Center, 9700 Page Boulevard, St. Louis 32, Missouri.

* * * * *

9. Revise § 881.106(b) to read as follows:

§ 881.106 **Disposition of proceedings.**

* * * * *

(b) The Board transmits a record of its proceedings, including a transcript of testimony, and directions in each case to AFDAS. This office administratively carries out the Board's directions and reports the results to the applicant (and/or his counsel, if any). The applicant, his guardian, or legal representative, may request in writing that AFDAS furnish a copy of the Board proceedings, findings, and conclusions. Information that appears to be potentially injurious to the applicant's physical or mental health is furnished only to his guardian or legal representative.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 72 Stat. 1267, 10 U.S.C. 1553) [AFR 20-10A, Mar. 28, 1963]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64-3253; Filed, Apr. 2, 1964; 8:46 a.m.]

PART 875—APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

Part 875 is revised to read as follows:

Sec.
875.1 Purpose.
875.2 Policy.
875.3 Appointment vacancies.
875.4 Sources of nomination.
875.5 Basic requirements.
875.6 Nomination requirements and procedures.
875.7 Where applicant will report.
875.8 How to notify Director of Admissions of change of address or station assignment.
875.9 Suggested letter formats.

AUTHORITY: The provisions of this Part 875 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 9331-9355.

SOURCE: AFR 53-10, Aug. 30, 1963.

§ 875.1 Purpose.

This part explains application procedure and appointment to the United States Air Force Academy.

§ 875.2 Policy.

Persons eligible for nomination to the Air Force Academy are encouraged to apply in every category in which they are eligible.

§ 875.3 Appointment vacancies.

Appointment vacancies are authorized by law to specific nominating authorities.

§ 875.4 Sources of nomination.

(a) United States Senators and Representatives.

(b) Resident Commissioner of Puerto Rico; Governor of the Panama Canal Zone; Governor of American Samoa; Governor of Guam; Governor of the Virgin Islands; and the Commissioners of the District of Columbia.

(c) Air Force and Army enlisted Regular competitive category.

(d) Air Force and Army enlisted Reserve competitive category.

(e) Presidential competitive category.

(f) Vice Presidential category.

(g) Sons of Deceased Veterans competitive category.

(h) Honor Military and Honor Naval Schools competitive category.

(i) Sons of Congressional Medal of Honor winners.

(j) Allied Students. ("Designated"—"To receive instruction" 10 U.S.C. 9344, 9345.)

§ 875.5 Basic requirements.

All applicants must meet the following basic requirements:

(a) *Age.* Applicant must be at least 17 years of age but must not have passed his 22d birthday by July 1st of the year in which he enters the Air Force Academy. A nominee is required to legally substantiate his date of birth.

(b) *Citizenship.* Applicant must be a male citizen of the United States. If an applicant is a citizen by naturalization, the following certificate is required, authenticated by a notary public or other persons authorized by law to administer oaths:

I certify that I have this date seen the original certificate of citizenship number ------ stating that ---------- was granted United States Citizenship by the ---------- on ----------. The
(Name of court) (Date)
following person was named in the certificate as a minor child ----------
(Name of child)
age -------.

Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances as stated in 18 U.S.C. 1426(H).

(c) *Domicile.* An applicant nominated by an authority designated in § 875.4 (a) or (b) must be domiciled within the constituency of such authority.

(d) *Moral character.* Applicant must be of highest moral character. Commanders will furnish information to the Director of Admissions, United States Air Force Academy, Colorado, on any military applicant or nominee whose official records show:

(1) He is or has been a conscientious objector. In this case, as affidavit expressing his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full and unqualified military service to his country is required.

(2) Any facts which give reason to believe that his appointment may not be clearly consistent with the interests of national security.

(3) Conviction by court-martial for other than a "minor offense" (par. 128b, p. 229, MCM 1951) or conviction of a felony in a civilian court.

(4) Elimination from any officer training program or any preparatory school of the Army, Navy, or Air Force academies for military inaptitude, indifference, or undesirable traits of character. This includes any person who resigned in the face of impending charges or who was eliminated by official action.

(5) Habitual intemperance.

(6) Any behavior, activity, or associations which tend to show that he is of questionable moral character or reputation.

(e) *Physical standards.* Each applicant must meet the physical requirements.

(f) *Marital status.* Applicant must not be and never have been married. Cadets are not permitted to marry until after graduation.

§ 875.6 Nomination requirments and procedures.

Young men desiring appointment to the Air Force Academy must first apply for and obtain nomination in at least one of the following categories:

(a) *Congressional.* Any United States resident who meets the basic requirements listed in § 875.5 may apply directly to the United States Senators of his State of residence and/or the Representative of his District of residence (see § 875.9 (a)). The nominating authority will advise the applicant of further action, and will forward AF Form 1196 (used only by Hq USAF and Congressmen) for each nominee through the Air Force Academy Activities Group, Hq USAF, Washington, D.C., 20330, to the Director of Admissions, U.S. Air Force Academy, Colorado. The Director of Admissions will then schedule the nominee for testing. After nomination, the nominee should address all correspondence, forms, etc., to the Director of Admissions.

(b) *District of Columbia and United States Possessions.* Residents of the District of Columbia apply to the Commissioners of the District of Columbia. Residents of Puetro Rico apply to the Resident Commissioner. Sons of civilians residing in the Panama Canal Zone, or sons of civilian employees of the United States Government and the Panama Canal Company residing in the Republic of Panama, apply to the Governor of the Panama Canal Zone. Residents of American Samoa, Guam, and the Virgin Islands apply to their respective Governors. Applications should be submitted in writing (see § 875.9(a)) as early as May of the year preceding that in which admission to the Academy is desired. The nominating authority will advise the applicant of further action and will forward the nomination for processing as described in paragraph (a) of this section.

(c) *Presidential (competitive).* The son of a member of a Regular component of the Armed Forces of the United States is eligible for nomination. The Regular component member must be on active duty, retired or deceased, but not discharged before retirement or death. The son of a member of a Reserve component is eligible in this category if his parent received a Reserve commission or warrant while a member of a Regular component, remained on continuous extended active duty, and retained the right to revert to Regular status. An

adopted son is eligible if adoption proceedings were initiated before his 15th birthday. In addition, applicants must meet the basic eligibility requirements listed in § 875.5. An eligible individual may apply to the Director of Admissions, U.S. Air Force Academy, Colorado, requesting nomination in accordance with § 875.9(b).

(d) *Vice Presidential.* Any individual who meets the basic eligibility requirements listed in § 875.5 may apply to the Vice President for nomination. The request may be submitted as early as May of the year preceding the one in which he desires appointment to the Academy. The application should be addressed to the Vice President, United States Senate, Washington, D.C., and should contain all information outlined in § 875.9(c).

(e) *Sons of deceased veterans (competitive).* The son of a deceased member of the Armed Forces of the United States is eligible for nomination in this category if he meets the basic requirements listed in § 875.5, and if the deceased parent (male or female) was killed in action, or died as a result of wounds or injuries received, disease contracted in, or pre-existing injury or disease aggravated by, active service during World War I, World War II (December 7, 1941 through December 31, 1946), or the Korean Conflict (June 27, 1950 through January 31, 1955). An individual eligible for a nomination in this category will submit a written request to the Director of Admissions, U.S. Air Force Academy, Colorado, in accordance with § 875.9(d).

(f) *Honor Military and Honor Naval Schools (competitive).* Three honor graduates or prospective honor graduates from each designated honor military and honor naval school may be nominated to fill the vacancies allocated to such schools. Vacancies are filled in the order of merit, regardless of the schools from which the nominations are made. Appropriate school authorities must certify that each nominee is an honor graduate and meets the basic eligibility requirements listed in § 875.5. Nominations must be submitted to the Director of Admissions, U.S. Air Force Academy, Colorado, by January 31st of the year in which the nominees desire appointment. Nominations are not limited to honor graduates of the current year. An individual eligible for nomination in this category will apply to the administrative authority of his school. The application will include:

(1) Full name, address, and date of birth. If in the service, grade, service number, organization, and station.

(2) Reasons for requesting nomination to the Air Force Academy.

(g) *Sons of Congressional Medal of Honor winners.* The son of any Congressional Medal of Honor winner who served in any branch of the armed services may apply for nomination. If an applicant meets the eligibility criteria and qualifies on the entrance examinations, he will be admitted to the Academy. An applicant must write to the Director of Admissions, U.S. Air Force Academy, Colorado, requesting a nomination in this category. The letter must include:

(1) Full name, address, and date of birth. If in the service, give grade, service number, organization, and station.

(2) Full name, rank, service number, and branch of service of the parent to whom the Medal of Honor was awarded.

(h) *Citizens of the American Republics and the Philippines.* These persons may apply for designation to receive instruction at the Air Force Academy. The Academy is authorized to provide instruction to as many as 20 persons at any one time from Canada and the American Republics. However, not more than three students from one republic or from Canada may receive instruction at the same time. In addition, one student from the Republic of the Philippines may be admitted in each entering class. A citizen of an American Republic or Canada must apply to the Government of his own country. A Filipino applies to the President of the Republic of the Philippines. The application should contain complete particulars about his background and should be submitted at least a year before the time of desired admission to the Academy. Applicants in these categories must meet the eligibility requirements established for all Academy candidates and must be able to read, write, and speak English proficiently. With the exception of the American Republics, Canada, and the Philippines, a student from any other foreign country may not be admitted to the Air Force Academy unless he has received specific authorization by legislation of the United States Congress.

§ 875.7 Where applicant will report.

An applicant nominated in one or more of the above categories (except § 875.6(h)) will be notified by the Director of Admissions, U.S. Air Force Academy, Colorado, to report to an Air Force Academy and Aircrew Examining Center for final qualification testing. The nominee will also be instructed concerning the College Entrance Examination Board tests. All requirements are listed in the letter of instructions. No nominee will be considered for appointment until scores on all tests are received.

§ 875.8 How to notify Director of Admissions of change of address or station assignment.

Each applicant or nominee is personally responsible for notifying the Director of Admissions of every change of address or station assignment. Notifications are sent direct to the Director of Admissions, U.S. Air Force Academy, Colorado, and will include complete name, grade, service number, and new organization or unit to which assigned. Reassignment of military personnel to any duty station will not be delayed pending action by the Director of Admissions.

§ 875.9 Suggested letter formats.

(a) *For requesting nomination in categories of Congressional, Canal Zone, District of Columbia, Puerto Rico, and Possessions.*

Date.

HONORABLE _____,
HOUSE OF REPRESENTATIVES,
Washington 25, D.C.
DEAR MR. _____:

OR

HONORABLE _____,
UNITED STATES SENATE,
Washington 25, D.C.
DEAR SENATOR _____:

It is my desire to attend the Air Force Academy and to make the United States Air Force my career. I respectfully request that I be considered as one of your nominees for the class that enters the Academy in June _____.

The following personal data is furnished for your information:

Name: (As recorded on birth certificate).
Address: (City, county, State).
Parents' name:
Date of birth:
High school attended:
Date of high school graduation:
Approximate grade average:

I have been active in high school extracurricular activities shown on the attached list.

I shall greatly appreciate your consideration of my request for a nomination to the Air Force Academy.

Sincerely,

Signature.

(b) *For requesting a Presidential nomination.*

Date.

DIRECTOR OF ADMISSIONS,
USAF Academy, Colorado.

DEAR SIR: I request a nomination under the Presidential category for the class that enters the Academy in June ____, and submit the following data:

Name: (Give name as shown on birth certificate. If different from the one you use, attach a copy of court order, if applicable.)
Address: (Give permanent and temporary.)
Date and place of birth: (Spell out month.)
Date of high school graduation:
If Member of Military: (List rank, serial number, component, branch of service, and organizational address—do not use CMR or Box No.)
If Previous Candidate: (List year and candidate number.)

INFORMATION ON PARENT

Name, Rank, Serial Number, Component and Branch of Service:
Organizational Address:
Retired or Deceased: (Give date and attach copy of retirement orders or casualty report.)
Officer Personnel: (Attach Statement of Service prepared by personnel officer specifying Regular or Reserve status for all periods of service.)
Enlisted Personnel: (Attach statement prepared by personnel officer listing date of enlistment, date of enlistment expiration, component and branch of service.)

Sincerely,

Signature (As recorded on birth certificate).

(c) *For requesting a Vice Presidential nomination.*

Date.

THE VICE PRESIDENT,
UNITED STATES SENATE,
Washington 25, D.C.

DEAR MR. VICE PRESIDENT: It is my desire to attend the Air Force Academy and to make the United States Air Force my career. I respectfully request that I be considered as one of your nominees for the class that enters the Academy in June _____ (year).

The following personal data is furnished for your information:
Name:
Address:
Parents' name:
Date of birth:
High school attended:
Date of high school graduation:
Approximate grade average:
[1] _____

I have been active in high school extracurricular activities shown on the attached list.

I shall greatly appreciate your consideration of my request for a nomination to the Air Force Academy.

Sincerely,

Signature.

(d) *For requesting a son of deceased veteran nomination.*

Date.

DIRECTOR OF ADMISSIONS,
USAF ACADEMY, COLORADO.

DEAR SIR: I request a nomination under the Sons of Deceased Veterans category for the class that enters the Academy in June ____, and submit the following data:

Name: (Give name as shown on birth certificate. If different from the one you use, attach a copy of court order, if applicable.)
Address: (Give permanent and temporary.)
Date and place of birth: (Spell out month.)
Date of high school graduation:
If Member of Military: (List rank, serial number, component, branch of service, and organizational address—do not use CMR or Box No.)
If Previous Candidate: (List year and candidate number.)

INFORMATION ON PARENT

Name, Rank, Serial Number, Regular or Reserve Component and Branch of Service:
Date and place of death:
Cause of death:
Veterans Administration XC Claim Number:
Address of VA Office Where Case is Filed:
Sincerely,

Signature (As recorded on birth certificate).

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64-3254; Filed, Apr. 2, 1964; 8:46 a.m.]

[1] If in the Military Service, give Grade, Service Number, Organization, and Station.

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Doc. 64–SW–9]

FEDERAL AIRWAY

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA is considering designating a VOR Federal airway from Alexandria, La., via Natchez, Miss., to Jackson, Miss. This proposed airway would provide a VOR route for IFR air traffic operating between these terminals.

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

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

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

Issued in Washington, D.C., on March 27, 1964.

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

[F.R. Doc. 64–3249; Filed, Apr. 2, 1964; 8:45 a.m.]

[14 CFR Part 91 [New]]

[Notice 64–16; Docket No. 4073]

STANDARD ALTIMETER SETTING

Lowering the Base Altitude

Correction

In F.R. Doc. 64–3038, appearing at page 4105 of the issue for Saturday, March 28, 1964, the following change should be made in § 91.81:

The table appearing in paragraph (b) should appear in paragraph (c), and the table appearing in paragraph (c) should appear in paragraph (b).

[14 CFR Part 507]

[Reg. Docket 4083]

AIRWORTHINESS DIRECTIVES

Lockheed Models 188A/188C 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 Lockheed Models 188A and 188C Series aircraft. Several instances of cracks have occurred in the aileron push-pull tubes. In order to correct this condition, this AD requires inspection of the aileron push-pull tubes and replacement of any parts found cracked or worn.

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 May 4, 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, 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. Applies to all Models 188A and 188C Series aircraft.

Compliance required within 425 hours' time in service after the effective date of this AD, unless accomplished within 3,075 hours' time in service preceding the effective date of this AD, and thereafter at intervals not to exceed 3,500 hours' time in service from the last inspection.

As a result of excessive wear and cracks in the aileron control system push-pull tubes, accomplish the following:

(a) Visually inspect the wear pattern on the eight aileron push-pull tubes, located aft of the wing rear spar, P/N's 810863–1, 810865–1 and 807742–1, and measure the maximum wear from the outside surface of the tube to the depth of the wear mark. When the visual inspection reveals indications of a crack or a length-wise groove in the push-pull tube, inspect for cracks by using a magnetic particle inspection method or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(b) Manually spin and visually inspect all of the aileron push-pull tube support rollers for freedom of rotation and for flat spots.

(c) Following the inspections of (a) and (b) accomplish the following before further flight, except that the aircraft may be ferried in accordance with the provisions of CAR 1.76 to the base at which the repairs or replacements are to be accomplished:

(1) Replace cracked aileron push-pull tubes with new parts of the same part number or an FAA-approved equivalent. Replace aileron push-pull tubes P/N 810865–1 with more than 0.006 inches of wear, P/N 810863–1 with more than 0.008 inches of wear, and P/N 807742–1 with more than 0.012 inches of wear with new parts of the same part number or an FAA-approved equivalent.

(2) Replace aileron push-pull tube support rollers which do not rotate freely or which have a flat spot with new rollers of the same part number or an FAA-approved equivalent.

(3) When push-pull tubes or push-pull tube support rollers are replaced in accordance with (c)(1) or (c)(2), adjust the clearance between the aileron push-pull tubes and their support rollers in accordance with Section 2.B.(4) of Lockheed Alert Service Bulletin 88/SB–607.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection interval 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.

(Lockheed telegram to operators FS/265688–W dated September 24, 1963, and Lockheed Service Bulletin 88/SB–607 pertain to this same subject.)

Issued in Washington, D.C., on March 30, 1964.

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

[F.R. Doc. 64–3259; Filed, Apr. 2, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 14, Amdt. 20]

REGIONAL DIRECTOR, NATIONAL CAPITAL REGION

Exceptions to Delegated Authority

Section 1, paragraphs (e) and (m) are amended to read as follows:

SECTION 1. * * *

* * * * *

(e) Acceptance of donations of lands and water rights, exchanges of lands and water rights, and purchase of lands and water rights when the estimated or appraised value or purchase price exceeds $200,000; provided, that this exception shall not apply to the Regional Director, National Capital Region, when jurisdiction over properties administered by other agencies within the District of Columbia is being transferred to the National Park Service under authority of the Act of May 20, 1932, as amended (40 U.S.C., Sec. 122).

* * * * *

(m) Disposition of lands or interests therein: provided, that this exception shall not apply to the Regional Director, National Capital Region, when jurisdiction over properties administered by the National Park Serivce within the District of Columbia is being transferred to other agencies under authority of the Act of May 20, 1932, as amended (40 U.S.C., sec. 122).

* * * * *

(245 DM 1, 27 F.R. 6395; 5 U.S.C., Sec. 22; Sec. 2 of Reorganization Plan No. 3, of 1950)

Dated: March 27, 1964.

GEORGE B. HARTZOG, JR.,
Director.

[F.R. Doc. 64-3257; Filed, Apr. 2, 1964; 8:46 a.m.]

DINOSAUR NATIONAL MONUMENT, UTAH-COLORADO

Notice of Selection of Entrance Road

Notice is hereby given that the locations for an entrance road to the Dinosaur National Monument, an entrance spur for the Sand Canyon Overlook, and related facilities—including adjacent scenic easement areas—have been selected pursuant to the provisions of section 2 of the Act of September 8, 1960 (74 Stat. 857, 861).

The road, 26.39 miles in length, extends northward to the Dinosaur National Monument from the detached administrative site on United States Route 40, notice of the selection of which was given in the FEDERAL REGISTER of February 28, 1963, at page 1888.

The locations selected embrace 634.74 acres of land which is to be acquired by the United States in fee or is already owned by the United States, in a strip generally 200 feet wide and approximately 2,527 acres of adjoining lands that will be subject to scenic easement control, the later lying generally within 500 feet of the centerline. Such locations are depicted on the drawing entitled "Artesia Entrance Road, Right-of-Way Boundary", dated February 25, 1964, and numbered NM-DIN/7107, (eight sheets), which drawing is on file and available for public inspection in the Office of the Director, National Park Service, and in the Office of the Superintendent, Dinosaur National Monument.

As provided in section 2(a) of the Act of September 8, 1960, supra, the areas included in this notice shall constitute a part of the Dinosaur National Monument and, therefore, will be subject to the laws and regulations applicable thereto. Such areas shall be subject also to any special regulations issued by the Secretary of the Interior in furtherance of the purposes of said section. Notwithstanding inclusion of these areas in the monument, the Bureau of Land Management is authorized to administer any public lands within the locations hereby selected for scenic easement control for the purpose of grazing and for such other activities as are consistent with preservation of the scenic and other natural values of the lands.

In furtherance of the purposes of said section 2 of the Act of September 8, 1960, public lands within the locations hereby selected as road rights-of-way, for scenic easement control and otherwise, subject to valid existing rights, are reserved from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 27, 1964.

[F.R. Doc. 64-3258; Filed, Apr. 2, 1964; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 50-218]

LUIGI SERRA, INC.

Notice of Proposed Issuance of Facility Export License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's "Rules of Practice" 10 CFR Part 2, the Commission proposes to issue to Luigi Serra, Incorporated a facility export license on Form AEC-250 containing the authority set forth in the text below authorizing the export of a 30 watt open pool type nuclear critical assembly to Comitato Nazionale per L'Energia Nucleare (C.N.E.N.), Centro di Studi Nucleari della Casaccia, Rome, Italy.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, the Commission has found that:

1. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. The critical assembly proposed to be exported is a utilization facility as defined in said Act and regulations;

3. The issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation between the Governments of the United States and Italy.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject facility.

A copy of the application, dated February 3, 1964, is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 1st day of April 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and License Relations.

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, Luigi Serra, Incorporated, 7 Water Street, New York, New York, 10004, is authorized to export a 30 watt open pool type nuclear critical assembly to Comitato Nazionale per L'Energia Nucleare (C.N.E.N.), Centro di Studi Nucleari della Casaccia, Rome, Italy, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture of control reserved by section 108 of the Atomic Energy act of 1954, and to all of the other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission.

This license is effective as of the date of issuance and shall expire on December 31, 1968.

For the Atomic Energy Commission.

[F.R. Doc. 64-3355; Filed, Apr. 2, 1964; 12:06 p.m.]

CIVIL AERONAUTICS BOARD

WTC AIR FREIGHT, ET AL.

Application for Approval of Control and Interlocking Relationships

Application of WTC Air Freight, et al., for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 15095.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of fifteen days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 30, 1964.

[SEAL] J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

Issued under delegated authority.

Application of WTC Air Freight, et al., Docket 15095; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

By Order E-8828, adopted December 20, 1954, in Docket 6914 the Board, acting pursuant to section 408 of the Act, approved the common control of Western Transportation Co., Inc., d/b/a WTC Air Freight (Western), a surface freight forwarder and an applicant for air freight forwarder operating authority, and Eckdahl Warehouse Company, an intrastate common carrier by motor vehicle, by A. Meyers and of Western Transportation Company (Transportation), an intrastate common carrier by motor vehicle in the Los Angeles area, by A. Meyers and R. B. Meyers. Certain interlocking relationships involving A. Meyers and R. B. Meyers were also approved under section 409 of the Act.

By application filed March 20, 1964, as supplemented by letter of March 24, 1964, in Docket 15095, Western, Western Truck and Leasing Company (Leasing), United Freight, Inc. (Freight), WTC Air Freight (WTC), R. B. Meyers, A. Meyers Trust (Trust)[1] and Edward P. Downes request the Board to approve certain control and interlocking relationships.

The application requests approval of control relationships resulting from the ownership by R. B. Meyers and Trust in equal amounts of all the outstanding common stock of both Leasing, an intrastate common carrier by motor vehicle in the Los Angeles area, and Western, a domestic and international air freight forwarder and a surface freight forwarder by rail. Western in turn, controls 100 percent of the outstanding stock of Freight, a surface freight forwarder by rail, and 80 percent of the outstanding common stock of WTC, an applicant for air freight forwarder operating authority.[2] The application also requests approval under section 409 of the Act of the interlocking relationships resulting from R. B. Meyers' and Mr. Downes' respective positions as president, treasurer and director, and secretary and director of Leasing, Western, Freight and WTC, and authorization pursuant to § 251.4 of the Board's Economic Regulations for R. B. Meyers and Mr. Downes to hold such other positions within the system of affiliated or subsidiary companies controlled by R. B. Meyers and Trust and described in the appendix hereto, to which they may be hereafter elected or appointed.

The applicants state that the reasons for the proposed transfer of Western's air freight forwarder authority to WTC is that the separation of the system's surface freight forwarding operations and air freight forwarding operations will enable WTC to secure favorable financing arrangements from certain investors who are interested only in the air freight forwarding phase of Western's operations. Such investors propose to purchase 20 percent of WTC's outstanding common stock through a corporation formed for the purpose, i.e., Manspeed, Inc. The application represents that the investors will have no other connection with transportation or aviation. The applicants contend that the formation of WTC and the resultant sale of its stock will be in the public interest since it will provide new funds which will enable WTC to expand its air freight forwarding business, particularly in the international field where its services are presently limited. WTC plans to enter new markets, open new branch offices and facilities, handle additional commodities and acquire other businesses.

With respect to other control relationships, applicants state that the trucking services of Leasing are confined to the Los Angeles area and are not competitive with WTC's proposed services;[3] that the rail forwarding services of Western and Freight are not competitive with the proposed air freight forwarding services of WTC because of the marked differential in rates and services performed;[4] and that any changes in the control relationships since the issuance of Order E-8828 have been changes in form rather than in substance. The applicants further contend that the control relationships are consistent with the public interest, will not result in a monopoly, and will not restrain competition or jeopardize any other air carrier.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that Leasing, Western and Freight are common carriers within the meaning of section 408 of the Act, and that the common control of Leasing and Western and, through Western, of Freight and WTC by R. B. Meyers and Trust is subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The control relationships are similar to those which the Board previously approved by Order E-8828 and essentially do not present any new substantive issues. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.[5] However, should the trucking services of Leasing be expanded to include, for example, interstate services, new issues would be raised which could be resolved only upon the filing of a further application for prior approval of the Board. Accordingly, approval of the instant relationships shall be effective only as long as the operation of motor vehicles by Leasing is limited to the State of California.

With respect to the financial interest of Manspeed, Inc. in WTC, a need exists for continuing surveillance of the extent of such interest. Therefore, WTC shall be required, as a supplementary requirement to its obligation to annually report such interests in the appropriate schedules of Form 41, to report any and all changes in such interests fifteen (15) days prior to the intended effective date of such changes.

Also, in connection with Manspeed's interest in WTC and in view of the representation that Manspeed "will have no other connection in transportation or aviation";[6] the approval herein granted shall be effective only so long as Manspeed does not expand its activities to include a financial interest in another air carrier, any other common carrier or in any person engaged in a phase of aeronautics within the meaning of sections 408 and 409 of the Act.

It is also concluded that interlocking relationships within the scope of section 409(a) of the Act will exist between the companies as a result of the holding by R. B. Meyers and Mr. Downes of the positions described herein. The parties have made a due showing in the form and manner prescribed that the interlocking relationships resulting from the holding by R. B. Meyers and Mr. Downes of the positions described herein, and that any interlocking relationships which may result from the election or appointment of R. B. Meyers and/or Mr. Downes to other positions within the system of affiliated or subsidiary companies controlled by R. B. Meyers and Trust will not adversely affect the public interest, provided that approval thereof is made subject to the condition that the approval shall be effective only so long as Leasing's activities are limited to the State of California.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.[7]

Accordingly, it is ordered:

1. That the common control by R. B. Meyers and Trust of Leasing and Western and through Western, of Freight and WTC be and it hereby is approved;

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationships existing by reason of

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[1] Gladys Marie Meyers is Trustee of the Trust.

[2] The operating authorizations of Western as a domestic and international air freight forwarder will be tendered to the Board for cancellation upon the issuance of identical operation authorizations to WTC.

[3] The services conducted by Leasing are the same as those performed by Transportation, when the Board issued Order E-8828 on December 20, 1954. Transportation has since been dissolved.

[4] The surface freight forwarding operations conducted by Western and Freight are similar to those conducted by Western when the Board issued Order E-8828.

[5] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952) and to consider the application on its merits.

[6] Item 7—Supplement to Application for Operating Authorization.

[7] The application herein incorporates the WTC application for air freight forwarder authority. However, the application for forwarder authority will be disposed of separately, in accordance with customary procedures.

the holding by R. B. Meyers and Mr. Downes of the positions set forth above be and they hereby are approved;

3. That, subject to the provisions of § 251.4 of the Board's Economic Regulations, R. B. Meyers and Mr. Downes are authorized to hold, in addition to the positions set forth above, such other positions within the system of affiliated or subsidiary companies controlled by R. B. Meyers and Trust, as listed in the appendix hereto, to which they may hereafter be elected or appointed;

4. That the approvals granted herein shall be effective only so long as (1) the motor vehicle services of Leasing are limited to the State of California, and (2) Manspeed, Inc. does not extend its activities so as to include a financial interest in an air carrier, any other common carrier or in any person engaged in a phase of aeronautics within the meaning of sections 408 and 409 of the Act; and

5. That WTC shall file in this docket, at least fifteen (15) days prior to the effective date thereof, notice of any and all changes in the financial interest of Manspeed, Inc. in WTC, showing therein the additional interest proposed to be acquired, the total number of shares of stock to be held and the percentage such shares bear to the total outstanding.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX

AFFILIATED AND SUBSIDIARY COMPANYS CONTROLLED BY R. B. MEYERS AND A. MEYERS TRUST SUBJECT TO SECTIONS 408 AND 409 OF THE ACT

Western Truck Leasing Company.
Western Transportation Company, Inc.

SUBSIDIARIES OF WESTERN TRANSPORTATION COMPANY, INC.

United Freight, Inc.[1]
WTC Air Freight.[2]

[F.R. Doc. 64-3267; Filed, Apr. 2, 1964; 8:48 a.m.]

[Docket 13777; Order E-20630]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Use of Containers and Pallets

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of March 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement conforms the provisions of Resolution 521 (Use of Containers and Pallets) as it pertains to garment bags and garment containers applicable in Conference 2 and Joint Conference 2–3 with those applicable in Joint Conference 1–2.

The Board acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolutions 200 (Mail 478) 521, and JT 23 (Mail 121) 521, which are incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That, Agreement C.A.B. 17636, be and hereby is approved.

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

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3269; Filed, Apr. 2, 1964; 8:48 a.m.]

[Docket 15008]

CALEDONIAN AIRWAYS (PRESTWICK) LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on April 15, 1964, at 10:00 a.m. e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., March 31, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-3270; Filed, Apr. 2, 1964; 8:49 a.m.]

INTERNAL PROCEDURES; ROUTE MATTERS

Notice of Final Action

MARCH 30, 1964.

The Board, by publication in 28 F.R. 6662 and by circulation of a notice of tentative changes and request for comments dated June 24, 1963, invited comments on tentative changes in internal procedures in route matters based upon Recommendation 21 of the Administrative Conference of the United States. At that time the Board provisionally approved and put into effect parts (1), (3), and (4) of Recommendation 21; tentatively approved parts (6), (8), (9), and (10); and tentatively determined not to adopt parts (2), (5), and (7).

Comments were received from several air carriers and from the Subcommittee of the Aeronautical Law Committee of the Bar Association of the District of Columbia.

Upon consideration of all the comments, the Board has decided, for the reasons set forth in the notice, to make final its approval of the following parts of Recommendation 21: (1) Announcing in advance the Board's program and priorities regarding route proceedings; (3) providing assistance to the Special Counsel, Routes; (4) issuing notice of review at the time of Board consolidation order or similar early stage; and (6) instructing Bureau Counsel to emphasize the selection of major policy alternatives rather than the development of a single position, without excluding the expression of a preference. The Board has also decided, for the reasons set forth in the notice, to make final its determination not to adopt parts (2) empowering examiners to publish consolidation orders, (5) requiring the Opinion Writing Division to complete its review of the record and pleadings prior to oral argument, and (7) eliminating identification of Board opinions with individual Members.

With respect to part (6), comments suggested that the Bureau be required to state its position, if it is taking one, at the prehearing conference, at the time for exchanging direct exhibits, or on or before the date for filing briefs. The present practice of the Bureau is to give the parties notice of its position, if any, sufficiently in advance of the brief date to permit briefs to be addressed to that position. Although the Board believes that the parties should have notice of any position taken by the Bureau as soon as possible, it does not believe that the Bureau should be required to state a position before having an opportunity to evaluate the evidence of record. Therefore, the Bureau will be instructed to give the parties notice of its position, if any, as soon as practicable after receipt of all the direct evidence presented by the other parties and before the date set for the filing of briefs.

The Board has further decided to withdraw its tentative approval of parts (8), (9), and (10) of the recommendation. The text of these parts is as follows:

(8) The Board should provide for unrestricted consultation between personnel of the Bureau of Economic Regulation and Board decisional personnel at all stages of a route proceeding, except for (a) cases in which Bureau personnel are concerned with establishing prior misconduct by a party, and (b) Bureau Counsel of record in the route proceeding and his witnesses. The consultation recommended in this part shall not have the effect of enlarging the record or of derogating from the principle that decisions must be based on the record.

(9) The Board should invite members of the staff to attend Board sessions concerned with route proceedings in which they are involved, including (a) opinion writers, and

[1] Wholly owned by Western.
[2] 80 percent to be owned by Western, 20 percent by Manspeed, Inc.

(b) personnel of the Bureau of Economic Regulation not barred from consultation with decisional personnel. The consultation recommended in this part shall not have the effect of enlarging the record or of derogating from the principle that decisions must be based on the record.

(10) The Board should endeavor to establish some measure of contact between the decisional process at the Board level and the Board's hearing examiners, as for example, by (a) encouraging opinion writers to consult with hearing examiners, and (b) informing hearing examiners, through the Chief Examiner, of developments in Board policy relative to their functions. The consultation recommended in this part shall not have the effect of enlarging the record or of derogating from the principle that decisions must be based on the record.

Upon further deliberation and in light of the comments received, the Board has decided not to change its present practices with respect to staff participation in the decisional process in route proceedings. Therefore, parts (8), (9), and (10) of the recommendation will not be approved, except that opinion writers will continue to be invited to attend Board sessions as at present. Underlying these recommendations was the consideration that staff participation at the decisional stage would provide policy guidance to the staff as well as additional assistance to the Board. However, the persons submitting comments objected to the recommendations generally as destructive of the quasi-judicial position of the Board at the decisional stage of route proceedings. It was argued, for example, that the Bureau is a party to the proceedings; that Bureau Counsel represents the position taken by the Bureau; and that allowing consultation between the Board or opinion writers and Bureau personnel, excepting only Bureau Counsel and his witnesses, does not cure the objectionable ex parte aspects of the procedure. Although the Board is convinced that staff personnel consulted would act in the public interest and would not abuse the confidence of the Board, nevertheless, in view of the objections raised, we will forego the advantages that might be gained from the recommended staff assistance and will reject these recommendations.

Since the preceding determinations affect only the internal procedures of the Board, they are hereby made effective April 3, 1964.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-3268; Filed, Apr. 2, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-3]

WOMETCO ENTERPRISES, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-2597) to determine its effect upon the safe and efficient utilization of navigable airspace.

Wometco Enterprises, Inc., of Miami, Florida, proposes to construct a television antenna structure near Hallandale, Florida, at latitude 25°59'08.5" north, longitude 89°11'34.5" west. The overall height of the structure would be 1549 feet above mean sea level (1530 feet above ground).

The proposed structure would replace an existing 983-foot AGL (1002' AMSL) television antenna structure located approximately 100 feet from the site of the new tower.

The aeronautical study disclosed that:

1. The structure would be located on VOR Federal airway 3 and 51 East/267 East, 21.6 miles north of the Biscayne Bay VOR, and at its proposed height, would exceed § 77.23(a)(2) of the Federal Aviation Regulations by 1330 feet.

2. The structure would be located 16,450 feet east/southeast of the North Perry Airport and would exceed § 77.25(b)(2) by 1106 feet.

3. The structure would be located 6.2 miles southwest of the Fort Lauderdale-Hollywood International Airport and would exceed § 77.25(c)(1) by 1039 feet.

4. The structure would be located 7.4 miles northeast of Opa Locka Airport and would exceed § 77.25(c)(1) by 1040 feet.

The aeronautical study also disclosed that the structure, if built, would have an adverse effect upon eighteen different established instrument flight rule procedures, or minimum flight altitudes in the Miami terminal area each of which falls into one of three categories:

1. Airway Minimum En Route Altitudes;

2. Transition and Departure Route MEA's and;

3. Standard Instrument Approach Procedures.

None of the aeronautical procedures and minimum flight altitudes affected could be safely used by aircraft if the proposed structure were built since insufficient obstruction clearance would exist in every instance. Changes in the procedures and minimum flight altitudes which would be required to provide adequate obstruction clearance are listed as follows:

1. Increase MEA from 2000 to 2500 feet on V3 between Dania and Bradley Intersections.

2. Increase MEA from 2000 to 2500 feet on V51E/267E between Biscayne VOR and Anchor Intersection.

3. Increase MEA on V295/3E from 1500 to 1700 feet between Bayshore and Golden Beach Intersections.

4. Increase MEA from 2000 to 2500 feet on departure route via Miami VOR TAC 088° radial to Dania and Golden Beach Intersections (This route is also used in reverse direction for transitioning arriving aircraft from shoreline and offshore routes to the LOM.

5. Increase MEA from 2000 to 2500 on departure route via Biscayne VOR 360° radial (V3) to Dania Intersection thence left or right along the Miami VORTAC 088° radial to Miami VORTAC or Golden Beach Intersection.

6. Increase MEA from 2000 to 2500 feet on transition route Dania Intersection to Ft. Lauderdale Rbn.

7. Increase MEA from 2000 to 2500 feet on transition route Miami VORTAC to Ft. Lauderdale VOR.

8. Increase MEA from 1500 to 1800 feet on transition route Miami Rbn. to Ft. Lauderdale Rbn.

9. Increase MEA from 1500 to 1600 feet on transition route Miami VORTAC to Ft. Lauderdale Rbn.

10. Increase MEA from 2000 to 2500 feet on transition route Miami Rbn. to Ft. Lauderdale VOR.

11. Increase radar vectoring altitude from 2000 to 2500 feet within three miles of the structure and from 1500 to 2000 feet within five miles.

12. Increase procedure turn altitude from 1500 to 1900 feet on approach AL-744-VOR-RWY 9 to Ft. Lauderdale-Hollywood International Airport.

13. Increase procedure turn altitude from 1500 to 1700 feet on approach AL-744-VOR-1 to Ft. Lauderdale-Hollywood International Airport.

14. Increase procedure turn altitude from 1500 to 1800 feet on approach AL-744-VOR-RWY 13 to Ft. Lauderdale-Hollywood International Airport.

15. Because of the increases in procedure turn altitudes (12, 13, and 14 above) straight-in approach minimums would be withdrawn from the VOR standard instrument approach procedures to Ft. Lauderdale-Hollywood International Airport, resulting in circling minimums only.

16. Increase missed approach altitude from 1500 to 2000 feet on approach AL-256-ADF 1 to Opa Locka Airport.

17. Increase missed approach altitude from 1500 to 1800 feet on approach AL-256-VOR/DME 1 to Opa Locka Airport.

18. Increase procedure turn altitude from 1400 to 1600 feet on approach AL-257-ILS-RWY 27R to Miami International Airport.

The above changes, with the exception of Items 16 and 17 above, would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace due to:

1. The loss of the 2000-foot cardinal altitude in eight instances.

2. The loss of a prime instrument approach procedure (VOR straight-in procedure to Runway 9, Ft. Lauderdale-Hollywood International Airport).

3. The accumulative delay to many thousands of IFR aeronautical operations annually caused by a requirement for aircraft using the affected airways, routes and procedures to fly at higher altitudes than at present.

4. The increased complexity and reduced capacity of the air traffic control system resulting from such changes.

The aeronautical study also disclosed that alterations to airway and route structures for the purpose of accommodating the proposed tower would not be practical. The Miami terminal area is a very complex system of airways, transition routes, departure routes and radar vectoring areas. To alter the affected airways, routes, etc., would require a major revision to the whole system since each change would have an associated

effect upon adjacent airways, routes, etc., thus setting in motion a chain reaction of changes.

The Miami terminal area airports, Miami International, Fort Lauderdale-Hollywood International and Opa Locka, generated 125,457 instrument operations during FY 1963, establishing Miami Approach Control, the facility performing approach control functions for the three airports, as the seventh ranked facility in the nation in this category. Both radar and nonradar operations are conducted.

The aeronautical study also disclosed an extremely heavy volume of visual flight rule flying activity in the Miami terminal area. It was found that the three airports, immediately adjacent to the proposed site, North Perry, Opa Locka, and Fort Lauderdale-Hollywood International, had a total of 603 based aircraft and generated a total of 391,174 operations, of which 179,834 were general aviation itinerant operations. A more comprehensive impression of the effect the tower would have on VFR flying is obtained when the aeronautical activity statistics are considered for all major airports within 20 miles of the tower site. In FY 1963, FAA traffic activity reports and FAA Forms 29A indicate a total of 1,084 based aircraft generating 908,217 aircraft operations, of which 277,338 were general aviation itinerant and 447,790 were local. Of these aircraft there are many not equipped, and a large number of pilots not qualified, to fly in accordance with IFR, thus it becomes necessary to preserve as much airspace as possible in a congested area of this type for VFR flying. The structure, approximately 500 feet higher than any existing structure in the Miami area, would be a formidable obstruction to aircraft attempting to remain clear of clouds and yet comply with Federal Aviation Regulations.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon aeronautical operations in that it would derogate the use of many existing aeronautical procedures and minimum altitudes in the Miami area to the extent that substantial changes would be required to a large number of the instrument flight rule procedures, altitudes and air traffic control procedures. The required changes could not be made without producing an increase in air traffic delays and lessening the flexibility of air traffic control procedures thereby reducing system capacity. In addition, the substantial VFR traffic and the structure at the proposed height located in the terminal area of numerous airports combine to compel the conclusion that this tower would substantially derogate the safety of VFR operations in the Miami area and constitute a hazard to those operations. The highest structure that would not have a substantial adverse effect upon aeronautical operations in this area is 1049 feet above mean sea level.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on March 27, 1964.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-3260; Filed, Apr. 2, 1964; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

PUGET SOUND TUG & BARGE CO., AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that Puget Sound Tug & Barge Company (Puget) and Alaska Steamship Company (Steam) anticipate entering into the agreement described below to be filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814):

Agreement DC-11 between Puget and Steam anticipates the performance of water transportation of cargo to and from Alaska by either party to the agreement having available shipping space on an early sailing on its vessel whenever the other party does not have available shipping space.

Steam agrees to transport "Puget cargo" between Seattle, Washington and Seward, Alaska by use of vessels operated by it in common carrier service whenever Steam has space available for such cargo. Such transportation shall be in accordance with the terms and conditions of Puget's tariff and of the bill of lading with respect to such cargo by Puget or any connecting carrier.

With respect to Puget cargo moving northbound, Steam shall accept delivery and possession of such cargo from Puget at Steam's terminal at Seattle and shall deliver such cargo to Puget at the vessel's unloading tackle at the Alaska Railroad dock, Seward, Alaska.

With respect to Puget cargo moving southbound, Steam shall accept possession thereof at the vessel's loading tackle at the Alaska Railroad dock, Seward, Alaska and shall deliver the same to Puget at Steam's terminal in Seattle.

Puget agrees to transport "Steam cargo" between Seattle, Washington and Seward, Alaska, northbound and southbound, by use of tugs and barges operated by it in common carrier service, whenever Puget has space available for such cargo. Such transportation shall be in accordance with the terms and conditions of Steam's tariff and of the bill of lading issued with respect to such cargo by Steam or any connecting carrier.

With respect to Steam cargo moving northbound, Puget shall accept delivery and possession of such cargo from Steam at Puget's dock at Seattle and shall deliver such cargo to Steam at unloading tackle at the Alaska Railroad dock, Seward, Alaska.

With respect to Steam cargo moving southbound, Puget shall accept possession thereof at loading tackle at the Alaska Railroad dock, Seward, Alaska and shall deliver the same to Steam at unloading tackle at Puget's dock in Seattle.

Each party will absorb all costs with respect to the cargo transported by each and remains responsible for all loss or damage to its cargo transported on the other's vessels.

The gross freight revenues accruing to Puget with respect to Puget cargo transported by Steam, and the gross freight revenue accruing to Steam with respect to Steam cargo transported by Puget, shall be distributed in accordance with division sheets to be filed with the Federal Maritime Commission.

Interested parties may submit not later than the close of business, April 9, 1964, by telegraph, telephone, letter or other means with reference to the agreement, their position as to approval, disapproval, or modification. All such communications should be directed to Edward Schmeltzer, Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C.

Dated: April 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3356; Filed, Apr. 2, 1964; 12:16 p.m.]

FEDERAL POWER COMMISSION

[Project 2338]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Setting Further Hearing

MARCH 27, 1964.

Public notice was published on March 20, 1963 (28 F.R. 2575) of the filing of an application under the Federal Power Act (16 U.S.C. 791a-825r) by Consolidated Edison Company of New York, Inc., for a license for proposed Project No. 2338, known as the Cornwall Pumped-Storage Project, located on the Hudson River, in the Village of Cornwall and Towns of Cornwall and Highlands, Orange County, New York. On September 13, 1963, the Applicant filed an amendment to the application to reflect minor changes in proposed plans.

The Commission, having received communications from many individuals and organizations expressing their interest in the matter, held a public hearing on February 25 and 26, 1964, in accordance with the Commission's order of January 22, 1964, at which the Applicant generally explained its plans with respect to the proposed project, the safety provi-

sions thereof and made specific comments upon the effect of the project upon the natural beauty of the area, water supply of local communities, and fish and wildlife resources. The hearing was attended by the Town of Cortlandt and the Village of Cornwall, New York, the Scenic Hudson Preservation Conference, and the Philipstown Citizens Association which have been granted intervention. In addition, numerous state and municipal agencies, organizations and individuals participated in the hearing and expressed orally and in writing statements of their positions.

The Presiding Examiner permitted the Applicant to present a general description of the engineering and economic aspects of the project in connection with a description of its plans with respect to the proposed development. In so ruling, the Presiding Examiner made it clear that such evidence was limited to the issues set for hearing by the Commission's order of January 22, 1964, which the Examiner characterized as the "first phase of the proceeding". The Presiding Examiner adjourned the proceeding until further order of the Commission.

Applicant thereafter filed a "Motion of Applicant to Terminate the Hearings in this Proceeding and for Further Relief", which was received by the Commission on March 13, 1964. Scenic Hudson Preservation Conference thereafter filed its "Answer in Opposition to Motion of Consolidated Edison to Terminate the Hearings" and "Appeal from Examiner's Denial to Motion to Strike, and Motion for Clarification of Commission Order", which was received by the Commission on March 23, 1964. Also received on March 23, 1964, was the "Answer by Philipstown Citizens Association to Motion * * * to Terminate the Hearings". In its answer and appeal, Scenic Hudson contends certain testimony introduced by Applicant at the previous hearing should be stricken, or, in the alternative, that Scenic should be permitted an opportunity to cross-examine and to present a direct case. Philipstown Citizens Association states the application is incomplete and requests that the hearings be terminated and the Applicant be directed to supply plans of the location of proposed power lines.

Applicant's motion misconceives the nature of the hearings on February 25, and 26, 1964, and should be denied.

The appeal of Scenic Hudson from the Examiner's denial of the motion to strike should be dismissed as being premature. The request of the Philipstown Citizens Association that the hearings should be terminated should be denied for a like reason.

The Commission finds:

(1) It is appropriate and in the public interest that the hearing be resumed for such additional evidence on issues raised by the application for license as amended and the petitions of intervenors as may be appropriate. The hearing shall be continuous, and the direct evidence shall be followed without interruption by rebuttal testimony.

(2) In order to expedite consideration of the application at the further hearing, the Examiner shall convene a prehearing conference prior thereto to determine the procedures to be followed therein.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in the above-entitled matter commencing on April 20, 1964, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, before the Presiding Examiner of the issues presented by the application as amended and the petitions of intervenors.

(B) The motion of Applicant to terminate the hearings referred to above is denied.

(C) The appeal of Scenic Hudson Preservation Conference from the Examiner's denial of the motion to strike, referred to above, is dismissed without prejudice.

(D) The request of the Philipstown Citizens Association that the hearings should be terminated is denied.

By the Commission.

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

[F.R. Doc. 64-3255; Filed, Apr. 2, 1964; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ASSISTANT ADMINISTRATOR (METROPOLITAN DEVELOPMENT)

Designation With Respect to Disaster Areas in Alaska

Victor Fischer, Assistant Administrator (Metropolitan Development), Office of the Administrator, Housing and Home Finance Agency, is hereby designated with respect to disaster areas in Alaska to act as my representative and, as such, is authorized to coordinate the administration of functions vested in me with respect to housing, urban development, and community facilities; (2) to coordinate the functions of the constituent agencies and units of the Housing and Home Finance Agency (the Federal Housing Administration, Public Housing Administration, Federal National Mortgage Association, Community Facilities, and Urban Renewal Administration); and (3) to act as my liaison representative with the Office of Emergency Planning and other Federal departments and agencies and with state and local agencies and officials.

Effective as of March 31, 1964.

[SEAL] ROBERT C. WEAVER, *Housing and Home Finance Administrator.*

[F.R. Doc. 64-3290; Filed, Apr. 2, 1964; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 31, 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. 38914: *Agricultural Limestone from Dolomite, Tenn.* Filed by O. W. South, Jr., agent (No. A4480), for interested rail carriers. Rates on agricultural limestone, in carloads, from Dolomite, Tenn., to points in Alabama, Louisiana and Mississippi, also Helena, Ark.

Grounds for relief: Market competition.

Tariff: Supplement 138 to Southern Freight Association, agent, tariff I.C.C. S-146.

FSA No. 38915: *Grain and Grain Products to Arizona Points.* Filed by Pacific Southcoast Freight Bureau, agent (No. 248), for interested rail carriers. Rates on grain and grain products, in carloads, from points in Montana, to points in Arizona.

Grounds for relief: Unregulated truck competition.

Tariff: Supplement 152 to Pacific Southcoast Freight Bureau, agent, tariff I.C.C. 1577.

FSA No. 38916: *Grain and Grain Products to Southern Territory.* Filed by Southwestern Freight Bureau, agent (No. B-8530), for interested rail carriers. Rates on grain and grain products, in carloads, from points in Oklahoma and Texas, to points in southern territory.

Grounds for relief: Rate relationship.

Tariff: Supplement 65 to Southwestern Freight Bureau, agent, tariff I.C.C. 4220.

FSA No. 38917: *Sand from Brady, Tex., to Corry, Pa.* Filed by Southwestern Freight Bureau, agent (No. B-8535), for interested rail carriers. Rates on sand, in carloads, from Brady, Tex., to Corry, Pa.

Grounds for relief: Market competition.

Tariff: Supplement 8 to Southwestern Freight Bureau, agent, tariff I.C.C. 4565.

FSA No. 38918: *Joint Motor-Rail Rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 76), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, between points in Illinois territory, and between points in central states territory, on the one hand, and points in Illinois territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to Central States Motor Freight Bureau, Inc., agent, tariff MF-I.C.C. 1087.

FSA No. 38919: *Window Glass to Charlotte, N.C.* Filed by O. W. South, Jr., agent (No. A4481), for interested rail cariers. Rates on common flat window glass, in carloads, from South Atlantic ports, to Charlotte, N.C.

Grounds for relief: Private truck competition and port relationship.

Tariff: Supplement 212 to Southern Freight Association, agent, tariff I.C.C. S-87.

FSA No. 38920: *Fine Bituminous Coal to Gantt, Ala.* Filed by O. W. South, Jr., agent (No. A4485), for interested rail carriers. Rates on bituminous fine coal, in carloads, from Southern Railway mine origins in Alabama, to Gantt, Ala.

Grounds for relief: Rate relationship.

Tariff: Supplement 83 to Southern Freight Association, agent, tariff I.C.C. S-39.

FSA No. 38921: *Bituminous Fine Coal to Spencer, Iowa.* Filed by Illinois Freight Association, agent (No. 230), for interested rail carriers. Rates on bituminous fine coal, in carloads, from mine origins in Illinois, Indiana and western Kentucky, to Spencer, Iowa.

Grounds for relief: Natural gas and market competition.

Tariffs: Supplement 82 to Baltimore and Ohio Railroad Company tariff I.C.C. 3179 and other schedules named in the application.

FSA No. 38922: *Sand to Points in Southern Territory.* Filed by Illinois Freight Association, agent (No. 232), for interested rail carriers. Rates on sand, as described in the application, in carloads, from Millington, Oregon, Ottawa, Troy Grove, Utica and Wedron, Ill., also Browntown and Klevenville, Wis., to points in southern territory.

Grounds for relief: Carrier competition.

Tariffs: Supplements 255, 83 and 5 to Illinois Freight Association, agent, tariffs I.C.C. 776, 979 and 1017, respectively.

FSA No. 38923: *Joint Motor-Rail Rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 252), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: 10th revised page 21, original page 33-A and 5th revised page 36 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-229, 8th revised page 47-A, 10th revised page 99 and original page 118-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 38924: *Joint Motor-Rail Rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 253) for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: 10th revised page 21, original page 33-A, 5th revised page 36 and 6th revised page 59 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-229, and 7th revised page 47-A, 10th revised page 99, original page 118-A and 9th revised page 219 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 38925: *Joint Motor-Rail Rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 254), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: 6th revised page 59, 9th revised page 61 and 5th revised page 78 to Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I.C.C. A-229 and 9th revised page 219, 6th revised page 234 and 6th revised page 310 to Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I.C.C. A-230.

FSA No. 38926: *Gravel from Riverton, Ind., to Centralia, Ill.* Filed by Illinois Freight Association, agent (No. 235), for and on behalf of Illinois Central Railroad Company. Rates on gravel, as described in the application, in carloads, from Riverton, Ind., to Centralia, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 108 to Illinois Central Railroad Company tariff I.C.C. A-11687.

By the Commission.

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

[F.R. Doc. 64-3262; Filed, Apr. 2, 1964; 8:47 a.m.]

[Notice 961]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 31, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66653. By order of March 30, 1964, the Transfer Board approved the transfer to Bay Motor Express, Inc., New York, N.Y., of the Certificate in No. MC 92562, issued May 24, 1955, to Styles Express, Inc., Kingston, N.Y., authorizing the transporation of: General commodities, excluding household goods, and other specified commodities, over regular route between Cottekill, N.Y., and New York, N.Y., serving intermediate points, and the off-route points of Poughkeepsie, N.Y., those west of the Hudson River within 25 miles of Cottekill, and those in New Jersey within 20 miles of Newark, N.J., as restricted; between Troy, N.Y., and Rosedale, N.Y., serving intermediate points; between Albany, N.Y., and Catskill, N.Y., serving intermediate points; between junction New York Highway 32 and U.S. Highway 9W, and Kingston, N.Y., serving intermediate points; and household goods, between Cottekill, N.Y., and points west of the Hudson River within 25 miles of Cottekill, on the one hand, and, on the other, points in New Jersey, and between Cottekill, N.Y.,and points west of the Hudson River within 25 miles of Cottekill, on the one hand, and, on the other, points in Connecticut, New York, and Pennsylvania. William D. Traub, 10 East 40th Street, New York 16, N.Y., representative for transferee. Guido J. Napoletano, 243 Wall Street, Kingston, N.Y., attorney for transferor.

No. MC-FC 66734. By order of March 30, 1964, the Transfer Board approved the transfer to Edmund Francis Murray, doing business as Edmund F. Murray, Marlaine Drive, Seekonk, Mass., of Certificate in No. MC 107811 issued December 14, 1951, to Aime Gaboriault, doing business as H. Beausoleil & Son, 198 North Bend Street, Pawtucket, R.I., authorizing the transportation of household goods, over irregular routes, between Pawtucket, R.I., and points in Massachusetts and Rhode Island within twenty miles thereof, on the one hand, and, on the other, points in Connecticut, Massachusetts and Rhode Island.

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

[F.R. Doc. 64-3263; Filed, Apr. 2, 1964; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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 April.