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FEDERAL REGISTER

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Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 105—TOBACCO DISTRIBUTING INDUSTRY

Prohibited Discrimination

On April 23, 1964, there was published in the FEDERAL REGISTER (29 F.R. 5477) a notice of proposed rule making concerning the revision of § 105.10 *Prohibited discrimination* of the Trade Practice Rules for the Tobacco Distributing Industry. Interested persons were invited to submit views, suggestions, objections or other information on or before May 27, 1964.

Upon consideration of all the relevant matters and acting pursuant to sections 5 and 6 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45–46, and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice, 28 F.R. 7083 (July 11, 1963), the Commission orders that the note following § 105.10(a)(5) be designated Note 1 and a new Note 2 be added, effective thirty (30) days from date of publication in the FEDERAL REGISTER. As amended, the notes read as follows:

§ 105.10 **Prohibited discrimination.**

(a) *Prohibited discriminatory prices, rebates, discounts, etc.* * * *

(5) * * *

NOTE 1: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

NOTE 2: Nothing in this section should be construed as prohibiting the granting of different prices which are not otherwise violative of the foregoing provisions of this section, to customers in different functional categories. For example, a seller may grant a lower price to wholesalers than to retailers to the extent that such wholesalers resell to retailers. If such wholesalers also sell at retail in competition with their customers they may not properly be granted a price lower than the prices granted to competing retailers on that portion of the goods they sell at retail.

* * * * *

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

Approved: June 30, 1964.

By direction of the Commission.

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

[F.R. Doc. 64-6826; Filed, July 8, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT [NEW]

[Reg. Docket No. 1996]

PART 47—AIRCRAFT REGISTRATION [NEW]

Miscellaneous Amendments

Part 47 [New], adopted on May 13, 1964, was published in the FEDERAL REGISTER on May 19, 1964 (29 F.R. 6485). The new part takes effect on August 18, 1964.

Several comments received on the notice of proposed rule making for the new part suggested that the fees for special identification numbers and for changed, reassigned or reserved identification numbers, be reduced from $20 to a lower amount. The rule as published effected the first reduction but did not effect the second. Since there is a relationship between the two, they should be the same. Since the fee for special numbers was reduced to $10, the fee for changed, reassigned, or reserved numbers is being reduced to $10 by this amendment.

In the final rule, a list of types of "power plants" by which amateur-built aircraft are to be described is set forth in § 47.33(b). Since the publication date of the rule the Agency has devised a uniform terminology for the description of engine types for use throughout the Federal Aviation Regulations. The list in § 47.33(b) is therefore being amended in the interests of uniformity and consistency.

Since these corrections do not impose any burden on any person, notice and public procedure thereon are unnecessary. Part 47 shall be deemed corrected as of the date of publication of this amendment.

In consideration of the foregoing, Part 47 of the Federal Aviation Regulations, 14 CFR Part 47, is amended—

(1) By striking out the figure "$20" in § 47.17(a)(5) and inserting the figure "$10" in place thereof; and

(2) By striking out the words "power plant installed (piston, reciprocal, turboprop, ramjet, or turbine air generator)" in the first sentence of § 47.33(b) and inserting the words "engine installed (reciprocating, turbopropeller, turbojet, or other)" in place thereof.

(Sec. 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1354(a))

Issued in Washington, D.C., on July 1, 1964.

N. E. HALABY, *Administrator.*

[F.R. Doc. 64-6794; Filed, July 8, 1964; 8:45 a.m.]

[Airspace Docket No. 64-EA-39]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Areas

The purpose of this amendment to § 73.66 of the Federal Aviation Regulations is to change the time of designation of the Dahlgren Complex, Va., Restricted Area R-6611, R-6612, and R-6613 from "Time of designation. 0800–1700 e.s.t., Monday through Friday." to "Time of designation. 0800–1700 e.s.t., Monday through Friday 1 September through 31 May, and 0700–1600 e.s.t., Monday through Friday, 1 June through 31 August."

The Dahlgren Complex restricted areas are manned in accordance with daylight saving time. The Department of the Navy proposed that the time of designation of the restricted areas be changed to conform thereto. Therefore, action is taken herein to amend the time of designation of these restricted areas with no change in total time of designation.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 73.66 (29 F.R. 1280), is amended as follows:

In R-6611, Dahlgren Complex, Va., R-6612, Dahlgren Complex, Va., and R-6613, Dahlgren Complex, Va., "Time of designation. 0800–1700 e.s.t., Monday through Friday." is deleted and "Time of designation. 0800–1700 e.s.t., Monday through Friday 1 September through 31 May and 0700–1600 e.s.t., Monday through Friday 1 June through 31 August." 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 July 2, 1964.

LEE E. WARREN, *Director, Air Traffic Service.*

[F.R. Doc. 64-6795; Filed, July 8, 1964; 8:45 a.m.]

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

[Reg. Docket No. 6012; Amdt. 379]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

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

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

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

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Radar terminal area transitions all directions.		Within 25 miles of JFK.	3000	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 600-1 800-2	200-½ 600-1½ 800-2

Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 323°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing BBN RBn, climb to crs, 323° to 1700′ within 10 miles, make left turn, proceed direct to BBN RBn. Hold SE, 1-minute right turns, Inbnd crs, 323°.
MSA: 000°-090°—1600′; 090°-180°—1300′; 180°-270°—1400′; 270°-360°—2500′.

City, Bethpage; State, N.Y.; Airport Name, Grumman-Bethpage; Elev., 119′; Fac. Class., MHW; Ident., BBN; Procedure No. 1, Amdt. 2; Eff. Date, 4 July 64; Sup. Amdt. No. 1; Dated, 2 Apr. 64

Radar Terminal area transitions all directions.	BBN RBn	Within 25 miles of JFK Radar.	3000	T-dn C-dn S-dn-1, 32 A-dn	300-1 500-1½ 500-1 800-2	300-1 500-1½ 500-1 800-2	NA NA NA NA

Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to Runway 1, 347°—3.2 miles; to Runway 32, 356°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Babylon RBn, climb on a crs of 350° to 1600′ within 10 miles, make left turn, proceed direct to BBN RBn. Hold S BBN RBn 1-minute right turns, Inbnd crs, 347°.
NOTES: Final approach approved on a crs of 350° to the Babylon RBn within 10 miles as determined by surveillance radar. Procedure approved only during the hours that the control tower is in operation.
MSA: 000°-090°—1600′; 090°-180°—1300′; 180°-270°—1400′; 270°-360°—2500′.

City, Farmingdale; State, N.Y.; Airport Name, Republic Aviation Corp.; Elev., 82′; Fac. Class., MHH; Ident., BBN; Procedure No. 1, Amdt. 4; Eff. Date, 4 July 64; Sup. Amdt. No. 3; Dated, 2 Apr. 64

				T-dn C-dn A-dn	2000-2 2000-2 2000-2	2000-2 2000-2 2000-2	2000-2 2000-2 2000-2

Procedure turn SW side of crs, 198° Outbnd, 018° Inbnd, 6100′ within 10 miles. Beyond 10 miles not authorized. Nonstandard.
Minimum altitude on final approach crs, 4400′. Descend to 4400′ immediately after completion of procedure turn.
Crs and distance, facility to airport 034°—1.6 miles.
If visual contact not established upon descent to 4400′, turn left, climb to 10,000′ on 198° bearing within 15 miles. All turns W of 198° bearing.
NOTE: Sliding scale not authorized.
CAUTION: Mountainous terrain all quadrants.
Major change: Missed approach direction changed.

City, Summit; State, Alaska; Airport Name, Summit; Elev., 2409′; Fac. Class., SBRAZ; Ident., UMM; Procedure No. 1, Amdt. 2; Eff. Date, 4 July 64; Sup. Amdt. No. 1; Dated, 25 Apr. 64

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn*	300–1	300–1	200–½
				C-dn**	700–1½	700–1½	700–1½
				A-dn	NA	NA	NA

Procedure turn S side of crs, 284° Outbnd, 104° Inbnd, 3000′ within 10 miles of ETX VOR.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 104°—8.9 miles; Turnpike Int# to airport, 104°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon reaching Turnpike Int# (6.0 miles E of ETX VOR), make left-climbing turn to 3000′ returning to ETX VOR. Hold W, 1-minute right turns, 104° Inbnd.
*Takeoff minimums for Runway 14: 600–2 day, not authorized night.
**CAUTION: Circling approaches are prohibited beyond 1 mile SE of airport due terrain to 1000′, 1.6 miles SE.
#Turnpike Int: Int ETX VOR R–104 and ABE–VOR R–215 or AB LOM bearing 194°.
MSA: 000°–090°—4500′; 090°–180°—3500′; 180°–270°—3400′; 270°–360°—4100′.

City, Allentown; State, Pa.; Airport Name, Queen City Municipal; Elev., 399′; Fac. Class., BVORTAC; Ident., ETX; Procedure No. 1, Amdt. 1; Eff. Date, 4 July 64; Sup. Amdt. No. Orig.; Dated, 24 Aug. 63

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn N* side of crs, 271° Outbnd, 091° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 091°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing RVH VOR, make climbing left turn to 1800′, proceed direct to the Riverhead VOR. Hold E, Riverhead VOR, one-minute right turns, 271° Inbnd.
CAUTION: 1. Radio towers 560′ at 2 miles bearing 335° from VOR. 2. Tower 502′ at 1.7 miles bearing 155° from VOR.
*Procedure turn nonstandard to avoid MacArthur Airport.
MSA: 000°–090°—1500′; 090°–180°—1500′; 180°–270°—1600′; 270°–360°—2000′.

City, Calverton; State, N.Y.; Airport Name, Peconic River; Elev., 75′; Fac. Class., BVORTAC; Indent., RVH; Procedure No. 1, Amdt. 3; Eff. Date, 4 July 64; Sup. Amdt. No. 2; Dated, 24 Feb. 62

				T-d	300–1	300–1	NA
				T-n*	300–1	300–1	NA
				C-d	500–1	500–1	NA
				C-n*	500–1½	500–1½	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 244° Outbnd, 064° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 064°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing HTO VOR, make an immediate right-climbing turn and return to the Hampton VOR at 3000′. Hold E on HTO VOR R–096, 1-minute patterns, left-hand turns. Contact N.Y. Center for further clearance.
CAUTION: Power line and associated towers reaching 155′ along NE boundary of airport.
NOTE: No weather reporting. No tower communication. Unicom available on 122.8 during normal hours of operation, sunrise to sunset.
*Runway lights on 10–28 only. Night operations authorized on Runway 10–28 only.
MSA: 000°–090°—1400′; 090°–180°—1100′; 180°–270°—1100′; 270°–360°—1600′.

City, East Hampton; State, N.Y.; Airport Name, East Hampton; Elev., 55′; Fac. Class., M–BVORTAC; Ident., HTO; Procedure No. 1, Amdt. 2; Eff. Date, 4 July 64; Sup. Amdt. No. 1; Dated, 26 Mar. 60

				T-dn	300–1	300–1	NA
				C-dn	600–1½	600–1½	NA
				A-dn	800–2	800–2	NA

Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 1800′ within 10 miles.
Crs and distance, facility to airport, 245°—6.2 miles.
Minimum altitude over facility on final approach crs, 1800′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing Deer Park VOR make a right climbing turn to 1800′ proceed direct to Deer Park VOR. Hold NE 1-minute right turns, Inbnd crs, 245°.
NOTE: This approach authorized only during the hours that the control tower is in operation. Radar transitions authorized in accordance with approved radar patterns of Kennedy ASR.
MSA: 000°–090°—1600′; 090°–180°—1400′; 180°–270°—1400′; 270°–360°—1900′.

City, Farmingdale; State, N.Y.; Airport Name, Republic Aviation Corp.; Elev., 82′; Fac. Class., BVOR; Ident., DPK; Procedure No. 1, Amdt. 2; Eff. Date, 4 July 64; Sup. Amdt. No. 1; Dated, 2 Apr. 64

Fort Sill Int	LAW VOR	Direct	2700	T-dn	300–1	300–1	200–½
Duncan VOR	LAW VOR	Direct	2600	C-dn	400–1	500–1	500–1½
Chattanooga Int	LAW VOR	Direct	2600	S-dn-35	400–1	400–1	400–1
Temple Int	LAW VOR	Direct	2600	A-dn#	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Hold S of LAW VOR, R–167 Outbnd, 347° Inbnd, left turns, 1-minute, 2600′.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 347°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LAW VOR, turn left and climb to 2600′ and return to LAW VOR.
Major change: Deletes part-time control zone reference.
#Fort Sill approach control, at Post AAF.
MSA: 000°–090°—2700′; 090°–180°—2300′; 180°–270°—3200′; 270°–360°—3500′.

City, Lawton; State, Okla.; Airport Name, Lawton Municipal; Elev., 1109′; Fac. Class., L–BVOR; Ident., LAW; Procedure No. 1, Amdt. 9; Eff. Date, 4 July 64; Sup. Amdt. No. 8; Dated, 6 June 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	NA
				C-dn	600–1½	600–1½	NA
				S-dn-24	600–1	600–1	NA
				A-dn	800–2	800–2	NA

Procedure turn W side of crs, 037° Outbnd, 217° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 242°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing VOR, make immediate right-climbing urn, returning to the Clermont VOR at 2800′. Hold on R–037, 1-minute pattern, right turns, 217° Inbnd.
MSA: 000–090°—4600′; 090°–180°—3500′; 180°–270°—3600′; 270°–360°—5100′.

City, Poughkeepsie; State, N.Y.; Airport Name, Dutchess County; Elev., 165′; Fac. Class., BVOR; Ident., CET; Procedure No. 1, Amdt. 2; Eff. Date, 4 July 64; Sup. Amdt. No. 1; Dated, 19 Aug. 61

5-mile DME fix R–021	ILM VOR (final)	Direct	1000	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side crs, 021° Outbnd, 201° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 201°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing ILM–VOR, climb to 1600′ on R–201 within 15 miles.
Other change: Deletes transition from Wilmington RBn.
MSA: 000°–090°—1300′; 090°–180°—1000′; 180°–270°—2000′; 270°–360°—1500′.

City, Wilmington; State, N.C.; Airport Name, New Hanover County; Elev., 31′; Fac. Class., BVOR TAC; Ident., ILM; Procedure No. 1, Amdt. 2; Eff. Date, 4 July 64; Sup. Amdt. No. 1; Dated, 15 Sept. 62

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

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Scotland VOR	BMG VOR	Direct	2300	T-dn	300–1	300–1	200–½
Spencer Int	BMG VOR	Direct	2300	C-dn	700–1	700–1	700–1½
Paragon Int	BMG VOR	Direct	2300	S-dn-24	700–1	700–1	700–1
Wilbur Int	BMG VOR	Direct	2300	A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 070° Outbnd, 250° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, breakoff point to Runway 24, 250°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BMG VOR, climb to 2300′ southwestbound on BMG VOR R–250 and return to the BMG VOR.
MSA: 000°–090°—2400′; 090°–180°—2300′; 180°–270°—2300′; 270°–360°—2100′.

City, Bloomington; State, Ind.; Airport Name, Monroe County; Elev., 840′; Fac. Class., BVOR; Ident., BMG; Procedure No. TerVOR–24, Amdt. Orig.; Eff. Date, 4 July 64

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Marsh Int	Groves Int (final)*	Direct	1000	T-dn	300–1	300–1	200–½
BPT VOR	Groves Int*	Direct	1400	C-dn	400–1	500–1	500–1½
ILS LOM	Groves Int*	Direct	1400	S-dn-29	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side SE crs ILS, 113° Outbnd, 293° Inbnd, 1500′ within 10 miles of Groves Int*.
No glide slope. Minimum altitude over Groves Int* on final approach crs, 1000′.
Crs and distance, Groves Int* to Runway 29, 293°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Groves Int*, climb to 1500′ on NW crs BPT ILS within 20 miles or, when directed by ATC, turn left and climb to 1600′ on R–247 BPT VOR within 20 miles.
Major change: Groves Intersection redefined.
*Groves Int: Int SE crs ILS and R–010 SBI VOR.

City, Beaumont; State, Tex.; Airport Name, Jefferson County; Elev., 16′; Fac. Class., ILS; Ident., I–BPT; Procedure No. ILS–29 (Back Course), Amdt. 5; Eff. Date, 4 July 64; Sup. Amdt. No. 4; Dated, 16 May 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Plattsburgh VOR	Causeway Int*	Direct	1800	T-dn	300–1	300–1	200–½
Causeway Int*	BT LOM (final)	Direct	1800	C-dn	600–1	600–1	600–1½
Burlington VOR	BT LOM	Direct	2700	S-dn-15#	200–½	200–½	200–½
Huntington RBn	BT LOM	Direct	3500	A-dn	600–2	600–2	600–2
Keeseville Int	BT LOM	Direct	3100				

Radar vectoring authorized in accordance with approved patterns, utilizing Burlington, Vt. Radar.
Procedure turn N side NW crs, 326 Outbnd, 146 Inbnd, 1800′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM 1778′—4.8 miles, at MM 598′—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 1800′ and proceed direct to Burlington LOM. Hold NW of LOM on Burlington ILS localizer crs, 146° Inbnd; 1-minute, left turns.
NOTE: Southeastbound departures cross the BTV VOR at 4000′ or above.
#400–1 required with glide slope inoperative.
*Causeway Int: Int PLB VOR R–180 and NW crs BTV ILS.

City, Burlington; State, Vt.; Airport Name, Burlington Municipal; Elev., 335′; Fac. Class., ILS; Ident., I–BTV; Procedure No. ILS–15, Amdt. 8; Eff. Date, 4 July 64; Sup. Amdt. No. 7; Dated, 14 Mar. 64

Meadows Int**	Lima OM (final when glide slope not utilized).	Direct	2500	T-dn	300–1	300–1	200–½
				C-dn	NA	NA	NA
				S-dn-14R#	200–½	200–½	200–½
				S-dn-14L*$	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Procedure turn not authorized. Radar vectoring to final approach crs required.
Crs, Romeo LOM to Runway 14R, 138°; Lima LOM to Runway 14L, 138°.
Minimum altitude at glide slope interception Inbnd, 14R—2200′; 14L—3200′ (2500′ when authorized by ATC).
Altitude of glide slope and distance to approach end of runway at OM, 14R: 2132′—5.3 miles, 14L: 2481′—5.7 miles; at MM, 14R: 861′—0.5 mile, 14L: 900′—0.6 mile.
When advised by the controller or if visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 14R—turn right to heading of 155° and climb to 1500′, then make right-climbing turn to 3500′ and proceed to DPA VOR via R–085; Runway 14L—turn left to heading of 120° and climb to 1800′, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD R–075.
Runways 14R and 14L: Aircraft executing missed approach may, after being reidentified, be radar controlled.
**Meadows Int: Int NW crs OHA ILS and OBK R–213.
*No approach lights.
#S–dn–14R: 400–¾ required when glide slope not utilized.
$S–dn–14L: 400–1 required when glide slope not utilized.
NOTES: (1) Use of this procedure is mandatory when conducting a parallel ILS approach, and is authorized only when airborne 75 mc (or ADF), and localizer receivers are operating simultaneously. A radar fix in lieu of Meadows intersection will be provided upon pilot's request. (2) When any required airborne receiver in Note (1) is malfunctioning or a parallel approach is not desired, immediate notification of approach control is mandatory. (3) When advised that parallel operations are in progress, the pilot will check his authorization and restrictions for Runways 14 L and R, and be prepared to accept or reject an approach to either. (4) When advised by ATC, pilot shall monitor both control frequency and localizer voice continuously during the remainder of the approach.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I–ORD & I–OHA; Procedure No. Parallel ILS–14 R & L, Amdt. 2; Eff. Date, 4 July 64; Sup. Amdt. No. 1; Dated, 11 Apr. 64

PROCEDURE CANCELLED EFFECTIVE 4 JULY 1964.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 605′; Fac. Class., ILS; Ident., I–LAF; Procedure No. ILS–10, Amdt. Orig.; Eff. Date, 23 May 64

Wheeling VOR	Hookstown Int	Direct	3000	T-dn	300–1	300–1	200–½
Hookstown Int#	LOM (final)	Direct	2700	C-dn	500–1	500–1	500–1½
Ellwood City VOR@	Hookstown Int	Direct	3000	S-dn-10L*	300–¾	300–¾	300–¾
Pittsburgh VOR@	Hookstown Int	Direct	3000	A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Radar vectoring required.
Minimum altitude at glide slope interception Inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at OM 2665′—4.3 miles; at MM 1442′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on 102° crs to GP LOM, hold E, 1-minute right turns, 277° Inbnd.
*400–¾ required with glide slope inoperative.
#Hookstown Int: Int of HLG R–016 and LXB ILS W crs.
@Transitions from EWC and PIT require holding pattern entry for nonradar operation.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1203′; Fac. Class., ILS; Ident., I–LXB; Procedure No. ILS–10L, Amdt. 2; Eff. Date, 4 July 64; Sup. Amdt. No. 1; Dated, 25 Apr. 64

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on June 1, 1964.

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

[F.R. Doc. 64–5649; Filed, July 8, 1964; 8:45 a.m.]

[Reg. Docket No. 6013; Amdt. 380]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

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

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

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

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

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED EFFECTIVE 11 JULY 1964 OR UPON DECOMMISSIONING OF LFR.

City, Presque Isle; State, Maine; Airport Name, Presque Isle Municipal; Elev., 534'; Fac. Class., SBRAZ; Ident., PQ; Procedure No. 2, Amdt. 2; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 1; Dated, 14 Jan. 61

PROCEDURE CANCELLED EFFECTIVE 11 JULY 1964 OR UPON CONVERSION TO SBH.

City, Rawlins; State, Wyo.; Airport Name, Rawlins Municipal; Elev., 6784'; Fac. Class., SBRAZ; Ident., SIR; Procedure No. 1, Amdt. 9; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 8; Dated, 26 Oct. 63

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort Smith VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Fort Smith (FSM) RBn	LOM	Direct	2200	C-d	600-1	600-1	600-1½
Int FSM R-215 and LOM bearing 073°	LOM	Via LOM bearing 073°.	2000	C-n	600-2	600-2	600-2
				S-d-25	600-1	600-1	600-1
				S-n-25	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 2000' within 10 miles.
Minimum altitude over LOM Inbnd final approach crs, 2000'.
Crs and distance, facility to airport, 253°—6.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles after passing LOM, climb to 2500' on crs of 253° within 15 miles or when directed by ATC, climb to 3000' direct to Fort Smith RBn.
AIR CARRIER NOTE: 300-1 required for takeoff on Runways 1-19. No reduction in landing minimums authorized by application of sliding scale or for local weather conditions. No reduction in takeoff or landing minimums authorized for cargo and ferry flights.
CAUTION: All maneuvering must be completed N of final approach crs. Standard distance not applied between final approach crs and restricted area R-2402.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468'; Fac. Class., LOM; Ident., FS; Procedure No. 1, Amdt. 13; Eff. Date, 11 July 64; Sup. Amdt. No. 12; Dated, 11 May 63

				T-d	500-1	500-1	500-1
				C-d	1000-2	1000-2	1000-2
				A-d	1500-3	1500-3	1500-3

Procedure turn N side of crs, 071° Outbnd, 251° Inbnd, 9000' within 10 miles.
Minimum altitude over facility on final approach crs, 8300'.
Crs and distance, facility to airport, 257°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing SIR RBn, climb to 10,000' on crs of 247° from SIR RBn within 15 miles.
NOTE: High unlighted terrain surrounding airport.

City, Rawlins; State, Wyo.; Airport Name, Rawlins Municipal; Elev., 6784'; Fac. Class., SBH; Ident., SIR; Procedure No. 1, Amdt. Orig.; Eff. Date, 11 July 64 or upon conversion to SBH

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AEX VOR	ESF VOR	Direct	1700	T-dn	300-1	300-1	200-½
AEX RBn	ESF VOR	Direct	1700	C-dn	400-1	500-1	500-1½
Boyce Int	ESF VOR	Direct	1700	S-dn-14	400-1	400-1	400-1
Clew Int	ESF VOR	Direct	2000	A-dn	800-2	800-2	800-2
Larto Int	ESF VOR	Direct	2000				
V-114, V-114N	ESF VOR	ESF-148	1700				

Radar vector authorized in accordance with approved patterns.
Procedure turn E side of crs, 331° Outbnd, 151° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 151°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing ESF VOR, climb to 1700′ on ESF VOR R-151, turn left and return to ESF VOR.
Other change: Deletes transition from Bunkie Int.

City, Alexandria; State, La.; Airport Name, Esler Field; Elev., 108′; Fac. Class., L-BVOR; Ident., ESF; Procedure No. 1, Amdt. 2; Eff. Date, 11 July 64; Sup. Amdt. No. 1; Dated, 25 Apr. 64

AEX VOR	ESF VOR	Direct	1700	T-dn	300-1	300-1	200-½
AEX RBn	ESF VOR	Direct	1700	C-dn	400-1	500-1	500-1½
Boyce Int	ESF VOR	Direct	1700	S-dn-32	400-1	400-1	400-1
Clew Int	ESF VOR	Direct	2000	A-dn	800-2	800-2	800-2
Larto Int	ESF VOR	Direct	2000				
V-114	Marks Int#	AEX 119/ESF-148	1700				
Marks Int#	Cox Int* (final)	Direct	1300				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 1600′ within 10 miles of Cox Int*. Beyond 10 miles not authorized.
Minimum altitude over Cox Int* on final approach crs 1300′.
Crs and distance Cox Int* to airport, 328°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Cox Int*, climb to 2000′ and proceed to ESF VOR. Hold NW on ESF R-328 (nonstandard).
*Cox Int: Int ESF 148 and AEX 064, or ESF 148 and 061° bearing from AEX RBn.
#Marks Int: Int R-102 AEX VOR and R-148 ESF VOR.
MSA: NE—1400′; SE—1400′; SW—1700′; NW—1500′.

City, Alexandria; State, La.; Airport Name, Esler Field; Elev., 108′; Fac. Class., L-BVOR; Ident., ESF; Procedure No. 2, Amdt. Orig.; Eff. Date, 11 July 64

				T-d	300-1	300-1	300-1
				C-d	800-2	800-2	800-2
				A-d	NA	NA	NA

Procedure turn S side of crs, 274° Outbnd, 094° Inbnd, 2600′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 094°—6.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing STW VOR, make a left climbing turn to 2000′ and return to STW VOR. Hold W, 1-minute right turns, 094° Inbnd.
NOTE: UNICOM available on 122.8.
MSA: 000°-090°—3000′; 090°-180°—2400′; 180°-270°—2700′; 270°-360°—3200′.

City, Andover; State, N.J.; Airport Name, Aeroflex-Andover; Elev., 583′; Fac. Class., BVORTAC; Ident., STW; Procedure No. 1, Amdt. 1; Eff. Date, 11 July 64; Sup. Amdt. No. Orig.; Dated, 21 May 60

				T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1¼
				C-n	700-2	700-2	700-2
				A-dn	NA	NA	NA
				If Harold Int* received, minimum becomes:			
				C-dn	500-1	500-1	500-1¼

Radar transitions and vectoring utilizing Atlanta Radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 053° Outbnd, 233° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′; over Harold Int*, 1700′.
Crs and distance, facility to airport, 241°—9.7 miles; Harold Int* to airport, 241°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.7 miles after passing OCR-VOR, make climbing right turn to 3000′ and proceed to Crabapple Int via REG-VOR R-344.
NOTE: Pilots must cancel IFR flight plan with Atlanta APC when landing is assured or immediately upon landing while the control tower in not in operation. No weather reporting facilities available. Air carrier use not authorized.
*Harold Int: Int R-241 OCR-VOR and R-007 REG-VOR or 5-mile DME fix OCR VOR.
MSA: 000-090°—3700′; 090°-180°—4000′; 180°-270°—4000′; 270°-360°—4100′.

City, Atlanta; State, Ga.; Airport Name, De Kalb-Peachtree; Elev., 1002′; Fac. Class., BVORTAC; Ident., OCR; Procedure No. 1, Amdt. 4; Eff. Date, 11 July 64; Sup. Amdt. No. 3; Dated, 24 Aug. 63

				T-d	500-1	NA	NA
				C-d	800-1	NA	NA
				A-d	NA	NA	NA

Procedure turn E side crs, 152° Outbnd, 332° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 6700′.
Crs and distance, facility to airport, 336°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing DBS VOR, turn left, climb to 7000′ on R-152 within 20 miles.
Not authorized for air carrier use. Airport unattended and frequently in poor condition.
NOTE: No weather available at airport.
MSA: 000°-090°—11,200′; 090°-180°—8200′; 180°-270°—12,300′; 270°-360°—13,400′.

City, Dubois; State, Idaho; Airport Name, Dubois Municipal; Elev., 5123′; Fac. Class., BVOR; Ident., DBS; Procedure No. 1, Amdt. 4; Eff. Date, 11 July 64; Sup. Amdt. No. 3; Dated, 4 Jan. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d-25	600-1	600-1	600-1
				S-n-25	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 045° Outbnd, 225° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 225°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing FSM-VOR, climb to 2500′ on R-235 within 20 miles or, when directed by ATC, climb to 3000′ direct to Fort Smith RBn.
CAUTION: 620′ unlighted hill 1.5 miles ESE of Airport.
AIR CARRIER NOTE: 300-1 required for takeoff Runways 1-19. No reduction in landing minimums authorized by application of sliding scale, or for local weather conditions. No reduction in T.O. or landing minimums authorized for cargo or ferry flights.
Other change: Deletes transition from Fort Smith RBn.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468′; Fac. Class., BVORTAC; Ident., FSM; Procedure No. 1, Amdt. 7; Eff. Date, 11 July 64; Sup. Amdt. No. 6; Dated, 25 Aug. 62

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

Procedure turn N side of crs, 130° Outbnd, 310° Inbnd, 2300′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 800′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, make an immediate (N) right-climbing turn to 2300′ and return to SBJ VOR. Hold 1-minute, right turn Inbnd crs, 310°.
CAUTION: 900′ terrain 3 miles NW of airport.
MSA: 000°-090°—2400′; 090°-180°—1600′; 180°-270°—3000′; 270°-360°—3600′.

City, Readington; State, N.J.; Airport Name, Solberg-Hunterdon; Elev., 195′; Fac. Class., BVORTAC; Ident., SBJ; Procedure No. 1, Amdt. 2; Eff. Date, 11 July 64; Sup. Amdt. No. 1; Dated, 9 Sept. 61

Pismo Int	SMX VOR (final)	Direct	1500	T-dn	300-1	300-1	200-½
Orcutt Int	SMX VOR	Direct	3200	C-dn	400-1	500-1	500-1½
SBP VOR	Pismo Int	Direct	3200	S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 316° Outbnd, 136° Inbnd, 3200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 117°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing SMX VOR, make immediate left-climbing turn, return to SMX VOR and climb to 3200′ on R-316 within 10 miles.

City, Santa Maria; State, Calif.; Airport Name, Santa Maria-Public; Elev., 259′; Fac. Class., VOR; Ident., SMX; Procedure No. 1, Amdt. 2; Eff. Date, 11 July 64; Sup. Amdt. No. 1; Dated, 11 Jan. 64

				T-d	300-1	300-1	NA
				C-d	500-1	700-1	NA
				A-d	NA	NA	NA

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 060—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing SBJ VOR, make a climbing-left turn to 2400′, proceed direct to SBJ VOR. Hold SW 1-minute right turns, Inbnd crs, 060°.
NOTE: No tower Unicom available.
CAUTION: 700′ terrain 2.5 miles past airport on 060°. 500′ ridge, 1.5 miles ENE of the airport.
MSA: 000°-090°—2400′; 090°-180°—1600′; 180°-270°—3000′; 270°-360°—3600′.

City, Somerville; State, N.J.; Airport Name, Somerset; Elev., 105′; Fac. Class., BVORTAC; Ident., SBJ; Procedure No. 1, Amdt. 4; Eff. Date, 11 July 64; Sup. Amdt. No. 3; Dated, 13 Oct. 62

TL LFR	TAL VOR	Direct	2000	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn	NA	NA	NA
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 220° Outbnd, 040° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1156′.
Crs and distance, facility to airport, 071°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing TAL VOR, turn right, climb to 2500′ on R-220 of TAL VOR within 10 miles.
CAUTION: All maneuvering S of airport. 852′ terrain 2.3 miles ENE of airport.

City, Tanana; State, Alaska; Airport Name, Tanana; Elev., 228′; Fac. Class., H-VOR; Ident., TAL; Procedure No. 1, Amdt. 1; Eff. Date, 11 July 64; Sup. Amdt. No. Orig.; Dated, 8 Feb. 64

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

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BET RBn	BET VOR	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-1*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 195° Outbnd, 015° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 500′*.
Facility on airport.
Crs and distance, breakoff point to approach end Runway 1, 006°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BET VOR, climb to 1600′ on R-015 BET VOR within 20 miles.
CAUTION: Antennas 232′ 1.7 miles SW of airport.
NOTE: Tower 310′ 1.3 miles W of airport. All maneuvers to be conducted E of airport.
*Descent below 600′ not authorized until intercepting 155° bearing from BET RBn. If 155° bearing from BET RBn not received, minimums become 500–1.
MSA: 000°–090°—2500′; 090°–180°—2500′; 180°–270°—2500′; 270°–360°—2500′.

City, Bethel; State, Alaska; Airport Name, Bethel Municipal; Elev., 135′; Fac. Class., H-BVOR; Ident., BET; Procedure No. TerVOR-1, Amdt. 2; Eff. Date, 11 July 64; Sup. Amdt. No. 1; Dated, 21 April 62

BET RBn	BET VOR	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-19*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 348° Outbnd, 168° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 500′.
Facility on airport.
Crs and distance, breakoff point to approach end Runway 19, 186°—0.52 mile.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 0.0 mile of BET VOR, climb to 1600′ on R-168 BET VOR within 20 miles.
CAUTION: Antennas 232′ 1.7 miles SW of airport.
NOTE: Tower 310′ 1.3 miles W of airport. All maneuvers to be conducted E of airport.
*Descent below 600′ not authorized until intercepting 030° bearing from BET RBn. If 030° bearing from BET RBn not received, minimums become 500–1.
MSA: 000–090°—2500′; 090°–180°—2500′; 180°–270°—2500′; 270°–360°—2500′.

City, Bethel; State, Alaska; Airport Name, Bethel Municipal; Elev., 135′; Fac. Class., H-BVOR; Ident., BET; Procedure No. TerVOR-19, Amdt. 2; Eff. Date, 11 July 64; Sup. Amdt. No. 1; Dated, 21 April 62

Golden Beach VHF Int	FLL VOR	Direct	1500	T-dn	300-1	300-1	200-½
Bradley VHF Int	FLL VOR	Direct	1500	C-dn	600-1	600-1	600-1½
Martin VHF Int	FLL VOR	Direct	1500	S-dn-9	600-1	600-1	600-1
Dania VHF Int	FLL VOR	Direct	2000	A-dn	800-2	800-2	800-2
Int BSY-VOR-345/FLL VOR-278	Big Horse Int	Direct	1500	If aircraft equipped with 2 VOR's or VOR and ADF Receivers and Wagon Wheel Int* identified the following minimum applies:			
Big Horse Int	Wagon Wheel Int* (final)	Direct	600	S-dn-9	500-1	500-1	500-1

Radar vectoring utilizing Miami Radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 278° Outbnd; 098° Inbnd, 1500′ within 10 miles. Nonstandard due Miami, Fla., terminal traffic.
Minimum altitude over facility on final approach crs, 600 ′; over Wagon Wheel Int* 600′.
Crs and distance, Wagon Wheel Int* to VOR, 098°—3.7 miles: breakoff point to Runway 9, 091°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing FLL VOR, turn left and climb to 2000′ on R-079, and proceed to Martin VHF Int. Hold N on BSY VOR R-020 Outbnd, R-200 Inbnd, 1-minute right turns.
*Wagon Wheel Int: Int FLL VOR R-278 and MIA VOR R-060 or FLL R-278 and 181° bearing from FLL RBn.
MSA: 000°–090°—1300′; 090°–180°—1400′; 180°–270°—2100′; 270°–360°—1400′.

City, Fort Lauderdale; State, Fla.; Airport Name, Fort Lauderdale-Hollywood International; Elev., 10′; Fac. Class., VOR; Ident., FLL; Procedure No. TerVOR-9, Amdt. 6; Eff. Date, 11 July 64; Sup. Amdt. No. 5; Dated, 8 Feb. 64

Potomac Int	DCA VOR	Direct	2000	T-dn	300-1	300-1	200-½
Herndon VOR	DCA VOR	Direct	2000	C-dn	700-1	700-1	700-1½
Andrews LFR	DCA VOR	Direct	2000	S-dn-15	700-1	700-1	700-1
Nottingham VOR	DCA VOR	Direct	2000	A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn S side, 320° Outbnd, 140° Inbnd, 2000′ within 10 miles of Georgetown MHW.
Minimum altitude abeam GTN RBn* on final approach crs, 1600′, descend to landing minimums after passing abeam GTN RBn on crs, 140°.
Crs and distance abeam GTN RBn to breakoff point, 140°—5.0 miles; breakoff point to runway, 140°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing DCA VOR, climb to 1000′ on crs 140°, make a right turn and proceed to Washington RBn at 1500′ climbing to 1800′ in holding pattern 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: Washington Monument, 596′ 1.6 miles N of airport. Antenna on top of building 400′ 2.8 miles NW of airport.
Other change: Deletes Roslyn Int.
*Maintain 1600/ until abeam GTN RBn. If position abeam GTN RBn not identified, descent below 1600′ not authorized.
MSA: 000°–090°—1800′; 090°–270°—1600′; 270°–360°—2000′.

City, Washington; D.C.; Airport Name, Washington National; Elev., 16′; Fac. Class., BVOR; Ident., DCA; Procedure No. TerVOR-15, Amdt. 10; Eff. Date, 11 July 64; Sup. Amdt. No. 9; Dated, 9 Mar. 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bigelow Int*	OTG VOR	Direct	3300	T-dn	300-1	300-1	NA
				C-d	500-1	500-1	NA
				C-n	500-2	500-2	NA
				S-dn-17	500-1	500-1	NA
				A-dn**	800-2	800-2	NA

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 3000' within 10 miles.
Facility on airport.
Crs and distance breakoff point to runway, 180°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of OTG VOR, climb to 3300' on R-170 within 10 miles.
NOTE: Aircraft taking off S, and intended flight is to W or SW, climb to 2300' on runway heading before proceeding on crs. 800-1 minimums apply for aircraft taking off SW.
CAUTION: 2307' tower 4 miles SW and 1806' stack 2 miles SSW of airport.
*Bigelow Int: Int FSD VOR R-093 and OTG VOR R-170.
**Alternate minimums not authorized 1900 to 0600 local time. Alternate minimums authorized 24 hours daily for air carriers with weather reporting service at the airport.

City, Worthington; State, Minn.; Airport Name, Municipal; Elev., 1572'; Fac. Class., L-BVOR; Ident., OTG; Procedure No. Ter VOR-17, Amdt. Orig.; Eff. Date, 28 May 64

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int FSM R-215 and E crs FSM ILS	LOM	Via E crs FSM ILS.	2700	T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1⅝
Fort Smith VOR	LOM	Direct	2700	C-n	600-2	600-2	600-2
Fort Smith RBn	LOM	Direct	2700	S-dn-25#	200-½	200-½	200-½
				A-dn##	600-2	600-2	600-2

Procedure turn N side of crs, 073 Outbnd, 253 Inbnd, 2700 within 10 miles.
Minimum altitude at glide slope Int Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM 2658'—6.9 miles; at MM 684'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on FSM VOR R-235 within 15 miles or climb to 3000' direct to FSM RBn.
AIR CARRIER NOTE: 300-1 required for T.O. Runways 1-19. No reduction in landing minimums authorized by application of sliding scale, or for local weather conditions. No reduction in takeoff or landing minimums authorized for cargo and ferry flights.
CAUTION: All maneuvering must be completed N of the localizer crs. Standard distance not applied between localizer crs and restricted area R-2402.
#600-¾ when glide slope not utilized.
##All installed components of the ILS must be operating otherwise alternate minimums of 800-2 apply.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468'; Fac. Class., ILS; Ident., I-FSM; Procedure No. ILS-25, Amdt. 5; Eff. Date, 11 July 64; Sup. Amdt. No. 4; Dated, 11 May 63

OAK VOR	Fremont FM/RBn	Direct	4000	T-dn*#	300-1	300-1	200-½
Mission Int	Fremont FM/RBn (final)	Direct	3700	C-dn**	500-1	500-1	500-1½
Sunol Int	Fremont RBn (final)	Direct	3700	S-dn-29##%	200-½	200-½	200-½
Fremont FM/RBn	LOM (final)	Direct	1700	A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must (1) proceed via Sunol or Mission Int or (2) descend in the Fremont holding pattern or (3) be vectored to final approach crs.
Final approach crs Inbnd, 293°.
Minimum altitude at glide slope intercept, 1700'.
Altitude of glide slope and distance to approach end of runway from Fremont FM/RBn 3700'—11.7 miles; LOM 1700'—5.2 miles; LMM 230'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 1000' on the localizer crs, then turn right to intercept the OAK VOR R-313 climbing to 3000' to Richmond Int, or when directed by ATC, climb straight ahead to 1000' on the localizer crs, then make a right-climbing turn, continuing climb to 2500' in a 1-minute holding pattern NW of LOM, 120° Inbnd, left turns.
CAUTION: In vicinity of LOM, heavy VFR traffic in Hayward traffic pattern.
*Runway visual range, 2000' authorized for takeoff Runway 29; providing high-intensity runway lights and runway centerline lights are operational.
**Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357' 1.6 miles N of Runway 15/33.
#300-1 required for takeoff on Runway 33.
##Runway visual range, 2000' authorized for landing on Runway 29; providing that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, touchdown zone and runway centerline lights, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 206' shall not be made unless visual contact with the approach lights has been established or aircraft is clear of clouds.
%400-¾ required if glide slope not utilized.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 6'; Fac. Class., ILS; Ident., I-INB; Procedure No. ILS-29, Amdt. 4; Eff. Date, 11 July 64; Sup. Amdt. No. 3; Dated, 8 Feb. 64

Flat Rock VOR	Bellwood Int	Via R-120	2000	T-dn	300-1	300-1	200-½
Flat Rock VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Richmond RBn	LOM	Direct	1500	S-dn-6*	200-½	200-½	200-½
Bellwood Int	LOM	Direct	#1500	A-dn	600-2	600-2	600-2
Manakin RBn	LOM	Direct	2000				
Petersburg Int	LOM	Direct	1500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 243° Outbnd, 063° Inbnd, 1500' within 10 miles.
Minimum altitude at glide slope Int Inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM 1370'—3.8 miles; at MM 370°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on crs, 063°, proceed direct to HPW VOR. Hold NE, 025° Outbnd, 205° Inbnd, 1-minute left turns.
#After interception of localizer crs Inbnd, descent on glide slope to cross outer marker at 1370' is authorized.
*400-¾ required when glide slope not utilized.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167'; Fac. Class., ILS; Ident., I-RIC; Procedure No. ILS-6, Amdt. 14; Eff. Date, 11 July 64; Sup. Amdt. No. 13; Dated, 7 Dec. 63

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
270° to 245°	Radar site	Within 25 miles	1600	T-dn	300–1	300–1	200–½
245° to 270°	Radar site	Within 25 miles	2100	C or S-dn all	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600′ and proceed to Norfolk LOM. Hold S, 225° Outbnd, 045° Inbnd, 1-minute right turns.

CAUTION: Descent to 900′ authorized over 385′ antenna 2.9 miles S Runway 1 with further descent to landing minimums of 500′ and 1 mile authorized after aircraft is observed to have passed the antenna by ½ mile Inbnd on final approach.

City, Norfolk; State, Va.; Airport Name, Norfolk; Elev., 26′; Fac. Class., Norfolk; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 11 July 64; Sup. Amdt. No. 1; Dated, 11 June 64

				Surveillance approaches			
020°	200°	Within 30 miles	5000	T-dn%**	300–1	300–1	200–½
200°	020°	Within 30 miles	4000	C-dn#	500–1	500–1	500–1½
				S-dn-29–11	400–1	400–1	400–1
				S-dn-27R–9L	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
				Precision approach			
				S-dn-29*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Runway 27R: Proceed direct to OAK VOR climbing to 3000′ on OAK VOR R-313 to Richmond Int.
Runway 29: Climb to 1000′ on heading 293°, then turn right to intercept OAK VOR R-313, climbing to 3000′ to Richmond Int.
Runway 11: Proceed direct to the IN LOM, climbing to 2500′ in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns.
Runway 9L: Proceed direct to the IN LOM, climbing to 2500′ in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns.
Alternate missed approach for:
Runways 27R and 29: Turn left, proceed direct to IN LOM, climbing to 2500′ in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns.
Runways 9L and 11: Turn right to intercept the OAK VOR R-313 climbing to 3000′ to Richmond Int.
Other change: Deletes radar transition and vectoring statement.
%300–1 required Runway 33.
*Runway visual range 2000′ also authorized for landing on Runway 29; providing all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flasher, touchdown zone, and runway centerline lights, outer compass locator, and all related airborne equipment are operating satisfactorily.
Descent below the authorized landing minimum altitude of 206′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2000′ also authorized for takeoff on Runway 29 in lieu of 200–½, when 200–½ is authorized, providing high-intensity runway lights and runway centerline lights are operational.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 6′; Fac. Class., Oakland; Ident., Radar; Procedure No. 1, Amdt. 10; Eff. Date, 11 July 64; Sup. Amdt. No. 9; Dated, 22 Feb. 64

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on June 5, 1964.

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

[F.R. Doc. 64–5763; Filed, July 8, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Postponement of Closing Date of Provisional Listings of Certain Items

The color additives amendments of 1960 (Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note) authorizes the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing (including a deemed provisional listing) of a color additive on his own initiative, or upon application of an interested person.

By an order published in the FEDERAL REGISTER on January 11, 1963 (28 F.R. 317), the closing dates of the provisional listing of a number of color additives were postponed. Requests to further postpone the closing dates of a number of color additives previously so postponed have been received because the scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed. It is found that postponement of the closing date of the provisionally listed color additives in this order will not be contrary to the interests of the public health. Any extensions so granted are conditioned upon a requirement that a progress report be supplied on January 1, 1965.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86–618; 74 Stat. 404; 21 U.S.C., note under 376) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), section 8.501 *Provisional lists of color additives* is amended as follows:

1. Paragraph (b) is amended by changing the closing date of the following items listed to April 1, 1965:

D&C Yellow No. 7 (§ 9.130 of this chapter).
D&C Yellow No. 8 (§ 9.131 of this chapter).

D&C Red No. 31 (§ 9.176 of this chapter).
D&C Red No. 34 (§ 9.179 of this chapter).
D&C Orange No. 4 (§ 9.201 of this chapter).
D&C Violet No. 2 (§ 9.270 of this chapter).

2. Paragraph (c) is amended by changing the closing date of Ext. D&C Yellow No. 7 (§ 9.307 of this chapter) to April 1, 1965.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, because section 203 (d) (2) of Public Law 86–618 provides for this issuance.

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

(Sec. 203(a)(2), Public Law 86–618; 74 Stat. 404; 21 U.S.C., note under 376)

Dated: July 2, 1964.

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

[F.R. Doc. 64–6829; Filed, July 8, 1964; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6745]

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

Meals and Lodging Furnished for Convenience of Employer

On December 28, 1962, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 119 of the Internal Revenue Code of 1954 (relating to the exclusion of the value of meals and lodging furnished for the convenience of the employer) to clarify such regulations and to conform such regulations to the decisions in Boykin v. Commissioner, 260 F. 2d 249 (8th Cir. 1958), Wolf v. Commissioner, 59–2 U.S.T.C. 9558, 3 A.F.T.R. 2d 1596 (4th Cir 1959), and William J. Olkjer, 32 T.C. 464 (1959), was published in the FEDERAL REGISTER (27 F.R. 12836). All comments on the proposed regulations were carefully considered in developing the final regulations. Although it was impracticable to acknowledge each communication because of the volume of communications, the Internal Revenue Service expresses its appreciation for the helpful and constructive comments submitted. The amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Paragraphs (a) (2) and (3), (b), and examples (1), (3), (4), and (8) of paragraph (d) of § 1.119–1, as set forth in the notice of proposed rule making, are revised, and a new example (9) is added to paragraph (d) of § 1.119–1.

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

Approved: June 30, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to clarify § 1.119–1 of the Income Tax Regulations (26 CFR Part 1) and to conform such section to the decisions in the cases of Boykin v. Commissioner (C.A. 8th 1958) 260 F. 2d 249, Wolf v. Commissioner (C.A. 4th 1959) 59–2 U.S.T.C. 9558, 3 A.F.T.R. 2d 1596, and William J. Olkjer (1959) 32 T.C. 464, such section is amended to read as follows:

§ 1.119–1 Meals and lodging furnished for the convenience of the employer.

(a) *Meals*—(1) *In general.* The value of meals furnished to an employee by his employer shall be excluded from the employee's gross income if two tests are met: (i) The meals are furnished on the business premises of the employer, and (ii) the meals are furnished for the convenience of the employer. The question of whether meals are furnished for the convenience of the employer is one of fact to be determined by analysis of all the facts and circumstances in each case. If the tests described in subdivisions (i) and (ii) of this subparagraph are met, the exclusion shall apply irrespective of whether under an employment contract or a statute fixing the terms of employment such meals are furnished as compensation.

(2) *Meals furnished without a charge.* (i) Meals furnished by an employer without charge to the employee will be regarded as furnished for the convenience of the employer if such meals are furnished for a substantial noncompensatory business reason of the employer. If an employer furnishes meals as a means of providing additional compensation to his employee (and not for a substantial noncompensatory business reason of the employer), the meals so furnished will not be regarded as furnished for the convenience of the employer. Conversely, if the employer furnishes meals to his employee for a substantial noncompensatory business reason, the meals so furnished will be regarded as furnished for the convenience of the employer, even though such meals are also furnished for a compensatory reason. In determining the reason of an employer for furnishing meals, the mere declaration that meals are furnished for a noncompensatory business reason is not sufficient to prove that meals are furnished for the convenience of the employer, but such determination will be based upon an examination of all the surrounding facts and circumstances. In subdivision (ii) of this subparagraph, there are set forth some of the substantial noncompensatory business reasons which occur frequently and which justify the conclusion that meals furnished for such a reason are furnished for the convenience of the employer. In subdivision (iii) of this subparagraph, there are set forth some of the business reasons which are considered to be compensatory and which, in the absence of a substantial noncompensatory business reason, justify the conclusion that meals furnished for a such a reason are not furnished for the convenience of the employer. Generally, meals furnished before or after the working hours of the employee will not be regarded as furnished for the convenience of the employer, but see subdivision (ii) (*d*) and (*f*) of this subparagraph for some exceptions to this general rule. Meals furnished on nonworking days do not qualify for the exclusion under section 119. If the employee is required to occupy living quarters on the business premises of his employer as a condition of his employment (as defined in paragraph (b) of this section), the exclusion applies to the value of any meal furnished without charge to the employee on such premises.

(ii) (*a*) Meals will be regarded as furnished for a substantial noncompensatory business reason of the employer when the meals are furnished to the employee during his working hours to have the employee available for emergency call during his meal period. In order to demonstrate that meals are furnished to the employee to have the employee available for emergency call during the meal period, it must be shown that emergencies have actually occurred, or can reasonably be expected to occur, in the employer's business which have resulted, or will result, in the employer calling on the employee to perform his job during his meal period.

(*b*) Meals will be regarded as furnished for a substantial noncompensatory business reason of the employer when the meals are furnished to the employee during his working hours because the employer's business is such that the employee must be restricted to a short meal period, such as 30 or 45 minutes, and because the employee could not be expected to eat elsewhere in such a short meal period. For example, meals may qualify under this subdivision when the employer is engaged in a business in which the peak workload occurs during the normal lunch hours. However, meals cannot qualify under this subdivision (*b*) when the reason for restricting the time of the meal period is so that the employee can be let off earlier in the day.

(*c*) Meals will be regarded as furnished for a substantial noncompensatory business reason of the employer when the meals are furnished to the employee during his working hours because the employee could not otherwise secure proper meals within a reasonable meal period. For example, meals may qualify under this subdivision (*c*) when there are insufficient eating facilities in the vicinity of the employer's premises.

(d) A meal furnished to a restaurant employee or other food service employee for each meal period in which the employee works will be regarded as furnished for a substantial noncompensatory business reason of the employer, irrespective of whether the meal is furnished during, immediately before, or immediately after the working hours of the employee.

(e) If the employer furnishes meals to employees at a place of business and the reason for furnishing the meals to each of substantially all of the employees who are furnished the meals is a substantial noncompensatory business reason of the employer, the meals furnished to each other employee will also be regarded as furnished for a substantial noncompensatory business reason of the employer.

(f) If an employer would have furnished a meal to an employee during his working hours for a substantial noncompensatory business reason, a meal furnished to such an employee immediately after his working hours because his duties prevented him from obtaining a meal during his working hours will be regarded as furnished for a substantial noncompensatory business reason.

(iii) Meals will be regarded as furnished for a compensatory business reason of the employer when the meals are furnished to the employee to promote the morale or goodwill of the employee, or to attract prospective employees.

(3) *Meals furnished with a charge.* (i) If an employer provides meals which an employee may or may not purchase, the meals will not be regarded as furnished for the convenience of the employer. Thus, meals for which a charge is made by the employer will not be regarded as furnished for the convenience of the employer if the employee has a choice of accepting the meals and paying for them or of not paying for them and providing his meals in another manner.

(ii) If an employer furnishes an employee meals for which the employee is charged an unvarying amount (for example, by subtraction from his stated compensation) irrespective of whether he accepts the meals, the amount of such flat charge made by the employer for such meals is not, as such, part of the compensation includible in the gross income of the employee; whether the value of the meals so furnished is excludable under section 119 is determined by applying the rules of subparagraph (2) of this paragraph. If meals furnished for an unvarying amount are not furnished for the convenience of the employer in accordance with the rules of subparagraph (2) of this paragraph, the employee shall include in gross income the value of the meals regardless of whether the value exceeds or is less than the amount charged for such meals. In the absence of evidence to the contrary, the value of the meals may be deemed to be equal to the amount charged for them.

(b) *Lodging.* The value of lodging furnished to an employee by the employer shall be excluded from the employee's gross income if three tests are met:

(1) The lodging is furnished on the business premises of the employer,

(2) The lodging is furnished for the convenience of the employer, and

(3) The employee is required to accept such lodging as a condition of his employment.

The requirement of subparagraph (3) of this paragraph that the employee is required to accept such lodging as a condition of his employment means that he be required to accept the lodging in order to enable him properly to perform the duties of his employment. Lodging will be regarded as furnished to enable the employee properly to perform the duties of his employment when, for example, the lodging is furnished because the employee is required to be available for duty at all times or because the employee could not perform the services required of him unless he is furnished such lodging. If the tests described in subparagraphs (1), (2), and (3) of this paragraph are met, the exclusion shall apply irrespective of whether a charge is made, or whether, under an employment contract or statute fixing the terms of employment, such lodging is furnished as compensation. If the employer furnishes the employee lodging for which the employee is charged an unvarying amount irrespective of whether he accepts the lodging, the amount of the charge made by the employer for such lodging is not, as such, part of the compensation includible in the gross income of the employee; whether the value of the lodging is excludable from gross income under section 119 is determined by applying the other rules of this paragraph. If the tests described in subparagraph (1), (2), and (3) of this paragraph are not met, the employee shall include in gross income the value of the lodging regardless of whether it exceeds or is less than the amount charged. In the absence of evidence to the contrary, the value of the lodging may be deemed to be equal to the amount charged.

(c) *Rules.* (1) For purposes of this section, the term "business premises of the employer" generally means the place of employment of the employee. For example, meals and lodging furnished in the employer's home to a domestic servant would constitute meals and lodging furnished on the business premises of the employer. Similarly, meals furnished to cowhands while herding their employer's cattle on leased land would be regarded as furnished on the business premises of the employer.

(2) The exclusion provided by section 119 applies only to meals and lodging furnished in kind by an employer to his employee. If the employee has an option to receive additional compensation in lieu of meals or lodging in kind, the value of such meals and lodging is not excluded from gross income. However, the mere fact that an employee, at his option, may decline to accept meals tendered in kind will not of itself require inclusion of the value thereof in gross income. Cash allowances for meals or lodging received by an employee are includible in gross income to the extent that such allowances constitute compensation.

(d) *Examples.* The provisions of section 119 may be illustrated by the following examples:

Example (1). A waitress who works from 7 a.m. to 4 p.m. is furnished without charge two meals a work day. The employer encourages the waitress to have her breakfast on his business premises before starting work, but does not require her to have breakfast there. She is required, however, to have her lunch on such premises. Since the waitress is a food service employee and works during the normal breakfast and lunch periods, the waitress is permitted to exclude from her gross income both the value of the breakfast and the value of the lunch.

Example (2). The waitress in example (1) is allowed to have meals on the employer's premises without charge on her days off. The waitress is not permitted to exclude the value of such meals from her gross income.

Example (3). A bank teller who works from 9 a.m. to 5 p.m. is furnished his lunch without charge in a cafeteria which the bank maintains on its premises. The bank furnishes the teller such meals in order to limit his lunch period to 30 minutes since the bank's peak work load occurs during the normal lunch period. If the teller had to obtain his lunch elsewhere, it would take him considerably longer than 30 minutes for lunch, and the bank strictly enforces the 30-minute time limit. The bank teller may exclude from his gross income the value of such meals obtained in the bank cafeteria.

Example (4). Assume the same facts as in example (3), except that the bank charges the bank teller an unvarying rate per meal regardless of whether he eats in the cafeteria. The bank teller is not required to include in gross income such flat amount charged as part of his compensation, and he is entitled to exclude from his gross income the value of the meals he receives for such flat charge.

Example (5). A Civil Service employee of a State is employed at an institution and is required by his employer to be available for duty at all times. The employer furnishes the employee with meals and lodging at the institution without charge. Under the applicable State statute, his meals and lodging are regarded as part of the employee's compensation. The employee would nevertheless be entitled to exclude the value of such meals and lodging from his gross income.

Example (6). An employee of an institution is given the choice of residing at the institution free of charge, or of residing elsewhere and receiving a cash allowance in addition to his regular salary. If he elects to reside at the institution, the value to the employee of the lodging furnished by the employer will be includible in the employee's gross income because his residence at the institution is not required in order for him to perform properly the duties of his employment.

Example (7). A construction worker is employed at a construction project at a remote job site in Alaska. Due to the inaccessibility of facilities for the employees who are working at the job site to obtain food and lodging and the prevailing weather conditions, the employer is required to furnish meals and lodging to the employee at the camp site in order to carry on the construction project. The employee is required to pay $40 a week for the meals and lodging. The weekly charge of $40 is not, as such, part of the compensation includible in the gross income of the employee, and under paragraphs (a) and (b) of this section the value of the meals and lodging is excludable from his gross income.

Example (8). A manufacturing company provides a cafeteria on its premises at which its employees can purchase their lunch. There is no other eating facility located near the company's premises, but the employee

can furnish his own meal by bringing his lunch. The amount of compensation which any employee is required to include in gross income is not reduced by the amount charged for the meals, and the meals are not considered to be furnished for the convenience of the employer.

Example (9). A hospital maintains a cafeteria on its premises where all of its 230 employees may obtain a meal during their working hours. No charge is made for these meals. The hospital furnishes such meals in order to have each of 210 of the employees available for any emergencies that may occur, and it is shown that each such employee is at times called upon to perform services during his meal period. Although the hospital does not require such employees to remain on the premises during meal periods, they rarely leave the hospital during their meal period. Since the hospital furnishes meals to each of substantially all of its employees in order to have each of them available for emergency call during his meal period, all of the hospital employees who obtain their meals in the hospital cafeteria may exclude from their gross income the value of such meals.

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

[F.R. Doc. 64-6822; Filed, July 8, 1964; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

New Haven Harbor, Quinnipiac, West and Mill Rivers, Conn.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.120 governing the operation of bridges in New Haven Harbor, is hereby amended to omit the Kimberly Avenue Bridge across West River and § 203.121 is hereby prescribed to govern the operation of the Kimberly Avenue Bridge across West River, Connecticut, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.120 New Haven Harbor, Quinnipiac and Mill Rivers, Conn.; bridges owned and operated by the State of Connecticut and City of New Haven.

(a) The regulations in this section shall govern the operation of Chapel Street Bridge across Mill River, and Tomlinson Bridge, Ferry Street and Grand Avenue Bridges across Quinnipiac River.

* * * * *

(e) Signals:

(1) *Call signals for opening of draw—*

(i) *Sound signals.*

Tomlinson Bridge, two short blasts of horn or whistle.

Chapel Street Bridge, three short blasts of horn or whistle.

Ferry Street Bridge, one short blast of horn or whistle.

Grand Avenue Bridge, one long blast of horn or whistle.

* * * * *

§ 203.121 West River, Kimberly Avenue Bridge between New Haven and West Haven, Conn.

(a) The owner of or agency controlling the bridge shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draw for the safe passage of vessels.

(b) From April 1 to November 30, inclusive, between the hours of 6:00 a.m. and 12:00 midnight, local time, the draw will be opened on signal, except between 7:30 a.m. and 8:30 a.m., 12:00 noon and 12:15 p.m., 12:45 p.m. and 1:00 p.m., and 4:45 p.m. and 5:45 p.m., during which times the draw will not need to be opened for vessel traffic. From December 1 to March 31, inclusive, at all hours of the day and night, and from April 1 to November 30, inclusive, between 12:00 midnight and 6:00 a.m., local time, the draw will be opened upon one hour advance notice given to the draw tender.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such a manner that it can be easily read at any time, a copy of the regulations of this section, together with a notice stating exactly how the draw tender may be reached in an emergency and how he may be reached by telephone or otherwise.

(d) Signals:

(1) *Call signals for opening of draw—*

(i) *Sound signals.* Three short blasts of the horn or whistle.

(ii) *Visual signals.* To be used in connection with sound signals when conditions are such that sound signals cannot be heard. A white flag by day, and a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals—*(i) *By bridge operator—(a) Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or if open, must be closed immediately: Two long blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

(*b*) *Visual signals.* Draw to open immediately: A white flag by day or a green light by night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately, or if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(ii) *By the vessel.* Vessels or other watercraft having signaled for the opening of the draw and having reached a signal that the draw cannot be opened immediately, or if open, must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally, a red flag by day and a red light by night.

[Regs., June 24, 1964, 1507-32 (West River, Conn.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

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

[F.R. Doc. 64-6802; Filed, July 8, 1964; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 16—CONSERVATION OF HELIUM

On page 5561 of the FEDERAL REGISTER of April 25, 1964, there were published a notice and text of a proposed amendment to 43 CFR Subpart 3105. The purpose of the amendment is to provide for the conservation of helium by authorizing disposition to qualified applicant of rights for the extraction of helium from gas produced from Federal lands.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections to the proposed amendment. Numerous comments were received and have been carefully considered and discussed with representatives of the gas industry. The suggestions received have led to revision of the proposal and changes in the following sections:

(1) The regulations have been placed in new Part 16 in order to place them in an appropriate classification.

(2) The heading of § 16.1 (§ 3501.1 of the proposal) has been changed to more adequately describe the basis and purpose of the agreement.

(3) In order to clarify the meaning of § 16.1(a), (§ 3501.1(a) of the proposal), the words "bearing gas" have been added after the word "helium," and the words "as a component of gas" have been added after the word "drained."

(4) In order to clarify the point that only the Secretary or his authorized representative may make an agreement authorized by § 16.1(a), the sentence, "Only the Secretary or his authorized representative may approve such an agreement" has been added to § 16.1(a) in lieu of the sentence in § 3105.1(b) of the proposal which stated that, "No agreement will become effective without the approval of the Secretary or his authorized representative."

(5) A new paragraph (c) has been added to § 16.1 to provide that in the extraction of helium from gas produced by Federal oil and gas lessees, it shall be extracted so as to cause no delay, and to provide for the compensation of oil and gas lessees for any components of gas, other than helium, which are lost.

(6) To clarify § 16.2 (§ 3105.2 of the proposal), the words "the helium component and other components of" have been added between the words "both" and "gas," and the words "and helium" have been stricken.

(7) Section 16.2 has been rearranged in format for clarity and changed to provide that a proposal must take account of the existence both of Federal and non-Federal oil and gas leases.

(8) In § 16.2(a)(1), (§ 3105.2(b)(1) of the proposal), the phrase "valuable for gas and helium" has been changed to read "valuable for the helium component and other components of gas."

(9) Section 16.2(a)(4), (§ 3105.2(b)(3) of the proposal), has been changed

to require the applicant to show that the proposal, if accepted, will conserve helium that would otherwise be wasted or drained, as required by § 16.1(a).

(10) To clarify what type of evidence is required to show that applicant has the "Financial Capability" to carry out the proposal and to make clear that this does not mean money-in-hand, the wording of § 16.2(a)(5), (§ 3105.2(b)(4) of the proposal), has been changed by striking the last phrase in the section "proposed financing for the project" and substituting therefor the phrase "arrangements for the financing of the project."

(11) To specify more clearly the type of information required to be furnished with each application, § 16.2(a)(6), (§ 3105.2(b)(5) of the proposal), has been changed by adding the words "plat or diagram." The words "bearing gas" have been added after the word "helium." The phrase "recoverable gas and helium reserves" has been changed to read "recoverable gas and the helium content of the gas."

(12) In § 16.2(c), (§ 3105.2(d) of the proposal), the phrase "all leasees or lessors" has been changed to read "all oil and gas lessees." To clarify what type of notice of filing would be acceptable, there has been added a new sentence: "Notice of filing may be by publication by the applicant once a week for four consecutive weeks in a newspaper of established character and of general circulation in the vicinity of the land affected thereby, such paper having a fixed and well-known place of publication."

(13) A new § 16.3 has been added to specify the procedure for proposals for recovery of helium where necessary to prevent drainage.

(14) In § 16.4(b), (§ 3105.3(b) of the proposal), the phrase "exclusive of proprietary process and design data" has been added after the phrase "all technological data."

(15) Section 16.5 (§ 3105.4 of the proposal) has been amended to clarify the basis for determining royalty of other compensation, and to clarify the renegotiation provisions.

The amended regulations are adopted as set forth below and will become effective upon publication in the FEDERAL REGISTER.

Sec.

AUTHORITY: The provisions of this Part 16 issued under R.S. 2478, as amended, 60 Stat. 950, 74 Stat. 918, 922; 43 U.S.C. 1201, 30 U.S.C. 181, 50 U.S.C. 167a, 167g.

§ 16.1 Agreement to dispose of helium which is being produced or drained as a component of gas.

(a) The Secretary, pursuant to his authority and jurisdiction over Federal lands, may, where helium can be conserved that would otherwise be wasted in production of oil or gas from Government lands embraced in an oil and gas lease or where necessary to prevent drainage of Federally owned deposits of helium-bearing gas, enter into an agreement with a qualified applicant to dispose of the helium of the United States which is being produced or drained as a component of gas, upon such terms and conditions as he deems fair, reasonable, and necessary to conserve such helium. Only the Secretary or his authorized representative may approve such an agreement.

(b) An agreement shall be subject to the existing rights of the Federal oil and gas lessee. The precise nature of any agreement will depend on the conditions and circumstances involved in any particular case.

(c) An agreement shall provide that in the extraction of helium from gas produced by Federal oil and gas lessees, it shall be extracted so as to cause no delay, except that required by the extraction process, in the delivery of the residue of the gas produced from the well to the purchaser or purchasers thereof. The agreement shall also require the applicant to compensate the affected oil and gas lessee for any components of the gas other than helium, which are lost in the process of extraction.

§ 16.2 Proposals for recovery of helium from leaseholds valuable for both the helium component and other components of gas.

(a) The Secretary will accept written proposals for the recovery of the helium component of gas from leaseholds valuable for both the helium component and other components of gas. The proposals need not be in any particular form but must contain information sufficient to permit the Secretary to determine the following:

(1) That the area covered by the proposal is known to be valuable for the helium component and other components of gas under the conditions of § 16.1.

(2) That the applicant, insofar as the feasibility of the proposal requires the applicant to utilize gas produced under non-Federal oil and gas leases, has made satisfactory contractual agreements, which may be a nonrevocable option, with non-Federal oil and gas lessees. Copies of the documents evidencing such arrangements must be furnished.

(3) That the applicant has developed a plan with respect to which the applicant submits evidence that he has either (i) reached agreement with the affected Federal oil and gas lessees on detailed arrangements for obtaining the delivery of the helium-bearing gas from the lessees and the redelivery, without unreasonable delay, of the residue after extraction of the helium component to the owner thereof, or, (ii) if no agreement has been reached, that the applicant has proposed reasonable arrangements therefor to the lessees and that such arrangements have been unreasonably refused, in which event such arrangements may be approved, in the discretion of the Secretary, without the agreement of the lessees.

(4) That the proposal will conserve helium that will otherwise be wasted or drained.

(5) That the applicant has the financial and technical capability to carry out the proposal. There must be a complete and detailed showing of the applicant's financial capability, including a full disclosure of arrangements for the financing of the project.

(6) Each application shall be accompanied by a lease ownership map, plat, or diagram for each field containing helium-bearing gas for each to be made subject to the agreement, and for each field, the estimated recoverable gas and helium content of the gas, the B.t.u. content of the gas, and whether from pipeline, gas well, or residue gas. The application shall show the location and type of the proposed extraction plant, related data, including sources of gas supply, pipeline facilities and such other information as may be necessary to properly evaluate the application.

(b) The proposal and all papers and documents pertinent thereto shall be filed with the Secretary. The filing of a proposal gives no prior right to the applicant and the Secretary may entertain any competing proposals.

(c) Any filing shall include evidence of notice of such filing to all oil and gas lessees in the field or fields involved. Notice of filing may be by publication by the applicant once a week for four consecutive weeks in a newspaper of established character and of general circulation in the vicinity of the land affected thereby, such paper having a fixed and well-known place of publication.

(d) Proposals for the purpose of prospecting, exploration, or development of new helium deposits will not be considered.

§ 16.3 Proposals for recovery of helium where necessary to prevent drainage.

(a) The Secretary will accept proposals for recovery of helium where necessary to prevent drainage of federally owned deposits of helium-bearing gas. Proposals filed under this section shall be subject to the requirements of § 16.2 except that no showing need be made that the helium-bearing gas being drained, or subject to imminent drainage, is valuable for both the helium component and for the other components of the gas.

§ 16.4 Term and conditions.

(a) Agreements may be coextensive with the life of the leases affected or for a fixed term. Upon termination the reservation of helium to the United States shall be fully operative.

(b) The United States shall have access to all technological data, exclusive of proprietary process and design data, incident to extraction of helium from gas produced from lands under oil and gas lease.

§ 16.5 Consideration to the United States; renegotiation.

(a) The Secretary shall determine the royalty or other compensation to be paid

by the applicant, which royalty or other compensation together with the royalties and other compensation paid by the oil and gas lessee, shall be in an amount sufficient to secure to the United States a return on all the values, including recovered helium.

(b) The Secretary may require that each agreement shall contain a renegotiation clause providing for renegotiation of the royalty percentage ten years from the effective date of the agreement and at five-year intervals thereafter.

§ 16.6 Bonds.

The applicant shall be required to submit a bond in such amount and in such form as the Secretary may prescribe to secure the faithful performance of the terms of any agreement made.

STEWART L. UDALL,
Secretary of the Interior.

JULY 3, 1964.

[F.R. Doc. 64-6828; Filed, July 8, 1964; 8:49 a.m.]

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3409]

[Montana 061026]

MONTANA

Adding Lands to the Lolo National Forest

By virtue of the authority vested in the President by section 1 of the Act of July 20, 1939 (53 Stat. 1071; 16 U.S.C. 471b), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, the following described public land in Montana is hereby added to and made a part of the Lolo National Forest, and hereafter shall be subject to all laws and regulations applicable to the said national forest:

MONTANA PRINCIPAL MERIDIAN

T. 15 N., R. 25 W.,
Sec. 4, lots 10, 11 and 12;
Sec. 9, lots 2, 3 and 6.

Aggregating 168.16 acres.

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

JULY 1, 1964.

[F.R. Doc. 64-6804; Filed, July 8, 1964; 8:46 a.m.]

[Public Land Order 3410]

[Idaho 013991]

IDAHO

Addition of Lands to the Boise and Caribou National Forests

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to valid existing rights, the following described lands are hereby added to and made a part of the national forests inicated, and hereafter shall be subject to all laws and regulations applicable to such national forests:

BOISE MERIDIAN

Boise National Forest

T. 6 N., R. 5 E.,
Sec. 15, SW¼.

Caribou National Forest

T. 11 S., R. 35 E.,
Sec. 10, N½N½.

The areas described aggregate 320 acres.

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

JULY 2, 1964.

[F.R. Doc. 64-6805; Filed, July 8, 1964; 8:46 a.m.]

[Public Land Order 3411]

[Colorado 086594]

COLORADO

Partly Revoking Executive Order of April 17, 1926 (Public Water Reserve No. 107)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 (17 F.R. 4831) of May 26, 1952, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 3 N., R. 98 W.,
Sec. 25, SW¼NE¼.

Containing approximately 40 acres.

2. Until 10:00 a.m. on December 31, 1964, the State of Colorado shall have a preferred right of application to select the lands as provided by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852). On and after that date and hour the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State, received prior to 10:00 a.m. on December 31, 1964, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. They will be open to location under the United States mining laws for nonmetalliferous minerals at 10:00 a.m. on December 31, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

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

JULY 2, 1964.

[F.R. Doc. 64-6806; Filed, July 8, 1964; 8:46 a.m.]

[Public Land Order 3412]

[Oregon 014034]

OREGON

Partial Revocation of Certain Reclamation Withdrawals (Owyhee and Vale Projects)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental Orders of March 28, 1925, December 14, 1926, and March 18, 1929, and any other order or orders which withdrew lands for reclamation purposes under the Act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 19 S., R. 41 E.,
Sec. 26, SE¼SE¼;
Sec. 35, W½.
T. 20 S., R. 41 E.,
Sec. 26, SE¼NW¼ and NW¼SW¼;
Sec. 32, lots 6, 11, 12, and 13;
Sec. 33, lot 5.
T. 19 S., R. 42 E.,
Sec. 12, SE¼;
Sec. 22, S½SE¼;
Sec. 30, lot 1, N½NE¼, and NE¼NW¼.
T. 19 S., R. 43 E.,
Sec. 20, NE¼SW¼ and NW¼SE¼;
Sec. 29, NE¼NE¼, S½NE¼, and N½N½ N½SE¼;
Sec. 31, S½S½NE¼SE¼ and S½SE¼;
Sec. 32, S½N½NE¼NE¼, S½NE¼NE¼, SW¼, and S½SE¼.
T. 17 S., R. 44 E.,
Sec. 2, lots 3, 4, and S½NW¼;
Sec. 12, N½NE¼, NE¼NW¼ and SE¼ SE¼.
T. 18 S., R. 45 E.,
Sec. 27, lot 3 and SW¼NE¼.

The lands described aggregate, approximately 2,026 acres.

2. At 10:00 a.m. on August 7, 1964, the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on August 7, 1964, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on August 7, 1964.

4. The State of Oregon has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

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

JULY 2, 1964.

[F.R. Doc. 64-6807; Filed, July 8, 1964; 8:46 a.m.]

[Public Land Order 3413]

[Fairbanks 031712]

ALASKA

Withdrawal for Bureau of Land Management Administrative Site and Fire Control Station

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

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved for a Bureau of Land Management administrative site and a fire control station:

BETHEL AREA

Beginning at corner No. 4 of U.S. Survey No. 3729, proceed S. 23°23′ W. 2,558.82 ft. to the centerline of a gravel road. From this point proceed N. 68°30′ W. approximately 800 feet along the centerline of the gravel road to corner No. 1.

From corner No. 1, by metes and bounds, Northwest along the centerline of the gravel road approximately 1,200 ft. to corner No. 2; S. 23°23′ W. approximately 1,320 ft. to corner No. 3;

East approximately 1,300 ft. along the Northern boundary of the lands reserved by PLO 1173 "A" to corner No. 4; N. 23°23′ E. approximately 750 ft. to corner No. 1.

The area described aggregates approximately 28 acres.

The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative sources, other than under the mining laws.

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

JULY 2, 1964.

[F.R. Doc. 64-6808; Filed, July 8, 1964; 8:47 a.m.]

[Public Land Order 3414]

[Nevada 045824, 1151018]

NEVADA

Partly Revoking Executive Order No. 5182 of August 29, 1929 Which Withdrew Lands for Classification

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 5182 of August 29, 1929, which withdrew lands in California and Nevada for classification, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 1 N., R. 35 E.,
Sec. 21.

Containing approximately 640 acres.

2. Subject to any valid existing rights and equitable claims, the requirements of applicable law, and the provisions of any existing withdrawals, the lands are hereby opened to filing of applications, petitions, and selections. All valid applications and selections under the nonmineral public land laws presented at or prior to 10:00 a.m. on August 7, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location under the United States mining laws for nonmetalliferous minerals at 10:00 a.m. on August 7, 1964.

4. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

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

JULY 2, 1964.

[F.R. Doc. 64-6809; Filed, July 8, 1964; 8:47 a.m.]

[Public Land Order 3415]

[Oregon 013585]

OREGON

Modifying Water Power Withdrawals To Permit Grant of Right-of-Way; Power Site Modification No. 437

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and that contained in the Act of June 9, 1916 (39 Stat. 218), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive Order of December 12, 1917, creating Power Site Reserve No. 661 and the Departmental order of the same date creating Water Power Designation No. 14 are hereby modified to the extent necessary to permit the granting of a highway right-of-way under Rev. Stat. 2477 (1875) (43 U.S.C. 932), to the Marion County Board of Commissioners over the following described lands, as delineated on a map on file with the Bureau of Land Management, in Oregon, 013585, for the relocation of an existing county road:

WILLAMETTE MERIDIAN

T. 9 S., R. 3 E.,
Sec. 1, SW¼SW¼.

Containing approximately 40 acres.

The lands are described in determination DA-512-Oregon of the Federal Power Commission, issued January 3, 1964. As provided by the Commission, allowance of the right-of-way application shall be subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended.

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

JULY 2, 1964.

[F.R. Doc. 64-6810; Filed, July 8, 1964; 8:47 a.m.]

[Public Land Order 3416]

[Sacramento 076300]

CALIFORNIA

Adding Lands to the Lassen and Six Rivers National Forests

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to valid existing rights, the following described public lands in California are hereby added to and made a part of the national forests indicated, and hereafter shall be subject to all laws and regulations applicable to such national forests:

MOUNT DIABLO MERIDIAN

Lassen National Forest

T. 35 N., R. 9 E.,
Sec. 24, N½SW¼.

HUMBOLDT MERIDIAN

Six Rivers National Forest

T. 1 N., R. 6 E.,
Sec. 10, NE¼SE¼.

The areas described aggregate 120 acres.

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

JULY 2, 1964.

[F.R. Doc. 64-6811; Filed, July 8, 1964; 8:47 a.m.]

[Public Land Order 3417]

[Washington 04973]

WASHINGTON

Power Site Restoration No. 606; Power Site Cancellation No. 197; Partly Revoking Power Site Reserve No. 755 and Power Site Classification No. 40

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 (17 F.R. 4831) of May 26, 1952, and by virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), it is ordered as follows:

1. The Executive Order of February 1, 1921, creating Power Site Reserve No. 755, and the Departmental order of June 7, 1922, creating Power Site Classification No. 40, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 27 N., R. 19 E.,
Sec. 10, W½E½;
Sec. 11, lot 2 and NE¼SW¼;
Sec. 15, lot 2;
Sec. 26, lots 3 and 5.

T. 28 N., R. 19 E.,
Sec. 19, lots 1, 2, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 20, SW¼SW¼;
Sec. 28, lots 2 and 3;
Sec. 29, SW¼NE¼, NW¼, and N½SE¼;
Sec. 30, NE¼NE¼;
Sec. 33, lots 1 and 2.
T. 26 N., R. 20 E.,
Sec. 7, lots 5 to 8, incl., and 10 to 12, incl.;
Sec. 18, lots 5, 6, 9 through 13, incl., 15 and 16;
Sec. 20, lots 1, 2, 5, 6, and 7;
Sec. 28, lots 2, 3, 4, and NE¼SW¼;
Sec. 29, lots 1 to 5 incl.;
Sec. 32, NE¼NE¼.

The areas described, including the public, nonpublic, and national forest lands, aggregate 1,665.35 acres. Much of the land is in the Wenatchee National Forest.

2. Until 10:00 a.m. on December 31, 1964, the State of Washington shall have a preferred right of application to select the public lands for school land indemnity purposes, as provided by section 2(c) of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The State of Washington also has a more limited preferred right of application for the restored lands for highway easement or for highway material site purposes as provided by section 24 of the Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

3. At 10:00 a.m. on December 31, 1964, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, except preference right applications from the State, received at or prior to 10:00 a.m. on December 31, 1964, shall be considered as simultaneously filed at that time. Those filed thereafter, shall be considered in the order of filing.

4. At 10:00 a.m. on August 7, 1964, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

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

JULY 2, 1964.

[F.R. Doc. 64-6812; Filed, July 8, 1964; 8:47 a.m.]

[Public Land Order 3418]

[Washington 04993, 03415]

WASHINGTON

Withdrawals for Forest Service; Partly Revoking Reclamation Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831) and by virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the minerals in the following described national forest lands are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for the protection of the water supply area of the Leavenworth National Fish Hatchery:

WILLAMETTE MERIDIAN

Wenatchee National Forest

T. 23 N., R. 17 E.,
Sec. 8, SE¼;
Sec. 18, lots 3, 6, and NW¼SE¼;
Sec. 20, lots 1, 2, NE¼NE¼, NE¼NW¼, and S½N½.

The area described aggregates approximately 601 acres.

2. The Departmental Order of July 22, 1938, withdrawing lands for reclamation purposes, is hereby revoked so far as it affects the following described lands, all of which are in the Wenatchee National Forest:

WILLAMETTE MERIDIAN

T. 23 N., R. 16 E.,
Sec. 8;
Sec. 10.
T. 23 N., R. 17 E.,
Sec. 8;
Sec. 16, NW¼;
Sec. 18;
Sec. 20.

The areas described aggregate approximately 3,211 acres.

3. At 10:00 a.m. on August 7, 1964, the national forest lands, described in paragraph 2 hereof, shall be open to such forms of disposition as may by law be made of such lands, subject to existing withdrawals, including that made by paragraph 1 of this order.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

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

JULY 2, 1964.

[F.R. Doc. 64-6813; Filed, July 8, 1964; 8:47 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 1152; General Order 11]

PART 512—REPORTS OF RATE BASE AND INCOME ACCOUNT BY VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

Forms and Instructions; Correction

In line 4 of § 512.7(c)(9) of the rules published in the FEDERAL REGISTER on June 17, 1964 (29 F.R. 7721, at 7724) the word "Marine" should read "Maritime."

THOMAS LISI,
Secretary.

[F.R. Doc. 64-6827; Filed, July 8, 1964; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64-497]

PART 1—PRACTICE AND PROCEDURE

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Application for Radio Station Construction Permit

In the matter of FCC Form 401, "Application for New or Modified Radio Station Construction Permit (other than Broadcasting)" deleted from use by applicants applying under Parts 23, 81, 83 or 85 of the Commission's rules; FCC Form 407[1] "Application for Radio Station Construction Permit for Parts 23, 81, 83 and 85" added; various amendments to Parts 1, 81, and 83 of the Commission's rules conforming them to above deletion and addition of forms and making editorial changes therein.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of June 1964;

The Commission having under consideration the above-captioned matters;

It appearing, that it is desirable to add a new form for use by land station applicants applying for stations in the International Fixed Public Radiocommunication Services, the Maritime Services, and for Alaska-public fixed stations, and to delete the use of FCC Form 401 insofar as such applicants are concerned; and

It further appearing, that the use of the new form (FCC Form 407) will make for more efficient processing of land station applications in the services mentioned above, and, hence, will serve the public interest; and

It further appearing, that the attached nonsubstantive changes are necessary in Parts 1, 81, and 83 of the Commission's rules to reflect the above forms changes, to delete the requirement concerning submission of the FCC Form 407 in duplicate, to delete the requirement concerning submission of the FCC Form 401-A in quadruplicate, and to editorially correct the title of Subpart F in Part 1; and

It further appearing, that it is desirable to allow a transition period ending August 31, 1964, until which date applicants may, if the new Form 407 is not available to them, file on the present Form 401; and

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[1] Filed as part of the original document.

It further appearing, that, when available, the new Form 407 may be obtained from the Commission's Washington office or any of the Commission's Field Engineering offices; and

It further appearing, that since the rule amendments and the other matters herein ordered do not involve any substantive rule changes, compliance with the public notice and rule making procedures provisions of section 4 (a) and (b) of the Administrative Procedure Act is not required; and

It further appearing, that since no substantive changes to the rules are herein involved, the effective date provisions of section 4(c) of the Administrative Procedure Act need not be complied with:

It is ordered, That effective July 24, 1964, and pursuant to the authority contained in sections 4(i), 303(r), and 308 (b) of the Communications Act of 1934, as amended:

1. New FCC Form 407, "Application for Radio Station Construction Permit for Parts 23, 81, 83 and 85" is hereby adopted.

2. The use of FCC Form 401 by land station applicants applying for stations in the International Fixed Public Radiocommunication Services, the Maritime Services, and for Alaska-public fixed stations is hereby deleted.

3. Parts 1, 81, and 83 of the Commission's rules are amended as set forth below.

4. If the new Form 407 is not available to them, applicants filing under Parts 23, 81, 83, or 85 may use the present Form 401 when filing such applications until September 1, 1964.

5. The use of new Form 407 by applicants filing under Parts 23, 81, 83 or 85 will be required on and after September 1, 1964; applications by such applicants filed on and after September 1, 1964, on other than the new Form 407, will be considered defective and returned to the applicant, along with a new Form 407 for submission by the applicant.

(Secs. 4, 303, 308, 48 Stat. 1066, 1082, 1084, as amended; 47 U.S.C. 154, 303, 308)

Released: July 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 1 is amended as follows:

1. The title of Subpart F of Part 1 is changed to read: "Safety and Special Radio Services Applications and Proceedings".

2. Section 1.922 is amended by deleting the entry for Form 401 in the table of forms listed therein, and by inserting in the proper numerical sequence the following:

§ 1.922 Forms to be used.

FCC form	*Title*
* * *	* * *
407	Application for Radio Station Construction Permit for Parts 23, 81, 83, and 85.

[2] Commissioner Bartley absent.

B. Part 81 is amended as follows:

1. In § 81.31, paragraph (a) and the introductory text of paragraph (b) are amended to read as follows:

§ 81.31 Establishment of station.

(a) Application for permit to construct a station, other than a fixed station using frequencies above 952 Mc/s, subject to this part shall be submitted on FCC Form 407. Application for permit to construct a fixed station using frequencies above 952 Mc/s (a so-called microwave station) shall be submitted on FCC Form 402. When actual construction is not involved, the term "construct" as used herein is construed to mean "installation" or any action of an equivalent nature involved in preparing the station for actual operation prior to the issuance of a station license.

(b) FCC Form 401–A (revised), "Description of Proposed Antenna Structure", shall be submitted in duplicate with FCC Form 407 in each instance when:

* * * * *

2. Paragraphs (a) and (b) of § 81.32 are amended to read:

§ 81.32 Changes prior to completion of station.

(a) When, during the term of a construction permit, any change is to be made in respect to a station which would result in a deviation from the terms of the permit, application for modification of such permit shall be filed on FCC Form 407 or, in the case of microwave stations, on FCC Form 402.

(b) FCC Form 401–A (revised), in duplicate, shall be submitted with FCC Form 407, or with FCC Form 402 in the case of microwave stations, whenever any change is to be made in the antenna structures if such structures, as the result of such change, will exceed an overall height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet, no Form 401–A (revised) need be filed; or whenever the overall height of the antenna structures, as a result of such change, will exceed 170 feet above ground level; or whenever the antenna structure already is required to be painted or lighted in accordance with Part 17 of this chapter. In such cases, there shall be attached to Form 401–A (revised) a sketch and a map as prescribed in § 81.31(c).

* * * * *

3. Section 81.36(b) is amended to read:

§ 81.36 Changes during license term.

* * * * *

(b) Authority for any physical change in the construction of the transmitting equipment or installation, or for the addition of radio transmitting apparatus, or for any change in station location, or for any change in antenna structures of the nature designated in § 81.32(b), shall be requested by filing an appropriate application for construction permit on FCC Form 407 or in the case of microwave stations on FCC Form 402. If a physical change in the antenna structure(s) is proposed, a description of any marking currently required shall be supplied as part of the necessary application. Upon completion of the construction, installation, or change in station location or antenna structure(s) in accordance with the terms of the construction permit, an appropriate application for modification of station license shall be submitted on FCC Form 403, or in the case of microwave stations on FCC Form 402.

* * * * *

C. Part 83 is amended as follows:

1. Section 83.36(b) is amended to read:

§ 83.36 Application forms for station authorizations.

* * * * *

(b) FCC Form 407 shall be used for filing formal application for new or modified station license in the maritime radiolocation service.

* * * * *

[F.R. Doc. 64–6834; Filed, July 8, 1964; 8:49 a.m.]

[FCC 64–498]

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

Forms To Be Used

In the matter of Application Form 440[1] for use under Part 5 of the rules and regulations, Experimental Radio Services (other than Broadcast) and editorial amendment of § 5.55.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of June 1964;

The Commission having under consideration Form 401 now used, inter alia, for the filing of applications for experimental licenses under Part 5 of the rules and regulations; and § 5.55 of the rules, in which reference is made to that form; and

It appearing, that Form 401 has been revised effective September 1, 1964 (FCC 64–496), that the revised form is not suitable for use in filing and processing applications for experimental licenses, and that a new Form 440 has been devised which meets the needs of the Experimental Radio Service; and

It further appearing, that Form 440 requires less information than Form 401, and that its use will be less burdensome to applicants than the current form; and

It further appearing, that the Commission is currently considering a general revision of Part 5, that comments on the revised form will be elicited when the notice of proposed rule making in that proceeding is issued; and that the

[1] Filed as part of the original document.

experience of applicants with Form 440 in the interim period will be useful to them in commenting upon the form at that time; and

It further appearing, that the use of Form 440 will facilitate the filing and processing of experimental applications during this interim period and that such use will serve the public interest, convenience, and necessity; and

It further appearing, that § 5.55 of the rules and regulations should be amended to reflect the interim use of Form 440; and

It further appearing, that the approval of Form 440 and the amendment of § 5.55 involve matters of procedure, and hence that the prior notice and effective date provisions of section 4 of the Administrative Procedure Act do not apply; and

It further appearing, that authority for the matters ordered herein is contained in sections 4(i), 303(g), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing, that adequate supplies of Form 440 will be available by September 1, 1964:

It is ordered, Effective September 1, 1964, that the attached Form 440 shall be used in filing applications for experimental licenses under Part 5 of the rules and regulations, and that § 5.55 of the rules is amended as set forth below.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303)

Released: July 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

1. In § 5.55, the introductory text of paragraph (a) and paragraph (e) is amended as follows:

§ 5.55 Forms to be used.

(a) *Application for construction permit for land stations and fixed stations.* A separate application for construction permit shall be submitted on FCC Form 440 for each base station and each fixed station. Such applications shall be accompanied by FCC Form 401–A in triplicate in all cases when:

* * * * *

(e) *Application for modification of construction permit.* Separate application for modification of construction permit shall be submitted on FCC Form 440 for each station to be located at a fixed point. Application for modification of construction permit for any number of mobile units to be operated in the same service, including hand-carried or pack-carried units, may be combined into one application and shall be submitted on FCC Form 440.

* * * * *

[F.R. Doc. 64–6835; Filed, July 8, 1964; 8:49 a.m.]

[2] Commissioner Bartley absent.

[Docket No. 11842; FCC 64–496]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

Construction Permit Application Form

In the matter of construction permit application form (FCC Form 401)[1] used by applicants for common carrier radio authorizations under Parts 6 and 21 of our rules.[2]

1. The Commission, on October 3, 1956, issued a notice of inquiry in the above-entitled matter (FCC 56–967; 21 F.R. 7806) inviting suggestions for the improvement of FCC Form 401, used by applicants for new or modified radio station permits under Parts 6 and 21 of the Commission's rules.[3] The notice stated that the form as then constituted was inadequate to obtain the information required by the rules.

2. Suggestions or comments, each dated December 28, 1956, were filed by RCA Communications, Inc. (RCAC), American Telephone and Telegraph Company (AT&T) and the Western Union Telegraph Company (WU).

3. RCAC submitted suggestions as to how Form 401 might be improved. However, such comments were limited to the use of the form under what was then known as Part 6 of the rules. In view of our determination herein to limit the use of FCC Form 401 to applications made under Part 21, a detailed review of RCAC's suggestions is not required. Nevertheless, we have made editorial revisions designed to eliminate repetitious or unnecessary questions, as urged by certain of the comments filed by RCAC.

4. AT&T submitted its comments in behalf of the Bell System telephone companies. Illustrative forms were attached to such comments, which sought the consolidation of Forms 401, 401–A (description of proposed antenna structure) and 403 (application for license). As a means of facilitating the preparation of simutaneously filed applications for a multiplicity of radio stations, AT&T suggested a single form entitled "Statement of Eligibility to Construct and Operate Radio Stations" covering the applicant's legal, financial, technical, and other qualifications to be a radio licensee. This form would be filed once and reference made to it in subsequent applications. A second form entitled "Application for New or Modified Radio Station Authorization" is recommended in two parts. Part 1 would contain information common to all stations in the proposed system and Part 2 would contain the detailed information pertaining to each station for which authorization is requested. Presumably, such an arrangement would allow the applicant to avoid repetition of data and signatures and, to that extent, reduce processing effort, since each Part 2 submitted for a system would be identified as an exhibit to be associated with the executed Part 1. It is further suggested that the data applicable to individual stations be arranged so as to facilitate the transference of pertinent data to the anticipated authorization. The proposed elimination of Form 401–A would be accomplished by adding such data to Part 2 of the proposed application for authorization and Form 403 would be replaced by a procedure of notification to the Commission when construction is completed.

5. WU submitted ten suggestions, all of which are designed to clarify alleged ambiguities in the current form or to eliminate repetitious questions and to make minor changes in the format. No major changes were recommended by WU.

6. After careful and detailed study of our present rules affecting the services which have been using Form 401,[4] we find that the specialized needs and data requirements of the individual services would be best served by the preparation of separate forms each of which is designed to secure only so much information as is pertinent to the service in which the application may be filed. Additionally, we note that the number of applications filed in the Domestic Public Radio Services has grown to the point where it is absolutely essential that no valuable processing time be wasted or unnecessary errors introduced by a form which is inadequate by reason of attempts to elicit responses which are irrelevant to the service.

7. For the aforesaid reasons, we have concluded that the revised Form 401 (attachment) shall be limited in usage to applications in the Domestic Public Radio Services. Application for certain radio station authorizations in the Maritime Services (and Public Fixed Stations in Alaska) and the International Fixed Public Radiocommunication Services will hereafter be filed on a new form to be known as FCC Form 407. Applications for radio station authorizations in the Experimental Radio Services will hereafter be filed on a new form to be known as FCC Form 440.

8. In preparing and drafting the attached revised FCC Form 401, we have given particular attention to all the suggestions filed and considered many oral comments made by interested parties.[4]

[1] Filed as part of the original document.

[2] Effective December 7, 1963, Part 6 of the Commission's rules was redesignated Part 23.

[3] In addition to common carrier applications for new or modified radio station construction permits in the Domestic Public Radio Services and International Fixed Public Radiocommunication Services, the subject form has been used in the Experimental Radio Services, Maritime Services and for Public Fixed Stations in Alaska.

[4] Because of the time that has elapsed since the filing of comments herein, the staff solicited current views and suggestions from parties who previously responded and from a number of selected common carriers, associations and their counsel.

It should be readily apparent that the new form is designed to satisfy the present requirements of the Communications Act of 1934, as amended, and our rules. Beyond that every reasonable effort has been made to obtain all essential and relevant data, avoiding repetitious and ambiguous questions. We believe that the revised form meets the general objections stated by most of the interested parties as well as the commentators in this proceeding. Although the suggestions by AT&T regarding a new arrangement of forms to replace several current forms has some merit when dealing with common carriers having extensive operations, we find that in the Domestic Public Radio Services applications are received from many carriers with limited radio facilities. As to the smaller carriers, the said proposals are likely to cause confusion, and we find no justification for the attendant complications considering the very limited advantages or conveniences to a few carriers. Further, at least that part of AT&T's suggestion concerning elimination of our current Form 403 (Application for Radio Station License or Modification Thereof) lacks legal authority in that section 319(c) of the Communications Act requires that a license be issued only after the holder of a construction permit establishes certain facts which are in the nature of conditions subsequent attached to a radio construction permit.

9. The revised Form 401 provides for the submission of most of the data required by the current Form 401 and incorporates provisions which specifically call attention to the need for supplemental exhibits which presently are required as a matter of current Commission practice or by the provisions of Part 21 of the rules. The requirements in the Commission's rules for including supplemental information with an application are frequently being overlooked by applicants. Such omissions constitute substantial application defects and require extensive correspondence with applicants in the processing of applications. The result is an aggravation of the application backlogs and an increase in the Commission's workload. The use of the revised Form 401 will materially assist applicants in the preparation of complete and proper applications, and will increase the efficiency of our own operations.

10. Form 401 has been revised so as to reorganize the questions into two distinct areas, namely: (1) Engineering, and (2) legal and other qualifications. Ordinarily, engineering data submitted by miscellaneous common carriers are prepared by someone other than the applicant. This circumstance has resulted in the inclusion of a certificate at the end of the engineering section to be executed by the preparer of that data. In addition the revised Form 401 requires the inclusion of certain engineering information which is not called for by the current Form 401. For example, the proposed form (Items 7 (f), (g), and (h)) requires information concerning the polarization of the radio signal, the direction of its transmission, and the distance between the points of communication. Item 14 requires information concerning the means of connecting control point and alarm centers to proposed radio facilities. Items 12 and 13 require information concerning the installation and operation of alarm centers associated with stations operating unattended by licensed radio operators. Item 16 is designed to elicit information which will enable the Commission to easily associate the radio application with any related wireline applications. Items 17, 18, 19, 21, 24, 25, and 26 request information about antennas and antenna structures. Certain other engineering information requested in Items 13 and 14 in the current Form 401, essential to type acceptance of transmitters under Part 2 of the rules, is nonessential to applications under Part 21 and has been omitted from the revised Form 401.

11. As far as the legal, financial, and other qualifications of the applicant are concerned, again certain significant changes have been made which are designed to facilitate the processing of applications and to assist the applicant in meeting all the requirements for submission of supplemental data, much of which can only be furnished in the form of exhibits. Item 36, which asks the applicant for information regarding any convictions of a crime (not including minor matters), is pertinent to the establishment of the applicant's qualification to serve the public as a common carrier. Item 42 points out the necessity for submitting proof of local authority to engage in the activity proposed; and Items 44, 45, 49, 50, and 51 are all designed to simplify and organize the submission of information regarding the ownership, operation, supervision and maintenance of the proposed facilities. References in the old form to the aviation service (Item 24) and division of charges (Item 23), which are more adequately dealt with upon the filing of an appropriate tariff, have been eliminated as irrelevant or unnecessary. A new instruction sheet has also been prepared for use with the revised form.

12. All of the additional information called for in the revised Form 401 is presently required to be supplied by applicants either under the Communications Act, Part 21 of the Commission's rules or current Commission practices which have been followed over a long period of time, and any new information requested will not place any new or substantial burden on applicants.

13. *Accordingly, it is ordered,* That, commencing September 1, 1964, applications for new or modified radio station construction permits under Part 21 of the Commission's rules shall be filed on FCC Form 401, as revised and in the form of the attachment hereto. *It is further ordered,* That the proceedings in this Docket are terminated.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303)

Adopted: June 3, 1964.

Released: July 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-6836; Filed, July 8, 1964; 8:50 a.m.]

[Docket No. 15458; FCC 64-617]

PART 73—RADIO BROADCAST SERVICES

Florida; Table of Assignments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Naples and Fort Myers, Florida); Docket No. 15458, RM-563.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 64-417) issued in this proceeding on May 8, 1964, inviting comments on a proposal by Robert Hecksher, licensee of radio Station WMYR(AM), Fort Myers, Fla., to substitute Channel 228A for 270 at Naples, Fla., and to assign Channel 270 to Fort Myers.

2. No oppositions were filed to the subject proposal. Fort Myers, with a population of 22,523, is located in Lee County, which has a population of 54,538. Fort Myers has three standard broadcast stations, one of which is a daytime-only station, and has been assigned one FM Channel, 245, on which Station WINK-FM has an outstanding construction permit. Naples, with a population of 4,655, is located in Collier County, which has a population of 15,753. Naples has one standard broadcast station and has been assigned FM Channels 233 and 270. Station WNFM-FM operates on Channel 233 but no application has been filed for Channel 270.

3. Robert Hecksher urges that since Fort Myers has a population more than four times that of Naples, triple the business activity, and since the assignment of a second Class C channel to Fort Myers would provide competitive local FM service, the assignment of Channel 270 to Fort Myers rather than to Naples would better fulfill the overall allocation objectives of the Commission and would better serve the public interest. Petitioner also points out that Naples, with one Class C assignment and the proposed Class A assignment of Channel 228A will be adequately served and that the proposed amendments conform to all the separation rules.

4. In view of the relative size and importance of the two communities in question, the Commission is of the view that the assignment of two Class C channels to Fort Myers and one Class C and one Class A channel to Naples

[5] Commissioner Bartley absent.

would serve the public interest. We are therefore adopting the subject proposal.

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

6. In view of the foregoing: *It is ordered*, That effective August 10, 1964, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, to read as follows:

City	Channel No.
Fort Myers, Fla	245, 270
Naples, Fla	228A, 233

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: July 1, 1964.

Released: July 6, 1964.

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

[F.R. Doc. 64-6837; Filed, July 8, 1964; 8:50 a.m.]

[FCC 64-592]

PART 89—PUBLIC SAFETY RADIO SERVICES

Frequency Coordination Procedures

In the matter of amendment of § 89.15 of Part 89 of the Commission's rules to include applications requesting certain modifications of existing radio systems.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of July 1964;

The Commission having under consideration § 89.15 of the rules which outlines the frequency coordination procedures for applicants in the Public Safety Radio Services; and

It appearing, that a Report and Order in Docket No. 15161 was adopted March 11, 1964, effective August 1, 1964, which required a new frequency coordination statement of applicants requesting certain modifications of existing radio systems; and

It further appearing, that in the above-mentioned Docket it was determined that in order to reduce potential interference, applicants seeking to move their station location, raise their antenna height, or increase their operating power must comply with the provisions of § 89.15, thereby aiding the Commission in the efficient assignment of frequencies available to the Public Safety Radio Services; and

It further appearing, that a portion of the previous rule, § 89.15(a)(1), was not amended and continues to permit any licensee who is assigned a frequency, such as a county or State, to establish additional new stations within their governmental jurisdiction (up to 1,000 miles in some instances), without coordination of any type; and

It further appearing, that this result is inconsistent with the other provisions of that rule and contrary to the Commission's intent in formulating the rule, as well as the views of the user groups which commented in the proceeding; and

It further appearing, that in view of the previous public notice and procedure followed in connection with the proceedings in Docket No. 15161 and since the amendment adopted herein is for the purpose of conforming the rules to those adopted in Docket No. 15161 which will become effective August 1, 1964, compliance with the public notice and procedure and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and impracticable:

It is ordered, That pursuant to the authority contained in sections 4 and 303 of the Communications Act of 1934, as amended, § 89.15(a)(1) of the Commission's rules is amended, effective August 1, 1964, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 6, 1964.

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

Section 89.15(a)(1) is amended to read as follows:

§ 89.15 Frequency coordination procedures.

(a) * * *

(1) Requests for assignment of a frequency not previously authorized for use by the applicant in the area, or

* * * * *

[F.R. Doc. 64-6838; Filed, July 8, 1964; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Kentucky Woodlands National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,000 acres or 38 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Gray and fox squirrels.

(b) Open season: September 14 through September 30, 1964, Sundays excepted. Daylight hours only.

(c) Daily bag limits: Squirrels—6.

(d) Methods of hunting:

(1) Shotgun—any guage but must be plugged to reduce capacity to three shells in magazine and chamber combined. No slugs or buckshot permitted.

(2) Rifles—.22 caliber rimfire.

(3) No dogs permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Under the provisions of this special regulation, bobcats, woodchucks, gray foxes, crows, and feral cats, which are not protected by State regulations, may be taken without limit on the area designated as open to hunting.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to October 1, 1964.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,000 acres or 38 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wild turkey gobblers and gray and fox squirrels. The hunting of upland game species otherwise authorized by Kentucky State regulations is prohibited.

(b) Open season: November 2 through November 14, 1964, Sunday excepted. Daylight hours only.

(c) Daily bag limits: Squirrels—6, wild turkey gobbler—1.

(d) Methods of hunting:

(1) Bow and arrow. Crossbows and mechanical bows may not be used.

(2) Firearms are prohibited.

(3) Dogs are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping permitted at the designated archery camp.

(3) Hunters will not be required to check in or out.

(4) Gray fox, bobcat, woodchuck, crows, and feral cats may be taken.

(5) Preseason scouting will not be permitted.

(6) Archers will be required to claim their stands between 4:30 a.m. and 5:30 a.m. and remain on stands until 8:00

a.m. Hunting for the day will cease at sunset.

(7) A Federal permit is not required to enter the public hunting area.

(8) The provisions of this special regulation are effective to November 15, 1964.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,000 acres or 38 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Fallow deer, white-tailed deer.

(b) Open season: November 2 through November 14, 1964, Sunday excepted. Daylight hours only.

(c) Daily bag limits: One (1) deer, either sex.

(d) Methods of hunting:

(1) Bow and arrow. Crossbows and mechanical bows may not be used.

(2) Firearms are not permitted.

(3) Dogs are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping permitted at the designated archery camp.

(3) Hunters will not be required to check in or out.

(4) Preseason scouting will not be allowed.

(5) Archers will be required to claim their stands between 4:30 a.m. and 5:30 a.m. and remain on stands until 8:00 a.m. Hunting for the day will cease at sunset.

(6) A Federal permit is not required to enter the public hunting area.

(7) The provisions of this special regulation are effective to November 15, 1964.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 64-6818; Filed, July 8, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

WALNUTS IN SHELL

Proposed U.S. Standards for Grades

Correction

In F.R. Doc. 64–6631, appearing at page 8429 of the issue for Friday, July 3, 1964, the phrase reading "not over 12 percent" in the second line of § 51.2952(d) should read "at least 88%".

[7 CFR Part 53]

CARCASS BEEF

Proposed Standards for Grades

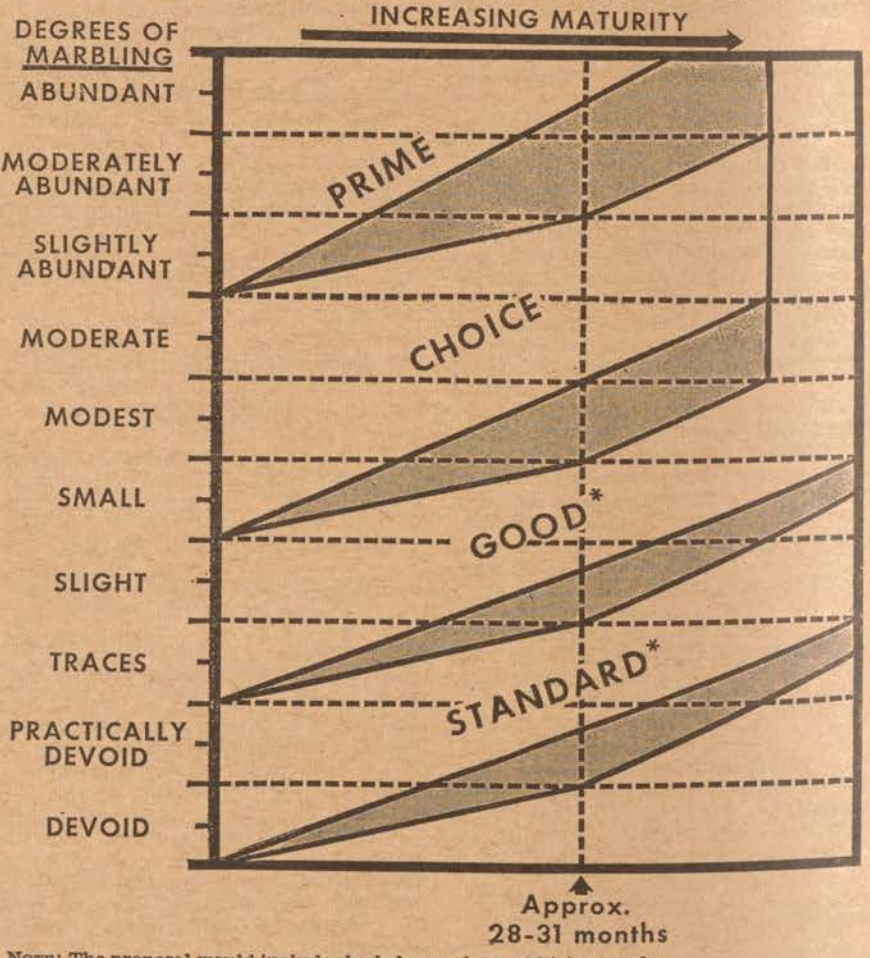
Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture is considering revising the official United States standards for grades of carcass beef under sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624).

Statement of considerations. Grade standards for beef as originally promulgated in 1926 were patterned almost entirely after accepted trade practices. The first major revision of the standards in 1939 recognized two basic considerations with respect to the factors that affect the quality, or palatability, of the lean. These were (1) that advancing maturity had a deleterious effect on palatability and (2) that increases in marbling had a beneficial effect on palatability. Therefore, in an effort to develop a means for assuring maintenance of a comparable degree of quality among carcasses of the same grade but which were produced from animals of differing degrees of maturity, the standards for each grade as developed at that time provided for an increase in marbling with increases in maturity. While the precise relationship between those two factors was not substantiated by research, the limited research available indicated that they had compensatory influences on overall palatability. This aspect of the standards has remained substantially unchanged to the present time. In recognition of the need for a more factual basis for the standards, the Department has continually encouraged and otherwise supported research designed to identify and evaluate the factors that contribute to value differences in beef. As a result, the Department and various State agricultural experiment stations have conducted a considerable amount of research of this type.

While a great deal of such research was conducted before 1960, practically none of this produced results that could be used by the Department to improve the standards. In the last 5 years, however, meats researchers have devoted considerable effort toward establishing basic facts regarding characteristics affecting the palatability of beef. This research has verified that marbling is positively associated with palatability. It likewise indicates that over the wide range in maturity within which cattle are marketed, increases in maturity do have a deleterious effect on palatability. However, recent research involving beef from cattle up to about 30 months in age indicates that the degree of increased marbling presently provided for in the standards for beef from animals within this range of maturity is not necessary to insure a comparable degree of palatability. While such research results are not as definitive as would be desirable, they are considered sufficiently conclusive to warrant a change in the marbling-maturity relationships in the standards for beef of this maturity. This is the major change involved in this proposed revision of the standards.

Basically, this change in the standards involves a reduction in the marbling requirements for beef in the Prime, Choice, Good, and Standard grades. No changes in the quality requirements are being proposed for the Commercial, Utility, Cutter, and Canner grades. Neither are any changes being proposed in the conformation requirements for any of the grades. The extent of the reduction in marbling requirements varies by grade and degree of maturity and is presented graphically in Figure A.

PROPOSED CHANGES IN MARBLING–MATURITY RELATIONSHIPS FOR PRIME, CHOICE, GOOD, AND STANDARD GRADES



NOTE: The proposal would include shaded areas in next higher grade.

*Minimum requirements shown for good and standard grades include compensation for superior conformation.

FIGURE A.

The reductions in the marbling requirements for beef from cattle up to about 30 months in age are consistent with the recommendations of Dr. R. W. Bray and Dr. E. J. Briskey of the University of Wisconsin in a special report to the American National Cattlemen's Association. The National Cattle Industry Advisory Committee also recommended this change. The reductions in marbling proposed for beef from cattle older than about 30 months were made to coordinate the marbling requirements for beef within the full range of maturity included in these grades.

Other significant changes included in the proposal are as follows:

(1) The standards have been written to describe the lower limits of each of the grades rather than the midpoint. This should result in a more nearly uniform application of the standards by Federal graders.

(2) The "Application of Standards" section has been enlarged to include most of the information previously issued as a supplement to the standards and contained in a meat grading instruction which was made available to the industry. Information from that instruction which has been incorporated in this proposal includes such considerations as the principles involved in evaluating conformation, the balancing of variations in development of conformation and quality to arrive at the final grade, the use of color and texture of lean as factors in determining maturity, and the consideration given to "dark cutting beef." It also includes a chart which can be used to determine the quality grade.

(3) The standards are written to describe only ribbed carcasses. If the standards are adopted, carcasses will be graded on a ribbed basis only. With the continued increased use of Federal grades in the marketing of beef, it is becoming increasingly important that grading be done on a basis that will insure the highest possible degree of accuracy. Because there are inaccuracies inherent in estimating the characteristics of the lean in unribbed carcasses, this degree of precision can be attained only by grading all carcasses after ribbing. The fact that a great many applicants for Federal grading now rib all or most carcasses before they are offered for grading reflects industry recognition of the inaccuracies attendant with grading unribbed carcasses. While this provision may require some packers to modify slightly their methods of handling beef, it should reduce the overall cost of grading, simplify grading operations, and result in greater accuracy and uniformity of grading.

(4) The standards for the Utility and Cutter grades were last revised in 1939. Consequently, they lack much of the exactness of the other grades. In this proposal the wording of the standards for these two grades has been revised to include more detailed and definite requirements comparable with those specified in the other grades. The rewording of these standards is not intended to change their present interpretation and application.

(5) The maximum maturity for carcasses in the Prime grade has been extended slightly to equal that for Choice primarily because there appears to be no real or theoretical basis to justify different maximum maturity limits for these two grades. Furthermore, having different maximum maturity limits in these two grades in the present standards has created some problems in their application. While this change in maximum maturity will permit some carcasses which are now too mature to grade Prime to be included in that grade, there are very few carcasses of this degree of excellence produced from cattle of this maturity.

(6) In the Good, Standard, Utility, and Cutter grades the rate of compensation for combining variations in development of conformation and quality into the final grade has been changed to an equal basis. Where compensation of these factors is permitted in the other grades, it is also on an equal basis. Different rates of compensation in different grades complicate the application of the standards. The change was made primarily to minimize those problems. However, it will permit some additional carcasses which have a higher relative development of quality than conformation to be included in the Good or Standard grade which do not qualify for that grade under the present standards.

(7) In the Good and Standard grades, the minimum quality requirements have been increased slightly in order to simplify the determination of these quality grades. Essentially this change will not affect carcasses graded Good but will exclude from Standard a few carcasses that presently qualify for the lower limits of that grade.

(8) The degrees of marbling used in the standards are reduced from 11 to 9. The degrees of marbling referred to as "very abundant" and "extremely abundant" will not be used. This will preclude considering these two degrees of marbling in determining the final grade of a carcass which has a development of conformation that is relatively inferior to that of its quality. This also was recommended by Dr. R. W. Bray and Dr. E. J. Briskey in their report to the American National Cattlemen's Association.

(9) No references are made in the proposed standards to external fat or to kidney, pelvic, and other interior fats. While reference to these fats has been included in all previous standards, it has not been intended that they should receive consideration except that, in estimating the characteristics of the lean in unribbed carcasses, variations in their quality—not their quantity—were of some limited value. Since these standards do not provide for the grading of unribbed carcasses, there is no need for the quantity or quality of these fats to be described.

1. Section 53.102 would be revised to read as follows:

§ 53.102 Application of standards for grades of carcass beef.

(a) The grade of a beef carcass is based on separate evaluations of two general considerations: (1) Quality, the palatability-indicating characteristics of the lean, and (2) conformation of the carcass. The characteristics of the lean change with the degree of chilling; these standards are based on their appearance in fully chilled carcasses.

(b) To determine the grade of a carcass, it must be split down the back into two sides, and one side must be partially separated into a hindquarter and forequarter by sawing and cutting it, insofar as practicable, as follows: A saw cut perpendicular to both the long axis and split surface of the vertebral column is made across the 12th thoracic vertebra at a point which leaves not more than one-half of this vertebra on the hindquarter. The knife cut arcoss the ribeye muscle starts—or terminates—opposite the above-described saw cut. From that point it extends across the ribeye muscle perpendicular to the outside skin surface of the carcass at an angle toward the hindquarter which is slightly greater (more nearly horizontal) than the angle made by the posterior edge of the 12th rib with the vertebral column of the hindquarter. As a result of this cut, the outer end of the cut surface of the ribeye muscle is slightly closer to the 12th rib than is the end next to the chine bone. Beyond the ribeye, the knife cut shall continue between the 12th and 13th ribs to a point which will adequately expose the distribution of fat and lean in this area. The knife cut may be made prior to or following the saw cut but must be smooth and even such as would result from a single stroke of a very sharp knife.

(c) Correct determination of grade is dependent upon the above-described method of ribbing. Other methods of ribbing prevent an accurate evaluation of the factors contributing to quality determination. Therefore, carcasses subjected to other methods of ribbing may not be eligible for grading.

(d) The grade standards are written in three separate sections applicable to carcasses from (1) steers, heifers, and cows, (2) bulls, and (3) stags. Eight grades—Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner—are applicable to steer, heifer, and cow carcasses except that cow carcasses are not eligible for Prime. The grades for bull and stag beef are Choice, Good, Commercial, Utility, Cutter, and Canner.

(e) The Department uses photographs and other objective aids in the correct interpretation and application of the standards.

(f) The grade descriptions are defined primarily in terms of carcass beef. However, they also apply to the grading of primal cuts—rounds, loins, short loins, loin ends, ribs, and chucks. Plates, flanks, shanks, and briskets likewise can be graded if attached by their natural attachments to a primal cut.

(g) Carcasses or primal cuts qualifying for any particular grade may vary with respect to the relative development of the various characteristics that contribute to their conformation and quality. Some carcasses and primal cuts may qualify for a particular grade in which the development of some individ-

ual factors will be typical of other grades. Because it is impractical to describe the nearly unlimited number of such recognizable combinations of characteristics, the standards for each grade describe only carcasses and primal cuts which have a relatively similar degree of development of the individual conformation and quality factors and which also are representative of the lower limits of each grade.

(h) Conformation is the manner of formation of the carcass or primal cut. The conformation descriptions included in each of the grade specifications refer to the thickness of muscling and to an overall degree of thickness and fullness of the carcass and its various parts. Carcasses or primal cuts which meet the requirements for thickness of muscling specified for a grade will be considered to have conformation adequate for that grade despite the fact that because of a lack of fatness, they may not have the overall degree of thickness and fullness described.

(i) Conformation is evaluated by averaging the conformation of the various parts of the carcass or primal cut, considering not only the proportion that each part is of the carcass or primal cut weight but also the general value of each part as compared with the other parts. Thus, although the chuck and round are nearly the same percentage of the carcass weight, the round is considered the more valuable cut. Therefore, in evaluating the overall conformation of a carcass, the development of the round is given more consideration than the development of the chuck. Similarly, since the loin is both a greater percentage of the carcass weight and also generally a more valuable cut than the rib, its conformation receives much more consideration than the conformation of the rib. Superior conformation implies a high proportion of meat to bone and a high proportion of the weight of the carcass or cut in the more valuable parts. It is reflected in carcasses and cuts which are very full and thick in relation to their length and which have a very plump, full, and well-rounded appearance. Inferior conformation implies a low proportion of meat to bone and a low proportion of the weight of the carcass or cut in the more valuable parts. It is reflected in carcasses and cuts which are very narrow and thin in relation to their length and which have a very angular, thin, sunken appearance.

(j) Quality of the lean is evaluated by considering its marbling and firmness as observed in a cut surface in relation to the apparent maturity of the animal from which the carcass was produced. The maturity of the carcass is determined by evaluating the size, shape, and ossification of the bones and cartilages—especially the split chine bones—and the color and texture of the lean flesh. In the split chine bones, ossification changes occur at an earlier stage of maturity in the posterior portion of the vertebral column (sacrae vertebrae) and at progressively later stages of maturity in the lumbar and thoracic vertebrae. The ossification changes that occur in the cartilages on the ends of the split thoracic vertebrae are especially useful in evaluating maturity and these vertebrae are referred to frequently in the standards. The ossification of these cartilages differs considerably in the posterior and anterior sections of the thoracic vertebrae. Unless otherwise specified in the standards, whenever the ossification of cartilages on the thoracic vertebrae is referred to, this shall be construed to refer to the cartilages attached to the thoracic vertebrae at the posterior end of the forequarter. The size and shape of the rib bones also are important considerations in evaluating differences in maturity. In the very youngest carcasses considered as "beef," the cartilages on the ends of the chine bones show no ossification, cartilage is evident on all the vertebrae of the spinal column, and the sacral vertebrae show distinct separation. In addition, the split vertebrae usually are soft and porous and very red in color. In such carcasses the rib bones have only a slight tendency toward flatness. In progressively more mature carcasses, ossification changes become evident first in the bones and cartilages of the sacral vertebrae, then in the lumbar vertebrae, and still later in the thoracic vertebrae. In beef which is very advanced in maturity, all the split vertebrae will be devoid of red color, very hard and flinty, and the cartilages on the ends of all the vertebrae will be entirely ossified. Likewise, with advancing maturity, the rib bones will become progressively wider and flatter until in beef from very mature animals the ribs will be very wide and flat. The color and texture of the lean flesh also undergo progressive changes with advancing maturity. In the very youngest carcasses considered as "beef," the lean flesh will be very fine in texture and light grayish red in color.

In progressively more mature carcasses, the texture of the lean will become progressively coarser and the color of the lean will become progressively darker red. In very mature beef the lean flesh will be very coarse in texture and very dark red in color. Since color of lean also is affected by variations in quality, references to color of lean in the standards for a given degree of maturity vary slightly with different levels of quality. In determining the maturity of a carcass or cut in which the skeletal evidences of maturity are different from those indicated by the color and texture of the lean, slightly more emphasis is placed on the characteristics of the bones and cartilages than on the characteristics of the lean. In no case can the overall maturity of the carcass or cut be considered more than one full maturity group different from that indicated by its bones and cartilages. Color and texture of lean also are factors considered in determining compliance with the maximum maturity limits for the Prime, Choice, Good, and Standard grades. However, they are considered only when the maturity-indicating factors other than color and texture of the lean indicate only a slightly more advanced degree of maturity than that specified as maximum for the applicable grade, and provided further that the lean is considerably finer in texture and lighter in color than normal for the grade and maturity involved. The same principle, in reverse, is likewise applicable to determining compliance with the minimum maturity limits of the Commercial grade.

(k) These standards are applicable to the grading of beef within the full range of maturity within which cattle are marketed. However, the range of maturity permitted within each of the grades varies considerably. The Prime, Choice, Good, and Standard grades are restricted to beef from young cattle; the Commercial grade is restricted to beef from cattle too mature for Prime, Choice, Good, or Standard; and the Utility, Cutter, and Canner grades include beef from animals of all ages. Within any specified grade, the requirements for marbling and related factors increase progressively with evidences of advancing maturity. To facilitate the application of this principle, the standards recognize nine different degrees of marbling and five different maturity groupings. The relationship between marbling, maturity, and quality (that part of the final grade that represents the palatability of the lean) is shown in Figure 1.

From this figure it can be seen, for instance, that the minimum marbling requirement for Choice varies from a minimum small amount for the very youngest carcasses classified as beef to a maximum modest amount for carcasses having the maximum maturity permitted in Choice. Likewise, in the Commercial grade the minimum marbling requirement varies from a minimum small amount in beef from animals with the minimum maturity permitted to a maximum moderate amount in beef from very mature animals. In the grade descriptions proper, the marbling and related requirements for each group are specified for at least two maturity groups. In all instances, these include requirements for beef typical of the youngest and of the most mature groups included in each grade. In grades which include more than two maturity groups, the marbling and related requirements for the various intermediate maturity groupings can be determined by interpolation between those specified for the maturity groupings described. Illustrations of the lower limits of eight of the nine degrees of marbling considered in grading beef are available from the Department of Agriculture. No consideration is given to marbling beyond that considered "maximum abundant." The marbling and other lean flesh characteristics specified for the various grades are based on their appearance in the ribeye muscle when the carcass is ribbed between the 12th and 13th ribs.

(l) The final grade of a carcass or primal cut is based on a composite evaluation of its conformation and quality. Since relatively few carcasses or cuts have an identical development of conformation and quality, it is obvious that each grade will include various combinations of development of these two characteristics. Examples of how conformation and quality are combined into the final grade are included in each of the grade descriptions. The principles

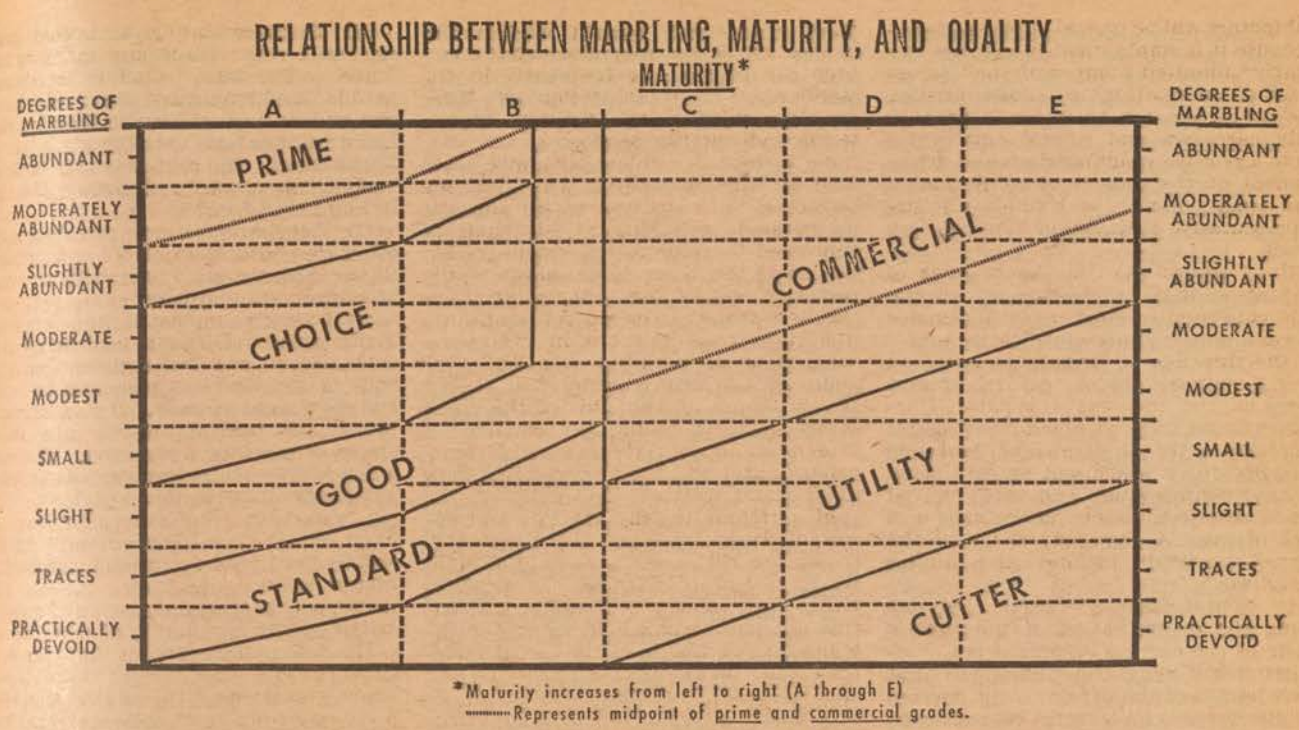


FIGURE 1.

governing these compensations are as follows: In each of the grades a superior development of quality is permitted to compensate for a deficient development of conformation, without limit, through the upper limit of quality. The rate of compensation in all grades is on an equal basis—a given degree of superior quality compensates for the same degree of deficient conformation. The reverse type of compensation—a superior development of conformation for an inferior development of quality—is not permitted in the Prime, Choice, and Commercial grades. In all other grades this type of compensation is permitted but only to the extent of one-third of a grade of deficient quality. The rate of compensation is also on an equal basis—a given degree of superior conformation compensates for the same degree of deficient quality.

(m) References to color of lean in the standards involve only colors associated with changes in maturity. They are not intended to apply to colors of lean associated with so-called "dark cutting beef." Dark cutting beef is believed to be the result of a reduced sugar content of the lean at the time of slaughter. As a result, this condition does not have the same significance in grading as does the darker shades of red associated with advancing maturity. The dark color of the lean associated with "dark cutting beef" is present in varying degrees from that which is barely evident to so-called "black cutters" in which the lean is actually nearly black in color and usually has a "gummy" texture. Although there is little or no evidence which indicates that the "dark cutting" condition has any adverse effect on palatability, it is considered in grading because of its effect on acceptability and value. Dependent upon the degree to which this characteristic is developed, the final grade of carcasses which otherwise would qualify for the Prime, Choice, or Good grades, may be reduced as much as one full grade. In beef otherwise eligible for the Standard or Commercial grade, the final grade may be reduced as much as one-half of a grade. In the Utility, Cutter, and Canner grades, this condition is not considered.

(n) The standards provide for the grading and stamping of beef from steers, heifers, and cows according to its characteristics as beef without sex identification. Such beef placed within each respective grade, therefore, shall possess the characteristics specified for that grade, irrespective of the sex of the animal from which it was derived. Beef produced from bulls and stags shall be graded according to its characteristics as bull beef and as stag beef in accordance with the standards. When graded and identified according to grade, such beef shall be identified also for class as "Bull" beef or "Stag" beef, as the case may be. No designated grade of bull beef or of stag beef is comparable in quality with a similarly designated grade of beef derived from steers, heifers, or cows. The quality in a designated grade of bull beef is not comparable with a similarly designated quality of stag beef.

2. Section 53.104 would be revised to read as follows:

§ 53.104 Specifications for official United States standards for grades of carcass beef (steer, heifer, cow).

(a) *Prime.* (1) Carcasses and wholesale cuts with minimum Prime grade conformation are thickly muscled throughout and tend to be very wide and thick in relation to their length. Loins and ribs tend to be thick and full. Rounds tend to be plump and the plumpness carries well down to the hocks. The chucks tend to be thick and the necks and shanks tend to be short.

(2) Requirements for marbling and other characteristics of the cut surface of the ribeye muscle vary with changes in evidence of maturity.

(i) Carcasses typical of the young maturity group have soft, moderately red chine bones and the cartilages on the ends of the thoracic vertebrae are soft but show some redness. The sacral vertebrae are partially fused, with only traces of cartilage remaining. There is a moderate amount of ossification in the cartilages of the lumbar vertebrae. The rib bones are usually small and tend to be round. The ribeye muscle is very light red in color and is very fine in texture. In such carcasses, the ribeye muscle is moderately firm and has a typical slightly abundant amount of marbling.

(ii) Carcasses typical of the older maturity group have slightly hard chine bones tinged with red, and the cartilages on the ends of the thoracic vertebrae are slightly ossified. The sacral vertebrae are completely fused, and the cartilages on the ends of the sacral and lumbar vertebrae are completely ossified. The rib bones are wide and tend to be flat. The ribeye muscle is a light cherry red color and fine in texture. In such carcasses, the ribeye muscle is firm and has a typical moderately abundant amount of marbling.

(3) Carcasses showing evidence of the maximum maturity permitted in the Prime grade have chine bones tinged with red, and the cartilages on the ends of the thoracic vertebrae are partially ossified. The cut surface of the lean must be fine in texture, and such carcasses must also be at least moderately symmetrical and uniform in contour.

(4) A development of quality superior to that specified as minimum for the Prime grade may compensate, on an equal basis, for a development of conformation inferior to that specified as minimum for Prime, as indicated in the following example: A carcass which has mid-point Prime quality may have conformation equal to the mid-point of the Choice grade and remain eligible for Prime. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the grade, carcasses must have minimum Prime quality to be eligible for Prime.

(5) Only beef produced from steers and heifers is eligible for the Prime grade.

(b) *Choice.* (1) Carcasses and wholesale cuts with minimum Choice grade conformation are moderately thick muscled throughout and tend to be moderately wide and thick in relation to their length. Loins and ribs tend to be moderately thick and full. Rounds tend to be moderately plump. The chucks tend to be moderately thick and the necks and shanks tend to be moderately short.

(2) Requirements for marbling and other characteristics of the cut surface of the ribeye muscle vary with changes in evidence of maturity.

(i) Carcasses typical of the young maturity group have soft, moderately red chine bones, and the cartilages on the ends of the thoracic vertebrae are soft but show some redness. The sacral vertebrae are partially fused, with only traces of cartilage remaining. There is a moderate amount of ossification in the cartilages of the lumbar vertebrae. The rib bones are usually small and tend to be round. The ribeye muscle is light red in color and is fine in texture. In such carcasses the ribeye muscle may be slightly soft but has a typical small amount of marbling.

(ii) Carcasses typical of the older maturity group have slightly hard chine bones tinged with red, and the cartilages on the ends of the thoracic vertebrae are slightly ossified. The sacral vertebrae are completely fused, and the cartilages on the ends of the sacral and lumbar vertebrae are completely ossified. The rib bones are wide and tend to be flat. The ribeye muscle is a cherry red color and fine in texture. In such carcasses, the ribeye muscle is slightly firm and has a typical modest amount of marbling.

(3) Carcasses showing evidence of the maximum maturity permitted in the Choice grade have chine bones tinged with red, and the cartilages on the end of the thoracic vertebrae are partially ossified. The cut surface of the ribeye muscle must be moderately fine in texture, and such carcasses must also be at least moderately symmetrical and uniform in contour.

(4) A development of quality superior to that specified as minimum for the Choice grade may compensate, on an equal basis, for a development of conformation inferior to that specified as minimum for Choice, as indicated in the following example: A carcass which has mid-point Choice quality may have conformation equal to the mid-point of the Good grade and remain eligible for Choice. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the grade, carcasses must have minimum Choice quality to be eligible for Choice.

(c) *Good.* (1) Carcasses and wholesale cuts with minimum Good grade conformation are slightly thick muscled throughout and tend to be slightly wide and thick in relation to their length. Loins and ribs tend to be slightly thick and full. Rounds tend to be slightly plump, and necks and shanks tend to be slightly long and thin.

(2) Requirements for marbling and other characteristics of the cut surface of the ribeye muscle vary with changes in evidence of maturity.

(i) Carcasses typical of the young maturity group have soft, moderately red chine bones, and the cartilages on the ends of the thoracic vertebrae are soft but show some redness. The sacral vertebrae are partially fused, with only traces of cartilage remaining. There is a moderate amount of ossification in the cartilages of the lumbar vertebrae. The rib bones are usually small and tend to be round. The ribeye muscle is moderately light red in color and is moderately fine in texture. In such carcasses, the ribeye muscle may be moderately soft but has a minimum slight amount of marbling.

(ii) Carcasses typical of the older maturity group have slightly hard chine bones tinged with red, and the cartilages on the ends of the thoracic vertebrae are slightly ossified. The sacral vertebrae are completely fused, and the cartilages on the ends of the sacral and lumbar vertebrae are completely ossified. The rib bones are wide and tend to be flat. The color of the ribeye muscle is slightly dark cherry red and is usually moderately fine in texture. In such carcasses, the ribeye muscle is slightly soft and has a minimum small amount of marbling.

(3) Carcasses showing evidence of the maximum maturity permitted in the Good grade have chine bones tinged with red, and the cartilages on the end of the thoracic vertebrae are moderately ossified. The cut surface of the ribeye may be moderately fine in texture, and such carcasses must also be at least moderately symmetrical and uniform in contour.

(4) A development of quality superior to that specified as minimum for the Good grade may compensate, on an equal basis, for a development of conformation inferior to that specified as minimum for Good, as indicated in the following example: A carcass which has a mid-point Good quality may have conformation equivalent to the mid-point of the Standard grade and remain eligible for Good. Also, a carcass which has at least one-third of a grade superior conformation to that specified as minimum for the grade, may qualify for Good with a development of quality equivalent to the lower limit of the upper third of the Standard grade. Compensation of superior conformation for inferior quality is limited to one-third of a quality grade.

(d) *Standard.* (1) Carcasses and wholesale cuts with minimum Standard grade conformation tend to be thinly muscled throughout and are slightly narrow and thin in relation to their length. Loins and ribs tend to be flat and slightly thin fleshed. The rounds tend to be thin and slightly concave. Chucks tend to be flat and thin fleshed.

(2) Requirements for marbling and other characteristics of the cut surface of the ribeye muscle vary with changes in evidence of maturity.

(i) Carcasses typical of the young maturity group have soft, moderately red chine bones, and the cartilages on the ends of the thoracic vertebrae are soft but show some redness. The sacral vertebrae are partially fused, with only traces of cartilage remaining. There is a moderate amount of ossification in the cartilages of the lumbar vertebrae. The rib bones are usually small and tend to be round. The ribeye muscle is moderately light red in color and moderately fine in texture. In such carcasses, the ribeye muscle tends to be soft and watery and is practically devoid of marbling.

(ii) Carcasses typical of the older maturity group have slightly hard chine bones tinged with red, and the cartilages on the ends of the thoracic vertebrae are slightly ossified. The sacral vertebrae are completely fused, and the cartilages on the ends of the sacral and lumbar vertebrae are completely ossified. The rib bones are wide and tend to be flat. The ribeye muscle is a slightly dark red color and moderately fine in texture. In such carcasses, the ribeye muscle may be moderately soft but has minimum traces of marbling.

(3) Carcasses showing evidence of the maximum maturity permitted in the Standard grade have chine bones tinged with red, and the cartilages on the end of the thoracic vertebrae are moderately ossified. The cut surface of the ribeye is moderately fine in texture, and such carcasses must also be at least moderately symmetrical and uniform in contour.

(4) A development of quality superior to that specified as minimum for the Standard grade may compensate, on an equal basis, for a development of conformation inferior to that specified as minimum for Standard, as indicated in the following example: A carcass which has mid-point Standard quality may have conformation equal to the mid-point of the Utility grade and remain eligible for Standard. Also, a carcass which has at least one-third of a grade superior conformation to that specified as minimum for the grade, may qualify for Standard with a development of quality equal to the minimum of the upper third of the Utility grade. Compensation of superior conformation for inferior quality is limited to one-third of a quality grade.

(e) *Commercial.* (1) Commercial grade beef carcasses and wholesale cuts are restricted to those with evidences of more advanced maturity than permitted in the Good and Standard grades. Such carcasses are slightly thin muscled throughout. However, because of the usually moderately heavy fat covering,

the carcasses tend to be slightly thick fleshed but rather rough and irregular in contour. Rounds tend to be thin and slightly concave. Loins tend to be moderately wide but slightly sunken and the hips are rather prominent. Ribs tend to be slightly thick and full. Chucks are slightly thin and the plates and briskets are wide and "spready." The necks and shanks are slightly long and thin.

(2) Requirements for marbling and other characteristics of the cut surface of the ribeye muscle vary with changes in evidence of maturity.

(i) Carcasses which only slightly exceed the minimum maturity permitted in the Commercial grade have moderately hard, rather white chine bones, and the cartilages on the ends of the thoracic vertebrae are slightly more than moderately ossified. The ribeye muscle is moderately dark red and slightly coarse in texture. In such carcasses, the ribeye muscle is moderately firm and has a small amount of marbling.

(ii) Carcasses typical of the advanced maturity group have hard, white chine bones in which only the outline of the cartilages on the ends of the thoracic vertebrae are visible. The rib bones are very wide and flat. The cut surface of the ribeye muscle is very dark red and coarse in texture. In such carcasses, the ribeye muscle is moderately firm and has a moderate amount of marbling.

(3) A development of quality superior to that specified as minimum for the Commercial grade may compensate, on an equal basis, for a development of conformation inferior to that specified as minimum for Commercial, as indicated in the following example: A carcass which has mid-point Commercial quality may have conformation equal to the mid-point of the Utility grade and remain eligible for Commercial. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the Commercial grade, the carcass must have quality equal to the minimum of the Commercial grade to be eligible for Commercial.

(f) *Utility.* (1) Carcasses and wholesale cuts with minimum Utility grade conformation requirements are thinly muscled throughout and are very narrow in relation to their length. They are decidedly rangy, angular and irregular in contour, and are usually thinly fleshed. The loins and ribs are flat and thinly fleshed. The rounds tend to be very thin and concave. The chucks are thin and flat. The necks and shanks are long and tapering. The hips and shoulder joints are prominent.

(2) The requirements for the characteristics of the cut surface of the ribeye muscle vary considerably through the wide range of maturity permitted in the Utility grade.

(i) Carcasses typical of the young maturity group have soft, moderately red chine bones, and the cartilages on the ends of the thoracic vertebrae are soft but show some redness. The ribeye muscle is light red in color and moderately fine in texture. In such carcasses, the cut surface of the ribeye muscle is devoid of marbling and is usually soft and watery.

(ii) In carcasses which have moderately hard, rather white chine bones which terminate in cartilages on the ends of the thoracic vertebrae that are slightly more than moderately ossified, the cut surface of the ribeye muscle is practically devoid of marbling. It is moderately dark red in color, moderately soft and slightly coarse in texture.

(iii) Very mature carcasses in the Utility grade have hard, flinty white chine bones, and the outlines of the cartilages on the ends of the thoracic vertebrae are barely visible. The cut surface of the ribeye muscle has a typical slight amount of marbling, is a very dark red color, is slightly firm, and has a coarse texture.

(3) A development of quality which is superior to that specified as minimum for the Utility grade may compensate, on an equal basis, for a development of conformation inferior to that specified as minimum for Utility, as indicated in the following example: A carcass which has mid-point Utility quality may have conformation equal to the mid-point of the Cutter grade and remain eligible for Utility. Also, a carcass which has at least one-third of a grade superior conformation to that specified for the minimum of the grade may qualify for Utility with a development of quality equal to the lower limit of the upper third of the Cutter grade. Compensation of superior conformation for inferior quality is limited to one-third of a quality grade.

(g) *Cutter.* (1) Carcasses and wholesale cuts possessing minimum Cutter grade conformation are very thinly muscled throughout. They are rangy, angular and irregular in contour, and very thinly fleshed. The loins and ribs are very flat, thin, and shallow. The rounds are very thin and very concave. The chucks are very flat, thin, and shallow. The necks and shanks are very long and tapering. The hips and shoulder joints are very prominent.

(2) The characteristics of the cut surface of the ribeye muscle vary considerably with changes in maturity.

(i) The ribeye muscle in young carcasses with soft, moderately red chine bones and cartilages on the ends of the thoracic vertebrae that are soft and only tinged with red is light red in color and moderately fine in texture. The cut surface of the ribeye muscle is very soft and watery and is devoid of marbling.

(ii) Very mature carcasses in the Cutter grade have hard, flinty, white chine bones and the outlines of the cartilages on the ends of the thoracic vertebrae are barely visible. The ribeye muscle of such carcasses is practically devoid of marbling, is a very dark red color, is soft and slightly watery and has a coarse texture.

(3) A development of quality which is superior to that specified as minimum for the Cutter grade may compensate, on an equal basis, for a development of conformation inferior to that specified as minimum for Cutter, as indicated in the following example: A carcass which has mid-point Cutter quality may have conformation equal to the mid-point of the Canner grade and remain eligible for Cutter. Also, a carcass which has at least one-third of a grade superior conformation to that specified for the minimum of the grade may qualify for Cutter with a development of quality equal to the lower limit of the upper third of the Canner grade. Compensation of superior conformation for inferior quality is limited to one-third of a quality grade.

(h) *Canner.* The Canner grade includes only those carcasses that are inferior to the minimum requirements specified for the Cutter grade.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed revision of standards should file the same in duplicate, not later than 90 days from the date of publication of this notice in the FEDERAL REGISTER with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business. (Paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

Done at Washington, D.C., this 2d day of July 1964.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64-6786; Filed, July 8, 1964; 8:45 a.m.]

[7 CFR Parts 101–108, 110–113]

LICENSED WAREHOUSES

Extension of Time for Comments on Recordkeeping Requirements

On May 28, 1964, there was published in the FEDERAL REGISTER (29 F.R. 7025) a notice of proposed amendments of the regulations (7 CFR Parts 101–108, 110–113) under the United States Warehouse Act (7 U.S.C. 241 et seq.), with respect to retention of warehouse records and reports required under the regulations.

Interested persons were allowed thirty days after publication of the notice within which to file comments on the proposed amendments. Request has been made on behalf of affected licensees for an extension of time for submission of comments. It has been determined that additional time should be allowed for presentation of comments on the proposals. Therefore, any interested persons who wish to submit written data, views or arguments on the proposed amendments (including any proposed changes in the retention periods) may do so by filing them with the Director, Special Services Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, within thirty days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of July 1964.

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

[F.R. Doc. 64-6819; Filed, July 8, 1964; 8:48 a.m.]

[7 CFR Part 1047]

[Docket No. AO-33-A29]

MILK IN FORT WAYNE, INDIANA, MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Alsonette Room, Indiana Hotel, 131 West Jefferson Street, Fort Wayne, Indiana, beginning at 10:00 a.m., local time, on July 21, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order. The hearing will be limited to consideration of evidence relating to the producer milk definition (§ 1047.14) of the Fort Wayne, Indiana, milk order.

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

Proposed by the Wayne Cooperative Milk Producers, Inc.:

Proposal No. 1. Revise § 1047.14(b) (2) to read as follows:

During January through August the operator of a pool plant or a cooperative association may divert the milk production of a producer from a pool plant to a nonpool plant (other than that of a producer-handler) on any number of days during the month, and during the months of September through December on not more than one-half of the days of production of such producer during the month: *Provided*, That if during any month of the September through December period 65 percent of the member producer milk on a cooperative's payroll is received at pool plants, individual members' producer milk may be diverted on any number of days in such month;

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

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

Copies of this notice of hearing and the order may be procured from the Market Administrator, Richard J. Connolly, 1122 South Harrison Street, Fort Wayne, Indiana, 46802, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on July 6, 1964.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 64-6843; Filed, July 8, 1964; 8:51 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 813]

1964 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR AREA

Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information available to me, I do hereby find that the allotment of the sugar quota established for the Domestic Beet Sugar Area for the calendar year 1964 is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held beginning at 10:00 a.m., e.d.t., July 17, 1964 in Room 2W, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250.

The purpose of this hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1964 among persons who process and market sugar produced from sugar beets in the Domestic Sugar Beet Area. The finding made above is based on the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or revoke such finding and make or withhold allotment of any such quota in accordance therewith.

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

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

Issued at Washington, D.C., this 1st day of July 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-6841; Filed, July 8, 1964; 8:50 a.m.]

[7 CFR Part 814]

1964 SUGAR QUOTA FOR THE MAINLAND CANE SUGAR AREA

Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information available to me, I do hereby find that the allotment of the 1964 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held in New Orleans, Louisiana, August 7 at 9 a.m., local time, at the Monteleone Hotel.

The purpose of this hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1964 among persons who process and market sugar produced from sugarcane grown in the Mainland Cane Sugar Area. The preliminary finding made above is based upon the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or revoke such finding and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include (1) the manner in which consideration should be given to the statutory factors as provided in section 205(a) of the Act, and (2) the manner in which marketings within allotments shall be restricted.

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

Issued at Washington, D.C., this 1st day of July 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-6842; Filed, July 8, 1964; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

RULES OF PRACTICE IN PATENT CASES

Proposed Interferences

Notice is hereby given that the United States Patent Office proposes to amend certain rules relating to interferences. The amendments are proposed pursuant

to the authority contained in Title 35 U.S.C., section 6.

All persons who desire to present their views, objections, recommendations or suggestions in connection with the proposed amendments are invited to do so on or before September 1, 1964, on which day a hearing will be held at 10:00 a.m. in Room 3886B of the Department of Commerce Building. All persons wishing to be heard orally are requested to notify the Commissioner of Patents of their intended appearance.

Some of the proposed changes, necessitated by a recent court decision (In re Dickinson et al., 49 CCPA 951), conform the rules to that decision, and a new rule has been added in the light of that decision, to shorten the time involved in deciding the issue of priority in certain cases.

The text of the proposed amendments are as follows:

Section 1.204(b) of Title 37 CFR (Patent Rule 204(b)) is proposed to be amended by deleting the entire paragraph (b) and replacing it with new paragraphs (b) and (c) reading as follows:

§ 1.204 Interference with a patent, affidavit by Junior party.

* * * * *

(b) When the effective filing date of an applicant is three months or less subsequent to the effective filing date of a patentee, the applicant, before the interference will be declared, shall file an affidavit that he made the invention in controversy in this country before the effective filing date of the patentee, or that his acts in this country with respect to the invention were sufficient to establish priority of invention relative to the effective filing date of the patentee.

(c) When the effective filing date of an applicant is more than three months subsequent to the effective filing date of the patentee, the applicant, before the interference will be declared, shall file two copies of affidavits by himself and by corroborating witnesses, supported by documentary evidence if available, setting out a factual description of acts and circumstances which would prima facie entitle him to an award of priority relative to the effective filing date of the patentee, and accompanied by an explanation of the basis on which he believes that the facts set forth would overcome the effective filing date of the patentee. This material is considered by the examiner to the extent only of determining whether a date prior to the effective filing date of the patentee is alleged, and if so, the interference is declared; if no such date is alleged, the interference will not be declared.

Section 1.226(a) of Title 37 CFR (Patent Rule 226(a)) is proposed to be amended by deleting from lines 12 and 13 thereof the following language "and affidavits under § 1.204 of the nature specified in § 1.131", so that the new paragraph (a) will read as follows:

§ 1.226 Notice and access to applications.

(a) After the preliminary statements have been received and approved, or the time for filing them has expired, the parties will be notified, and given the serial numbers and filing dates of the applications of each adverse party, including any applications which the parties may be entitled to inspect, and the parties will be permitted to see or obtain copies of each other's applications, except copies of affidavits filed under §§ 1.131 and 1.202 which shall be and remain sealed until preliminary statements are opened under § 1.227. The preliminary statements are resealed by an examiner of interferences and shall not be revealed to the opposing parties except as provided in § 1.227.

* * * * *

Section 1.228 is proposed as a new section of Title 37 CFR, and the new section reads as follows:

§ 1.228 Summary judgment.

When an interference has been declared on the basis of a showing under § 1.204(c), such showing will be examined by a Board of Patent Interferences. If the Board considers that the facts set out in the showing would not provide sufficient basis for overcoming the effective filing date of the patentee, an order shall be entered after the preliminary statements have been received and approved or the time for filing has expired, pointing out wherein the showing is insufficient and notifying the applicant making such showing that summary judgment will be rendered against him because of such insufficiency at the expiration of a period specified in the notice, not less than thirty days, unless cause be shown why such action should not be taken. Any reasons brought forward during the specified period will be considered by the Board without an oral hearing unless such hearing is requested by the applicant, but additional affidavits or exhibits will not be considered unless accompanied by a showing justifying their omission from the original showing. At the time such order is entered the patentee will be furnished with one of the copies of the showing under § 1.204(c).

Section 1.261 of Title 37 CFR (Patent Rule 261) is proposed to be amended by deleting the present rule, and replacing it with the new rule reading as follows:

§ 1.261 Termination of interference.

An interference will be terminated by judgment of priority after final hearing (§§ 1.251 to 1.259), or by judgment on the record as provided by § 1.225 or § 1.252, or by summary judgment because of an insufficient showing under § 1.204(c) as provided by § 1.228, or by dissolution as provided by § 1.232 or § 1.237, or as otherwise provided.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6)

EDWARD J. BRENNER,
Commissioner.

Approved: July 1, 1964.

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

[F.R. Doc. 64-6803; Filed, July 8, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FUMARIC ACID AND SALTS OF FUMARIC ACID

Proposal Amendment With Respect to Definition of Ferrous Fumarate

Subsequent to the issuance of § 121.1130 in the FEDERAL REGISTER of January 23, 1964 (29 F.R. 560), prescribing the use of ferrous fumarate as a source of iron in foods for special dietary use, a recommendation was made by a member of the affected industry that the regulation define ferrous fumarate based on total iron content including a maximum content of ferric iron. Based upon this proposal and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner of Food and Drugs proposes that § 121.1130(a)(2) be amended to read as follows:

§ 121.1130 Fumaric acid and salts of fumaric acid.

* * * * *

(a) * * *

The calcium, magnesium, potassium, and sodium salts contain a minimum of 99.0 percent by weight of the respective salt, calculated on the anhydrous basis. Ferrous fumarate contains a minimum of 31.3 percent total iron and not more than 2.0 percent ferric iron.

* * * * *

All interested persons are invited to present their views in writing regarding the proposal published in this notice. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 2, 1964.

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

[F.R. Doc. 64-6830; Filed, July 8, 1964; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 516, 551]

LOCAL DELIVERY DRIVERS AND HELPERS

Proposed Wage Payment Plans

On June 4, 1964, a proposal was published in the FEDERAL REGISTER (29 F.R.

7289) setting forth procedures and conditions to govern the making and application of findings under section 13(b)(11) of the Fair Labor Standards Act as to whether compensation for employment on the basis of trip rates or other delivery payment plans for drivers and drivers' helpers making local deliveries has the general purpose and effect of reducing the hours worked by such employees to, or below, the statutory maximum workweek applicable to them under section 7(a) of the Act and to amend the recordkeeping requirements contained in 29 CFR 516.14.

Interested persons were given until July 6, 1964, to submit written statements of data, views, and arguments regarding the proposal. Based upon requests received from several interested persons, I have decided to, and do hereby, extend the time for such submissions to August 3, 1964.

Signed at Washington, D.C., this 2d day of July 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64-6801; Filed, July 8, 1964; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WA-76]

CONTROLLED AIRSPACE

Proposed Designation

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

The Hibbing, Minn., control zone is presently designated as that airspace within a 5-mile radius of the Chisholm-Hibbing County Airport (latitude 47°23'-20'' N., longitude 92°50'25'' W.), and within 2 miles each side of the Hibbing VOR 315° radial, extending from the 5-mile radius zone to the VOR. The Hibbing transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Chisholm-Hibbing County Airport, and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Hibbing VOR 135° and 315° radials, extending from 8 miles northwest to 13 miles southeast of the VOR.

There are now five instrument approach procedures to the Chisholm-Hibbing County Airport. One is a public VOR approach procedure to runway 31 and the other four are special approach procedures used by North Central Airlines and available to some 72 firms and individuals that contract with North Central for their use. The FAA is presently developing two new public instrument approach procedures which would be to runways 13 and 4 and would utilize intersections and radials of the Hibbing VOR and Eveleth VOR. The airspace allocations proposed herein would provide protection for aircraft executing these two new approaches. In addition, a revision is planned to the existing VOR approach to runway 31, which would result in lower landing minimums.

As a result of these actions, it is the opinion of the FAA that adequate public instrument approach procedures will exist at Chisholm-Hibbing Airport to meet user needs. Accordingly, action will be taken to cancel all special instrument approach procedures for this airport.

A recent review of aviation activity in the Hibbing area indicates that there will be approximately 350 instrument approaches to the Chisholm-Hibbing Airport during 1964. Based on wind data for the airport, at least 25.8 percent of the time the wind will favor use of runways 4 and 13, for which the two new instrument approach procedures are proposed. Probable use of these new procedures for at least 90 approaches during 1964 is indicated. Therefore, air traffic control considerations, user convenience and economics support establishment of these new approach procedures and allocation of the controlled airspace to protect them.

The Hibbing transition area would be altered by adding that airspace extending upward from 700 feet above the surface within 2 miles each side of the Hibbing VOR 313° True radial, extending from the 7-mile radius area to 8 miles northwest of the intersection of the Hibbing VOR 313° and the Eveleth VOR 273° True radials; and within 2 miles each side of the Eveleth VOR 260° True radial, extending from the 7-mile radius area to 8 miles west of the intersection of the Eveleth VOR 260° and the Hibbing VOR 297° True radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles north and 8 miles south of the Eveleth VOR 260° True radial, extending from the Chisholm-Hibbing Airport to 16 miles west of the airport; and within 5 miles northeast and 8 miles southwest of the Hibbing VOR 313° True radial, extending from the intersection of the Hibbing VOR 313° and the Eveleth VOR 273° True radials to 12 miles northwest of the intersection. The 1,200 foot portion of the existing transition area based on the Hibbing VOR 135° and 315° True radials would be realigned to the 133° and 313° True radials to coincide with the final approach course of the public VOR approach procedure.

The present control zone extension based on the Hibbing VOR 315° True radial would be realigned to the 313° True radial so that it also coincides with the revised VOR approach procedure.

Specific details of the changes to procedures and of the proposed instrument approach procedures may be examined by contacting the Chief, Airspace Utilization Branch, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within 45 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 Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

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 July 2, 1964.

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

[F.R. Doc. 64-6796; Filed, July 8, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

Notice of Proposed Withdrawal and Reservation of Land

JUNE 30, 1964.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Oregon 015334, for the withdrawal of certain public lands in the sections and townships described below from all forms of location and entry under the general mining laws, subject to valid existing claims.

The applicant desires the land for use as public recreation areas, administrative sites, and preservation of geological, botanical, and archeological areas. The land is located in the Umpqua National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oregon, 97232.

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

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

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

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

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

Umpqua National Forest

Layng Creek Fossil Bed Geological Area

T. 21 S., R. 1 E.,
In sec. 30.

Total, 5 acres.

Canton Point Lookout

T. 23 S., R. 1 E.,
In sec. 33.

Total, 5 acres.

Steamboat Point Lookout

T. 25½ S., R. 1 E.,
In sec. 33.

Total, 7.44 acres.

Lookout Mountain Lookout

T. 26 S., R. 1 E.,
In sec. 31.

Total, 5 acres.

Youtlkut Pillars Geological Area

T. 27 S., R. 1 E.,
In sec. 14.

Total, 30 acres.

Hemlock Lake Campground

T. 27 S., R. 1 E.,
In sec. 28.

Total, 20 acres.

Acker Rock Lookout

T. 29 S., R. 1 E.,
In sec. 13.

Total, 5 acres.

Tallow Butte Lookout

T. 29 S., R. 1 E.,
In sec. 34.

Total, 5 acres.

Cover Campground

T. 30 S., R. 1 E.,
In sec. 10.

Total, 15 acres.

Whiskey Camp Administrative Site

T. 30 S., R. 1 E.,
In sec. 32.

Total, 10 acres.

White Creek Campground

T. 27 S., R. 1 W.,
In sec. 7.

Total, 10 acres.

Pickett Butte Lookout

T. 30 S., R. 1 W.,
In sec. 29.

Total, 5 acres.

Threehorn Campground

T. 32 S., R. 1 W.,
In sec. 7.

Total, 10 acres.

Buster Butte Lookout

T. 24 S., R. 2 E.,
In sec. 16.

Total, 5 acres.

Reynolds Ridge Lookout

T. 25 S., R. 2 E.,
In sec. 24.

Total, 5 acres.

Illahee Rock Lookout

T. 25½ S., R. 2 E.,
In sec. 34.

Total, 7.71 acres.

Dog Creek Kalmiopsis Botanical Area

T. 26 S., R. 2 E.,
In sec. 7.

Total, 100 acres.

Horseshoe Bend Campground

T. 26 S., R. 2 E.,
In sec. 19.

Total, 20 acres.

Illahee Administrative Site

T. 26 S., R. 2 E.,
In sec. 21;
In sec. 22.

Total, 24.20 acres.

Big Twin Lakes Campground

T. 27 S., R. 2 E.,
In sec. 9.

Total, 80 acres.

Skimmerhorn Campground

T. 29 S., R. 2 E.,
In sec. 2.

Total, 10 acres.

Red Butte Lookout

T. 28 S., R. 2 W.,
In sec. 1.

Total, 10 acres.

Smith Ridge Lookout

T. 28 S., R. 2 W.,
In sec. 25.

Total, 5.06 acres.

Diamond Rock Lookout

T. 32 S., R. 2 W.,
In sec. 10.

Total, 5 acres.

Medicine Creek-Indian Cave Archeological Area

T. 26 S., R. 3 E.,
In sec. 17.

Total, 10 acres.

Soda Springs Basalt Geological Area

T. 26 S., R. 3 E.,
In sec. 18.

Total, 20 acres.

Slide Creek Falls Geological Area

T. 26 S., R. 3 E.,
In sec. 21.

Total, 5 acres.

Toketee Lake Campground

T. 26 S., R. 3 E.,
In sec. 25.

Total, 20 acres.

Toketee Ranger Station Administrative Site

T. 26 S., R. 3 E.,
In sec. 36.

Total, 120 acres.

Big Camas Ranger Station Administrative Site

T. 27 S., R. 3 E.,
In sec. 9;
In sec. 10.

Total, 80 acres.

Toketee Airstrip Administrative Site

T. 27 S., R. 3 E.,
In sec. 11;
In sec. 13;
In sec. 14.

Total, 100 acres.

Black Rock Lookout

T. 28 S., R. 3 E.,
In sec. 4.

Total, 5 acres.

Cliff Lake Campground

T. 29 S., R. 3 E.,
In sec. 7.

Total, 44.34 acres.

Grasshopper Lookout

T. 29 S., R. 3 E.,
In sec. 18.

Total, 11.30 acres.

Red Mountain Lookout

T. 32 S., R. 3 W.,
In sec. 23.

Total, 5 acres.

Pig Iron Lookout

T. 26 S., R. 4 E., Unsurveyed,
In sec. 32.

Total, 5 acres.

Incense Cedar Grove Botanical Area

T. 28 S., R. 4 E., Unsurveyed,
In sec. 20;
In sec. 21.

Total, 40 acres.

Kelsay Mountain Lookout

T. 25½ S., R. 5 E., Unsurveyed,
In sec. 35.

Total, 10 acres.

Watson Butte Lookout

T. 26 S., R. 5 E., Unsurveyed,
In sec. 19.

Total, 5 acres.

Garwood Butte Lookout

T. 28 S., R. 5 E., Unsurveyed,
In sec. 7.

Total, 5 acres.

Diamond Lake Recreation Area Addition

T. 28 S., R. 5 E., Unsurveyed,
In sec. 13.

T. 27 S., R. 6 E.,
In sec. 32.
T. 28 S., R. 6 E., Unsurveyed,
In sec. 4;
In sec. 9;
In sec. 16;
In sec. 18;
Sec. 19, all (fractional E½E½);
Sec. 20, all;
In sec. 21.

Total, 1,830 acres.

Cinnamon Butte Lookout

T. 27 S., R. 6 E., Unsurveyed,
In sec. 9.

Total, 5 acres.

The total area aggregates 2,725.05 acres.

DOUGLAS E. HENRIQUES,
Manager, Land Office.

[F.R. Doc. 64-6814; Filed, July 8, 1964; 8:47 a.m.]

[W-0310161]

WYOMING

Notice of Proposed Withdrawal and Reservation of Land

JULY 2, 1964.

The Bureau of Reclamation, Region 7, Denver, Colorado, has filed an application, serial number Wyoming 0310161, for the withdrawal, subject to valid existing rights, of the land described below, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, pursuant to the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388).

The applicant desires the land for the construction and future expansion of the Osage Substation in connection with the Missouri River Basin Project, Transmission Division.

Grazing administration will remain with the Bureau of Land Management until such time as the land is actually needed for reclamation purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2002 Capitol Avenue, Cheyenne, Wyoming, 82001.

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

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

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

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

The land involved in the application is:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 64 W.,
Sec. 23, NW¼NW¼SW¼.

The area described aggregates 10.0 acres.

ED PIERSON,
State Director.

[F.R. Doc. 64-6815; Filed, July 8, 1964; 8:48 a.m.]

Office of the Secretary

CHARLES E. WEBBER

Statement of Changes in Financial Interests

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

(1) Disposed of all stock in Standard Oil Co. (New Jersey).
(2) Disposed of all stock in Gulf Oil Corp.
(3) Disposed of all stock in Commercial Securities.
(4) None.

This statement is made as of June 26, 1964.

Dated: June 26, 1964.

CHARLES E. WEBBER.

[F.R. Doc. 64-6816; Filed, July 8, 1964; 8:48 a.m.]

ROLAND A. WHEALY

Statement of Changes in Financial Interests

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

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 26, 1964.

Dated: June 26, 1964.

ROLAND A. WHEALY.

[F.R. Doc. 64-6817; Filed, July 8, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 35]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through June 26, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP	Gross tonnage
Total—All flags (227 ships)	1,689,309
British (84 ships)	681,391
Amalia	7,189
Amazon River	7,234
Ardenode	7,036
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
Ardsirod	7,025
**Arlington Court (now Southgate—British flag)	9,662
Athelcrown (Tanker)	11,149
Atheldуke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Beech Hill	7,150
Canuk Trader	7,151
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939
Denmark Hill	7,150
East Breeze	8,708
Eastfortune	8,789
Eirini	7,402
Elm Hill	7,125
Free Enterprise	6,807
Garthdale	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag)	7,201
Kinross	5,388
Kirriemoor	5,923
La Hortensia	9,486
Linkmoor	8,236
London Endurance (Tanker)	10,081
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Majesty (Tanker)	12,132
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Maple Hill	7,139
Maratha Enterprise	7,166
Mulberry Hill	7,121
Muswell Hill	7,131
Nancy Dee	6,597
Newforest	7,185
Newgate	6,743
Newgrove	7,172
Newheath	5,891
Newhill	7,855
Newlane	7,043
Oak Hill	7,139
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
*Peony	9,037
Redbrook	7,388
Ruthy Ann	7,361
Sandsend	7,236
Santa Granda	7,229
Sea Coral	10,421
Shienfoon	7,127
Shun Fung	7,148
**Southgate (trip to Cuba under ex-name, Arlington Court—British flag).	
Stanwear	8,108
Streatham Hill	7,130
Sudbury Hill	7,140
Suva Breeze	4,970
Swift River	7,251
Sycamore Hill	7,124
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag)	5,269
*Venice	8,611
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Greek (43 ships)	342,576
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hongkong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
**Andromachi (trips to Cuba under ex-name, Penelope—Greek flag).	
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
**Nicolaos F. (trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
**Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi)	6,712
Perseus (Tanker)	15,852
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Propontis	7,128
*Proteus (Tanker)	16,718
Redestos	5,911
**Seirios (sold Japanese ship breakers)	7,239
Sirius (Tanker)	16,241
**Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,244
**Timios Stavros (now British flag).	
Tina	7,362
Western Trader	9,268
Lebanese (51 ships)	335,859
Agia Sophia	3,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
Carnation	4,884
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Claire	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakirogiou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
*Kapetanissa	7,281
Leftric	7,176
Malou	7,145
Mantric	7,255
Marichristina	7,124
Marymark	4,383
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
*San George	7,267
San John	5,172
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theologos	6,529
Toula	4,561
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Polish (13 ships)	87,426
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184

*Added to Report No. 34, appearing in the FEDERAL REGISTER issue of June 25, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Italian (10 ships)	87,966
Achille	6,950
Airone	6,969
Andrea Costa (Tanker)	10,440
Aspromonte	7,154
Giuseppe Giulietti (Tanker)	17,519
Montiron	1,595
Nazareno	7,173
*Nino Bixio	8,427
San Nicola (Tanker)	12,461
Santa Lucia	9,278
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Promina	6,960
**Trebisnjica (wrecked)	7,145
Spanish (5 ships)	8,159
Castillo Ampudia	3,566
Escorpion	999
Sierra Andia	1,596
Sierra Madre	999
Sierra Maria	999
Norwegian (4 ships)	34,503
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine (now Jezreel—Panamanian flag)	4,750
French (4 ships)	10,028
Circe	2,874
Enee	1,232
**Guinee (now Comfort, Chinese "Formosa" flag)	3,048
Nelee	2,874
Moroccan (4 ships)	32,614
Atlas	10,392
Banora	3,082
Mauritanie	10,392
Toubkal	8,748
Swedish (2 ships)	14,295
**Atlantic Friend (now Atlantic Venture—Liberian flag)	7,805
Dagmar	6,490
Finnish (1 ship):	
Valny (Tanker)	11,691
Chinese (Formosa):	
**Comfort (trip to Cuba under ex-name, Guinee—French flag).	
Liberian:	
**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).	
Panamanian:	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).	

*Added to Report No. 34, appearing in the FEDERAL REGISTER issue of June 25, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
British (1 ship):	
Fir Hill	7,119

b. Previous reports:

Flag of registry:	Number of ships
British	10
Danish	1
German (West)	1
Greek	16
Italian	4
Japanese	1
Norwegian	2

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through June 26, 1964:

Flag of registry	Number of trips								
	1963		1964						
	Jan.-June	July-Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Total
British	66	67	15	7	21	20	17	7	220
Greek	55	44	1	5	3		6		114
Lebanese	28	36	6	4	13	8	8	4	107
Norwegian	9	5	2	1		1	2		20
Italian	10	6	1		1	3	1	2	24
Yugoslav	6	6	1	1	1	1			16
Spanish	2	6		3		3		1	15
Danish	1								1
Finnish	1								1
French		8				1			9
German (West)	1								1
Japanese	1								1
Moroccan	2	7		2			1		12
Swedish	2	1							3
Subtotal	184	186	26	23	39	37	35	14	544
Polish	10	8	1	3	1	2		1	26
Grand total	194	194	27	26	40	39	35	15	570

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: July 1, 1964.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64-6825; Filed, July 8, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15390, Order E-21032]

WTC AIR FREIGHT

"Parcel Post" Liability; Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of July 1964.

On June 8, 1964, by tariff revision[1] marked to become effective on July 8, 1964, WTC Air Freight (WTC) proposes to establish rules applicable to "parcel post" air traffic and increase the charges for excess valuation declared. The revisions in Rules 40 and 75 limit the value of the shipments to $0.10 per pound (but not less than $4.00) unless a higher value is declared; limit the maximum declarable value to $200, and substantially increase the charges for the value declared in excess of $4 on a sliding scale basis. The carrier has not submitted any data in support of the revisions.

No complaints have been filed.

The services rendered by WTC are common carrier services irrespective of the carrier's designation of this service as "parcel post." Such services have historically been subject to liability rules which contemplate a basic liability on the part of the carrier or forwarder for loss of or damage to any shipment, and afford an opportunity to the shipper to increase the amount of carrier liability by declaring excess valuation and paying an added charge therefor.

The instant proposal, similar to that of Pacific Air Freight, Inc., which was suspended and ordered investigated by the Board on June 22, 1964,[2] appears to be an innovation that may have considerable impact upon the shipping public. In addition, WTC has submitted no data or information in justification of the proposed rules.

Upon consideration of the foregoing matters, it appears that the proposed

[1] WTC Air Freight, Air Freight Forwarder Tariff, C.A.B. 4, Rule 40 on 4th Revised Page 23 and Rule 75 on 9th Revised Page 27.

[2] Order E-20961, Docket 15346.

liability rules and excess valuation charges may be unjust or unreasonable, unjustly discriminatory, or unduly preferential or prejudicial and therefore should be investigated. In view of the substantial impact which these tariff changes may have upon the shipping public, and the novelty of establishing such significantly different liability for a single type of air freight, the Board finds that these changes should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule No. 40 on 4th Revised Page 23 and the charges and provisions of Rule No. 75 on 9th Revised Page 27 of WTC Air Freight, C.A.B. No. 4 (Western Transportation Co., Inc. d/b/a W.T.C. Air Freight series) are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful charges and provisions;

2. Pending hearing and decision by the Board, Rule No. 40 on 4th Revised Page 23 and Rule No. 75 on 9th Revised Page 27 of WTC Air Freight C.A.B. No. 4 (Western Transportation Co., Inc. d/b/a W.T.C. Air Freight series), are suspended and their use deferred to and including October 5, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation shall be set for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the aforementioned tariff and be served upon WTC Air Freight who is made a party to the investigation ordered herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-6831; Filed, July 8, 1964; 8:49 a.m.]

[Docket 11278 etc.]

NEW YORK-SAN JUAN CARGO RATES INVESTIGATION

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 22, 1964, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For further information regarding the issues involved herein, interested persons may refer to the various orders of the Board, the prehearing conference report, and other documents, which are on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 2, 1964.

[SEAL] HEBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 64-6832; Filed, July 8, 1964; 8:49 a.m.]

[Docket 14855]

TRANSPORTES AEREOS BENIANOS, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on July 10, 1964, at 10:00 a.m., e.d.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., July 2, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-6833; Filed, July 8, 1964; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-777]

ABACUS FUND

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 2, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Abacus Fund ("applicant"), 654 Madison Avenue, New York, New York, a voluntary association organized under a declaration of trust pursuant to the laws of the Commonwealth of Massachusetts and a management closed-end, nondiversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Applicant states that pursuant to a two-thirds vote of the outstanding shares of applicant on March 12, 1964, applicant was merged into a Delaware corporation through a two-step merger plan and termination of the trust. Applicant represents that such merger took place, and on March 31, 1964, when applicant was merged into a Massachusetts corporation, Abacus Fund, Inc., and thereafter the Massachusetts corporation merged into a Delaware corporation of the same name. It is further represented that all property, rights, privileges, and franchises of the applicant, subject to all its liabilities and obligations, are now vested in Abacus Fund, Inc., a Delaware corporation, and that from and after March 31, 1964 all certificates theretofore representing shares of Abacus Fund have been deemed to represent shares of Abacus Fund, Inc., and that since that time applicant has had no separate legal existence, is no longer engaged in the business of an investment company, and does not propose to so engage in the future.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 17, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-6797; Filed, July 8, 1964; 8:45 a.m.]

[File No. 24NY-5373]

MANDINGO CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 2, 1964.

I. William Baxter and Edward Friedman as: "The Mandingo Company" ("issuer"), Hotel Astor, New York, N.Y., filed a notification under Regulation A on February 10, 1961 in connection with a proposed offering of pre-formation limited partnership interests in the aggregate amount of $100,000 which, by amendment, was later reduced to $75,000. The issuer was notified that the staff had no further comments on the notifi-

cation and the offering could commence on February 24, 1961.

II. The Commission has been advised that the terms and conditions of Regulation A have not been complied with in that the issuer failed to file Form 2–A reports of sales as required by Rule 260 of Regulation A.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A, be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

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

[F.R. Doc. 64–6798; Filed, July 8, 1964; 8:45 a.m.]

[File No. 24NY–5675]

GENERAL COMPUTER/ELECTRONICS CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 2, 1964.

I. General Computer/Electronics Corporation ("issuer") of 96 South White Horse Pike, Berlin, New Jersey was incorporated under the laws of the State of New Jersey on February 10, 1961. On December 4, 1961, the issuer filed a notification under Regulation A covering a proposed offering of 100,000 shares of common stock (par value $1.00) at $3 per share. The issuer was notified that the staff had no further comments on the notification and that the offering could commence on April 27, 1962.

II. The Commission has been advised that the terms and conditions of Regulation A have not been complied with in that the issuer failed to file Form 2–A reports of sales as required by Rule 260 of Regulation A.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

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

[F.R. Doc. 64–6799; Filed, July 8, 1964; 8.45 a.m.]

[File No. 24NY–5052]

TRANSWORLD EQUIPMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 2, 1964.

I. Transworld Equipment Corporation ("Transworld") is a New York corporation located at 119 West 26th Street, New York, New York. On January 25, 1960, Transworld filed a notification pursuant to Regulation A in connection with a proposed offering of 139,832 shares of its common stock (10 cents par value) at an offering price of $2 per share for an aggregate proposed offering of $279,664. Transworld was notified that the staff had no further comments on the notification and that the offering could commence on April 22, 1960. First City Securities, Inc., and Michael Fieldman were named as underwriters. In August 1960, after the sale of 550 shares, the original underwriters withdrew and were succeeded by Vickers, Christy & Co.

II. The Commission has been advised that the terms and conditions of Regulation A have not been complied with in that the issuer failed to file Form 2–A reports of sales as required by Rule 260 of Regulation A.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

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

[F.R. Doc. 64–6800; Filed, July 8, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12865, 12866; FCC 64M–625]

CHRONICLE PUBLISHING CO. (KRON–TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO–TV)

Order Continuing Prehearing Conference

In re applications of Chronicle Publishing Company (KRON–TV), San Francisco, California, Docket No. 12865, File No. BPCT–2168; American Broadcasting-Paramount Theatres, Inc. (KGO–TV), San Francisco, California, Docket No. 12866, File No. BPCT–2401; for construction permits.

Upon the Hearing Examiner's own motion due to the pendency of certain interlocutory pleadings: *It is ordered*, This first day of July 1964, that the prehearing conference herein scheduled for July 6, 1964, be and the same is hereby rescheduled for September 15, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: July 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64–6839; Filed, July 8, 1964; 8:50 a.m.]

[Docket Nos. 15474, 15475; FCC 64M-627]

ROSWELL TELEVISION AND TAYLOR BROADCASTING CO.

Order Continuing Hearing

In re applications of R. H. Parker and John Burroughs d/b as Roswell Television, Roswell, New Mexico, Docket No. 15474, File No. BPCT-3196; Taylor Broadcasting Company, Roswell, New Mexico, Docket No. 15475, File No. BPCT-3215; for construction permit for a new television broadcast station.

Pursuant to agreements reached at a prehearing conference held on June 22, 1964: *It is ordered*, This 1st day of July 1964, that the following calendar of future procedural steps in the above-entitled proceeding will be effected:

September 15, 1964: Hearing (continued from July 15, 1964).

Released: July 2, 1964.

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

[F.R. Doc. 64-6840; Filed, July 8, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-5464 etc.]

MARY FRANCIS PLEASANTS ET AL.

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

JULY 1, 1964.

Mary Francis Pleasants (successor to Thomas J. Francis, et al.) and other applicants listed herein, Docket Nos. G-5464, et al.

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

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 27, 1964.

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

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

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-5464 E 5-25-64 [1]	Mary Francis Pleasants (successor to Thomas J. Francis et al.).	Hope Natural Gas Co., Coal Dist., Harrison County, W. Va.	20.0	15.325
G-8379 E 6-17-64	Northern Pump Co. (successor to G. A. Kane, et al.).	Cities Service Gas Co., acreage in Finney County, Kans.	[3] 14.5	14.65
G-9528 E 6-17-64	Northern Pump Co. (successor to G. A. Kane).	Colorado Interstate Gas Co., Hugoton Gas Field, Haskell and Seward Counties, Kans.	[3] 12.5	14.65
G-13859 D 6-22-64	Shell Oil Co. (partial abandonment).	Kansas-Nebraska Natural Gas Co., Inc., Elm Grove, Atwood East, Key and Dune Ridge Fields, Logan County, Colo.	(4)	----------
G-15828 D 6-17-64	Graham-Michaelis Drilling Co. (partial abandonment).	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	(4a)	----------
G-17106 C 6-17-64	Allegheny Land and Mineral Co.	Hope Natural Gas Co., acreage in Barber, Doddridge, Harrison and Marion Counties, W. Va.	28.0	15.325
D 6-17-64	----------	Acreage in Doddridge, Gilmer, Lewis and Wetzel Counties, W. Va.	(5)	
G-17629 (G-18830) [6] C&E 4-30-64	Socony Mobil Oil Co., Inc. (Operator), et al. (successor to BBM Drilling Co. (Operator), et al.).	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	[7] 10.096	14.65
CI61-346 A 9-2-60 4-9-64 [8]	Horseshoe Gallup Gasoline Corp. (successor to James A. Ford d/b/a Maytex Gas Co.).	El Paso Natural Gas Co., Horseshoe Gallup Field, San Juan County, N. Mex.	13.0	15.025
CI61-564 C 6-24-64	Compass Exploration, Inc. (Operator), et al.	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	13.0	15.025
CI61-1259 E 6-18-64	C. R. Gallagher, Jr., et al. (successor to Delfern Oil Co.).	Transwestern Pipline Co., Waha Field, Reeves County, Tex.	(9)	14.65
CI62-117 E 6-8-64	James W. Reed (successor to Davisson A. Benson, Jr.).	United Fuel Gas Co., Henry Dist., Clay County, W. Va.	23.0	15.325
CI62-744 C 6-24-64	Holly Nester, et al. b/d/a Schartiger Gas Co.	Hope Natural Gas Co., Washington Dist., Calhoun County, W. Va.	25.0	15.325
CI63-675 A 11-23-62	Amerada Petroleum Corp.[10]	El Paso Natural Gas Co., Jameson Field, Mitchell and Nolan Counties, Tex.	[11] 15.7093 [12] 14.5	14.65 14.65
CI63-947 C 6-23-64	E. C. Hartman, et al	Hope Natural Gas Co., Birch Dist., Braxton County, W. Va.	25.0	15.325
CI63-1426 E 6-22-64	Amerada Petroleum Corp. (successor to Landmark Oil, Inc.).	El Paso Natural Gas Co., Spraberry Trend Area Field, Glasscock County, Tex.	[13] 17.2295	14.65
CI64-491 C 6-23-64	J. Everett Goffinet, et al	Hope Natural Gas Co., Grant Dist., Ritchie County, W. Va.	25.0	15.325
CI64-1500 A 6-18-64	Sinclair Oil & Gas Co	Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla.	17.0	14.65
CI64-1501 B 6-19-64	Tenneco Oil Co	Tensas Gas Gathering Corp., Lake St. John Field, Concordia Parish, La.	Depleted	----------
CI64-1502 A 6-19-64	Talkington-Brady, et al	Hope Natural Gas Co., Meade Dist., Upshur County, W. Va.	25.0	15.325
CI64-1503 A 6-19-64	Stephenson Gas Co	Hope Natural Gas Co., Union Dist., Clay County, W. Va.	25.0	15.325
CI64-1504 A 6-19-64	Delta Petroleum Co	Hope Natural Gas Co., West Union Dist., Doddridge County, W. Va.	25.0	15.325
CI64-1505 A 6-22-64	George Mitchell & Associates, Inc.	Texas Eastern Transmission Corp., Buttermilk Slough Field, Matagorda County, Tex.	15.0	14.65
CI64-1506 A 6-22-64	Pan American Petroleum Corp.	El Paso Natural Gas Co., Cha Cha Gallup Field, San Juan County, N. Mex.	13.0	15.02
CI64-1507 A 6-22-64	Continental Oil Co	Panhandle Eastern Pipe Line Co., Northeast Trail Field, Dewey County, Okla.	[13a] 15.0	14.65
CI64-1508 A 6-22-64	Geological Exploration Co	Lone Star Gas Co., Acreage in Rusk County, Tex.	[14] 14.49	14.65
CI64-1509 A 6-22-64	The Atlantic Refining Co	Northern Natural Gas Co., Coyanosa Field, Pecos County, Tex.	16.0	14.65
CI64-1510 A 6-22-64	Howard W. Sharpley, et al	Hope Natural Gas Co., Glenville Dist., Gilmer County, W. Va.	25.0	15.325
CI64-1511 A 6-19-64	Sinclair Oil & Gas Co	Montana-Dakota Utilities Co., Wind River Basin, Fremont County, Wyo.	15.384	15.025
CI64-1512 B 6-22-64	George Jackson d/b/a Twin Cities Gas Co.	Hope Natural Gas Co., Glenville Dist., Gilmer County, W. Va.	Uneconomical	----------
CI64-1513 A 6-22-64	George Miller, et al	Hope Natural Gas Co., Troy Dist., Gilmer County, W. Va.	25.0	15.325
CI64-1514 A-6-22-64	MacTay Investment Co	Hope Natural Gas Co., Skin Creek Dist., Lewis County, W. Va.	25.0	15.325
CI64-1515 A 6-22-64	H & H Oil and Gas Corp	Texas Gas Transmission Corp., Monroe Field, Union, Ouachita, and Morehouse Parishes, La.	(15)	15.025
CI64-1516 A 6-22-64	Prior Oil Co	Hope Natural Gas Co., Murphy Dist., Ritchie County, W. Va.	25.0	15.325
CI64-1517 A 6-22-64	Hardman Drilling Co	Hope Natural Gas Co., Union Dist., Ritchie County, W. Va.	25.0	15.325

See footnotes at end of table.

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

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

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI64-1518 A 6-22-64	Eason Oil Co	Natural Gas Pipeline Co. of America, Putnam Field, Dewey County, Okla.	15.0	14.65
CI64-1519 A 6-22-64	Tidewater Oil Co	Montana-Dakota Utilities Co., Muddy Ridge Field, Fremont County, Wyo.	15.384	15.025
CI64-1520 A-6-22-64	Crystal Oil and Land Co	Texas Eastern Transmission Corp., Elm Grove Field, Bossier Parish, La.	12.0	15.025
CI64-1521 A 6-23-64	Phillips Petroleum Co	Northern Natural Gas Co., Anadarko Basin Area, Beaver County, Oklahoma and Lipscomb and Ochiltree Counties, Tex.	17.0	14.65
CI64-1522 B 6-23-64	Union Texas Petroleum, a division of Allied Chemical Corp., et al.	Cities Service Gas Co., West Lawrie Field, Logan County, Okla.	Uneconomical.	----------
CI64-1523 A 6-23-64	Renner and Allen	Natural Gas of West Virginia, Inc., Battelle Dist., Monongolia County, W. Va.	16.0	15.325
CI64-1524 A 6-23-64	M & M Drilling	Hope Natural Gas Co., Washington Dist., Calhoun County, W. Va.	25.0	15.325
CI64-1525 A 6-23-64	----do----	Hope Natural Gas Co., Birch Dist., Braxton County, W. Va.	25.0	15.325
CI64-1526 A 6-23-64	Philip Lemon, et al	Hope Natural Gas Co., Union Dist., Ritchie County, W. Va.	25.0	15.325
CI64-1527 A 6-23-64	M. J. Moran, et al	Hope Natural Gas Co., Skin Creek Dist., Lewis County, W. Va.	25.0	15.325
CI64-1528 A 6-23-64	B. E. Talkington, et al	Hope Natural Gas Co., Meade Dist., Upshur County, W. Va.	25.0	15.325
CI64-1529 A 6-23-64	W. R. Hughey (Operator), et al.	Lone Star Gas Co., J. G. S. Field, Panola County, Tex.	[14] 14.49	14.65
CI64-1530 A 6-23-64	Jack L. Phillips (Operator), et al.	Lone Star Gas Co., Southwest Carthage Field, Panola County, Tex.	[14] 14.49	14.65
CI64-1531 A 6-24-64	Petroleum Exploration, Inc. of Texas, et al.	Lone Star Gas Co., acreage in McClain County, Okla.	15.0	14.65
CI64-1532 A 6-24-64	California Oil Co., Western Division.	Montana-Dakota Utilities Co., Muddy Ridge Field, Fremont County, Wyo.	15.384	15.025
CI64-1533 A 6-24-64	McCall Drilling Co., Inc	Hope Natural Gas Co., Lee Dist., Calhoun County, W. Va.	25.0	15.325
CI64-1534 A 6-24-64	Charles L. Hickman, et al	Hope Natural Gas Co., Central Dist., Doddridge County, W. Va.	25.0	15.325
CI64-1535 A 6-24-64	C. L. Kingsbury, et al	Hope Natural Gas Co., Washington Dist., Calhoun County, W. Va.	25.0	15.325
CI64-1536 A 6-24-64	Stonestreet Lands Co., Inc	Hope Natural Gas Co., Smithfield Distr., Roane County, W. Va.	25.0	15.325
CI64-1537 A 6-24-64	Burnt House Oil & Gas Co	Hope Natural Gas Co., Troy Dist., Gilmer, County, W. Va.	25.0	15.325
CI64-1538 A 6-25-64	W. Earl Rowe, Operator	The Algas Co., Sand Field, Jim Wells County, Tex.	11.01408	14.65
CI64-1539 B 6-24-64	J. R. Butler & Co	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	Depleted	----------
CI64-1540 B 6-24-64	Tribune Oil Corp	United Gas Pipe Line Co., Egan Field, Acadia Parish, La.	[16]	----------

[1] Petition to amend certificate to reflect change in name to the only surviving interest holder.
[2] Rate in effect subject to refund in Docket No. RI63-12.
[3] Rate in effect subject to refund in Docket No. G-18015. Rate of 13.5 cents/Mcf suspended in Docket No. RI64-596 until July 15, 1964.
[4] Wells on portion of acreage are no longer capable of commercial gas production.
[4a] Declined in pressure.
[5] Leases have been surrendered or otherwise terminated.
[6] Socony requests certificate issued to BBM Drilling Co. in Docket No. G-18830 be terminated and sales thereunder added under Docket No. G-17629.
[7] Proposed rate of 11.1056 cents suspended in Docket No. RI61-304.
[8] Applicant filed application to continue the sale previously authorized by predecessor under temporary certificate issued Dec. 9, 1960.
[9] Price is 16.0 cents/Mcf less 7 percent Texas Production Tax.
[10] By letter filed Feb. 18, 1963, Applicant agreed to accept permanent certificate as conditioned pursuant to Commission's letter order of Jan. 18, 1963, issuing temporary authorization.
[11] Rate applicable to sale of gas from Mitchell County, Tex.
[12] Rate applicable to sale of gas from Nolan County, Tex.
[13] Rate in effect subject to refund in Docket Nos. G-12950, G-15358 and RI62-445.
[13a] By letter filed June 20, 1964, Applicant agreed to accept permanent certificate at an initial rate of 15.0 cents/Mcf in lieu of the proposed 17.0 cents plus 1.7 cents BTU adjustment.
[14] Includes .49 cent/Mcf tax reimbursement.
[15] Price is 15.0 cents plus 1.75 cents/Mcf Louisiana Severance Tax Reimbursement.
[16] Well has been shut in for conservation purposes.

[F.R. Doc. 64-6757; Filed, July 8, 1964; 8:45 a.m.]

[Docket No. G-3668 etc.]

CONTINENTAL OIL CO. ET AL.

Findings and Order, et al.

JULY 1, 1964.

Continental Oil Company (successor to San Jacinto Oil and Gas Company), Docket Nos. G-3668, G-3783, G-4670, G-8938, G-13711, G-15989, CI60-532, CI63-1319, CI64-379, CI64-458; Leland Davison, et al., G-8373; San Jacinto Oil and Gas Company (successor to Hudson Gas & Oil Corporation), CI63-928; Hudson Gas & Oil Corporation (Operator), et al., and Continental Oil Company (Operator), et al., RI60-211;[1] Leland Davison, et al., Humble Oil & Refining Company, and Continental Oil Company, RI60-467;[2] Continental Oil Company (Operator), et al., RI64-558.

On March 5, 1964, Continental Oil Company (Applicant) filed in Docket Nos. G-3668, G-3783, G-4670, G-8938, G-13711, CI60-532, CI63-1319, CI64-379, and CI64-458 an application pursuant to section 7(c) of the Natural Gas Act for authorization to continue the sale of natural gas or to be substituted as certificate applicant as successor in interest to San Jacinto Oil and Gas Company, a division of San Jacinto Petroleum Corporation, all as more fully set forth in the application.

Applicant merged San Jacinto Petroleum Corporation on January 31, 1964, and has acquired all of the producing properties and assets, together with all the rights and privileges, and obligations and responsibilities incident thereto, of San Jacinto Petroleum Corporation.

Concurrently with the aforementioned application Applicant filed a motion to be substituted as party respondent in lieu of San Jacinto Oil and Gas Company in the pending rate proceedings in Docket Nos. RI60-211, RI60-467, and RI64-558. An agreement and undertaking accompanied the motion.

Applicant has submitted notices of succession to the FPC gas rate schedules of San Jacinto Oil and Gas Company and certificates of ownership and merger as supplements to said rate schedules.

On January 28, 1963, as supplemented on May 10, 1963, San Jacinto Oil and Gas Company filed in Docket No. CI63-928 an application for authorization to continue the sales of natural gas in lieu of E. J. Hudson, et al., and Hudson Gas & Oil Corporation authorized in Docket Nos. G-3668, G-8938, G-13711 and G-15989. By order issued September 20, 1963, in Docket No. CI63-928, et al., San Jacinto Oil and Gas Company was substituted in lieu of E. J. Hudson, et al., and Hudson Gas & Oil Corporation as certificate holder in Docket Nos. G-3668 and G-13711, respectively. By order accompanying Opinion No. 408 (30 FPC ——) issued October 31, 1963, in Docket No. G-19246, et al., San Jacinto Oil and Gas Company (Operator), et al., was substituted in lieu of Hudson Gas & Oil Corporation (Operator), et al., as certificate holder in Docket No. G-8938. No action has been taken in Docket No. G-15989.

In the pending application in Docket No. CI64-379 Applicant, in lieu of San Jacinto Oil and Gas Company, proposes to continue the sale of natural gas presently being made by Ralph Pembrook pursuant to Leland Davison, et al., FPC Gas Rate Schedule No. 3. A certificate will be issued to Applicant in Docket No. CI64-379, and the order issuing a certificate to Leland Davison, et al., in Docket No. G-8373 will be amended by deleting therefrom authorization for the sale of gas from the assigned acreage.

After due notice no protest to the granting of the applications has been received. A petition to intervene has been filed by Philadelphia Gas Works Division of the United Gas Improvement Company in Docket Nos. G-15989 and CI63-1319. Therefore, Applicant will be substituted in lieu of San Jacinto Oil and Gas Company as certificate applicant in said dockets but certificates will not be issued in this order under the statutory hearing procedure. No other petitions to intervene have been received. A notice of intervention was filed and withdrawn by the Public Utilities Commission of the

[1] Consolidated with Docket No. AR61-2, et al.

[2] Consolidated with Docket No. AR61-1, et al.

State of California in the matter of the application of San Jacinto Oil and Gas Company in Docket No. CI64–379. No other notices of intervention have been received.

At a hearing held on June 26, 1964, the Commission on its own motion received and made part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Applicant is engaged in the sale of natural gas in interstate commerce for resale and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sale of natural gas hereinbefore described, as more fully described in the application in Docket No. CI64–379, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sale of natural gas proposed by Applicant in Docket No. CI64–379, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a certificate to Leland Davison, et al., in Docket No. G–8373 should be amended by deleting therefrom authorization to sell natural gas from the acreage acquired by Applicant.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that Applicant should be substituted in lieu of San Jacinto Petroleum Corporation as Certificate holder in Docket Nos. G–3783 and G–4670 and that Applicant should be substituted in lieu of San Jacinto Oil and Gas Company as certificate holder in Docket Nos. G–3668, G–8938, G–13711, CI60–532, and CI64–458.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be substituted in lieu of San Jacinto Oil and Gas Company as certificate applicant in Docket Nos. G–15989 and CI63–1319.

(8) Docket No. CI63–928 should be cancelled.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the notices of succession and certificates of ownership and merger submitted by Applicant should be accepted for filing and the related rate schedules of San Jacinto Oil and Gas Company should be redesignated as those of Applicant.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be substituted in lieu of San Jacinto Oil and Gas Company as party respondent in the rate proceedings pending in Docket Nos. RI60–211, RI60–467, and RI64–558, that said proceedings should be redesignated accordingly, and that the agreement and undertaking submitted by Applicant should be accepted for filing.

The Commission orders:

(A) A certificate of public convenience and necessity be and the same is hereby issued in Docket No. CI64–379, upon the terms and conditions of this order, authorizing the sale by Applicant of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as hereinbefore described and as more fully described in the application in Docket No. CI64–379.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's Regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contract herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificate.

(D) The order issuing a certificate to Leland Davison, et al., in Docket No. G–8373 be and the same is hereby amended by deleting therefrom authorization to sell natural gas from the acreage acquired by Applicant, and in all other respects said order shall remain in full force and effect.

(E) The orders issuing certificates in Docket Nos. G–3783 and G–4670 be and the same are hereby amended by substituting Applicant in lieu of San Jacinto Petroleum Corporation as certificate holder; the orders issuing certificates in Docket Nos. G–3668, G–8938, G–13711, CI60–532, and CI64–458 be and the same are hereby amended by substituting Applicant in lieu of San Jacinto Oil and Gas Company as certificate holder; and in all other respects said orders shall remain in full force and effect.

(F) Applicant is hereby substituted in lieu of San Jacinto Oil and Gas Company as certificate applicant in Docket Nos. G–15989 and CI63–1319, and said proceedings are redesignated accordingly.

(G) Docket No. CI63–928 is hereby cancelled.

(H) The notices of succession and certificates of ownership and merger submitted by Applicant are hereby accepted for filing, and the related rate schedules of San Jacinto Oil and Gas Company are redesignated accordingly, all as set forth below.

(I) Applicant be and it is hereby substituted in lieu of San Jacinto Oil and Gas Company as party respondent in the rate proceedings pending in Docket Nos. RI60–211, RI60–467, and RI64–558, and said proceedings are redesignated accordingly.

(J) The agreement and undertaking submitted by Applicant in Docket Nos. RI60–211 and RI60–467 to assure refund, together with interest at the rate of seven percent per annum, of any amounts collected by San Jacinto Oil and Gas Company and Continental Oil Company in excess of the amounts to be found just and reasonable in said proceedings be and the same is accepted for filing.

(K) Applicant shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder and Applicant's agreement and undertaking filed in Docket Nos. RI60–211 and RI60–467 shall remain in full force and effect until discharged by the Commission.

By the Commission.

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

APPENDIX

Docket No.	New designation: Continental Oil Co. Rate schedule	New designation: Continental Oil Co. Supplement	Former designation and description and date of instrument	Effective Date	Purchaser	Location
G-3783 [1]	241		San Jacinto Oil and Gas Co., FPC Gas Rate Schedule No. 2.		El Paso Natural Gas Co.	Pictured Cliffs and Mesa Verde Formations, San Juan County, N. Mex.
	241	1-3	Supplement Nos. 1-3 to above.			
			Notice of Succession 2-28-64.	1-31-64		
	241	4	Certificate of Ownership and Merger 1-31-64.	1-31-64		
G-3783 [1]	242		San Jacinto Oil and Gas Co., FPC Gas Rate Schedule No. 3.		do	Allison Unit Area, San Juan County, N. Mex., San Juan Basin, and La-Plata and Archuleta Counties, Colo.
	242	1-2	Supplement Nos. 1-2 to above.			
			Notice of Succession 2-28-64.	1-31-64		
	242	3	Certificate of Ownership and Merger 1-31-64.	1-31-64		
G-4670 [1]	243		San Jacinto Oil and Gas Co., FPC Gas Rate Schedule No. 4.		do	Ignacio Field, Ute No. 2, LaPlata County, Colo.
	243	1-2	Supplement Nos. 1-2 to above.			
			Notice of Succession 2-28-64.	1-31-64		
	243	3	Certificate of Ownership and Merger 1-31-64.	1-31-64		
G-4670 [1]	244		San Jacinto Oil and Gas Co., FPC Gas Rate Schedule No. 5.		do	Ignacio Field, Ute No. 1 LaPlata County, Colo.
	244	1	Supplement No. 1 to above.			
			Notice of Succession 2-28-64.	1-31-64		
	244	2	Certificate of Ownership and Merger 1-31-64.	1-31-64		
CI60-532	245		San Jacinto Oil and Gas Co., FPC Gas Rate Schedule No. 8.		United Fuel Gas Co.	Go Around Bayou Field, Cameron Parish, La.
			Notice of Succession 2-28-64.	1-31-64		
	245	1	Certificate of Ownership and Merger 1-31-64.	1-31-64		
G-13711	246		San Jacinto Oil and Gas Co., FPC Gas Rate Schedule No. 9.		United Gas Pipe Line Co.	Elysian Fields Field, Harrison County, Tex.
	246	1-7	Supplement Nos. 1-7 to above.			
			Notice of Succession 2-28-64.	1-31-64		
	246	8	Certificate of Ownership and Merger 1-31-64.	1-31-64		
G-3668	[2] 248		San Jacinto Oil and Gas Co. (Operator) et al., FPC Gas Rate Schedule No. 11.		Texas Eastern Transmission Corp.	Big Hill Field, Jefferson County, Tex.
	248	1-10	Supplement Nos. 1-10 to above.			
			Notice of Succession 2-28-64.	1-31-64		
	248	11	Certificate of Ownership and Merger 1-31-64.	1-31-64		
G-3668	[2] 249		San Jacinto Oil and Gas Co. (Operator) et al., FPC Gas Rate Schedule No. 12.		Arkansas Louisiana Gas Co.	Carthage Field, Panola County, Tex.
	249	1-11	Supplement Nos. 1-11 to above.			
			Notice of Succession 2-28-64.	1-31-64		
	249	12	Certificate of Ownership and Merger 1-31-64.	1-31-64		
G-8938	[2] 250		San Jacinto Oil and Gas Co. (Operator) et al., FPC Gas Rate Schedule No. 13.		Tennessee Gas Transmission Co.	West Delta Farms Field, Lafourche Parrish, La.
	250	1-6	Supplement Nos. 1-6 to above.			
			Notice of Succession 2-28-64.	1-31-64		
	250	7	Certificate of Ownership and Merger 1-31-64.	1-31-64		
CI64-379	252		San Jacinto Oil and Gas Co., FPC Gas Rate Schedule No. 15.		El Paso Natural Gas Co.	Spraberry Trend Area Field, Upton County, Tex.
	252	1-4	Supplement Nos. 1-4 to above.			
			Notice of Succession 2-28-64.	1-31-64		
	252	5	Certificate of Ownership and Merger 1-31-64.	1-31-64		
CI64-458	253		San Jacinto Oil and Gas Co., FPC Gas Rate Schedule No. 16.		do	Spraberry Trend Area, Upton County, Tex.
	253	1-2	Supplement No. 1-2 to above.			
			Notice of Succession 2-28-64.	1-31-64		
	253	3	Certificate of Ownership and Merger 1-31-64.	1-31-64		

[1] This certificate was issued to San Jacinto Petroleum Corp. The rate schedule was redesignated as that of San Jacinto Oil and Gas Co., which was created as a division of San Jacinto Petroleum Corp.; but the related certificate was not redesignated.
[2] (Operator), et al.

[F.R. Doc. 64-6755; Filed, July 8, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Docket No. M-18455]

LTL COR RATES—BETWEEN EAST AND TERRITORIES WEST

Investigation and Suspension

At the session of the Interstate Commerce Commission, Division 2, held at the office in Washington, D.C., on the 1st day of July A.D. 1964.

It appearing, that by order dated June 9, 1964 (29 F.R. 7790), respondents were notified and required, in the discharge of their burden of proof to show that the proposed changed rates, charges, and regulations are just and reasonable, to submit certain evidence and supporting data specified therein;

It further appearing, that at the prehearing conference held on June 23, 1964, counsel for respondents stated that they intend generally to comply with the terms of the said order, but requested that the data to be disclosed concerning carrier-affiliate financial and operating

relationships and transactions be clarified and more specifically enumerated in a manner substantially similar to the order dated April 29, 1953, entered in the proceedings embraced in Surcharge on Similar Shipments within Central States, 83 M.C.C. 157;

And it further appearing, that at the said prehearing conference respondents indicated that they intend to submit in evidence and rely upon substantially the same cost and traffic studies contained in their pleadings filed before the Board of Suspension; but it appearing that the said cost and traffic studies are not sufficient to meet the purposes of the said order of June 9, 1964;

And good cause appearing therefor:

It is ordered, That the order of June 9, 1964, be, and it is hereby, clarified and amplified in the following respects:

A. The detailed data required to be submitted by respondents in this proceeding regarding carrier-affiliate financial and operating relationships and transactions shall include, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, the following information:

1. Name of each affiliate from which respondent, during the year 1963, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplied to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent, including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during year 1963 for:

a. Lease of vehicles.
b. Lease of terminals.
c. Lease of other property.
d. Pickup and delivery of shipments.
e. Repair and servicing of vehicles.
f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1963.

6. A copy of the income statements of each affiliate for the year 1963 and the latest period of 1964 for which an income statement is available.

7. A statement listing the amounts of wages, salaries, bonuses, and other compensation paid by the affiliate in 1963 to any individual who is also a respondent or an officer, director or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

B. 1. The traffic studies to be submitted shall be based upon actual operations conducted during identical periods of time for each carrier, and the actual cost studies shall be based upon the operations of the same carriers as used in the traffic studies.

2. The motor carriers used in, as well as the periods of time selected for, such cost and traffic studies shall be shown to be representative and their selection statistically sound.

3. Such cost and traffic studies, similar to all of the data specified in the order of June 9, 1964, shall be based upon and reflect at least the most recent annual reporting period.

It is further ordered, That the information called for by this order with respect to carrier-affiliates shall be in writing and shall be varified by a person or persons having knowledge thereof, and a verified copy and two additional copies shall be mailed to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, in sufficient time to reach the Commission on or before the date of the hearing;

It is further ordered, That, except to the extent clarified and amplified herein, the order of June 9, 1964, shall remain in full force and effect;

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

By the Commission, Division 2.

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

[F.R. Doc. 64-6824; Filed, July 8, 1964; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 6, 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. 39119: *Commodities to and from Freeport, Tex.* Filed by Southwestern Freight Bureau, agent, for interested rail carriers. Rates on property moving on export, import, coastwise and intercoastal class, exceptions and commodity rates, also domestic rates to the extent that such rates apply on like traffic, between points in Arkansas, Colorado, Kansas, Louisiana, Missouri, eastern New Mexico, Oklahoma, and Texas, on the one hand, and Freeport, Tex., on the other.

Grounds for relief: Rates prescribed or approved in Brazos River Harbor Nav. Dist. v. Abilene & S. Ry. Co., 322 I.C.C. 529.

By the Commission.

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

[F.R. Doc. 64-6823; Filed, July 8, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OREGON

Designation of Area for Emergency Loans

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

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

Done at Washington, D.C., this 2d day of July 1964.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 64-6820; Filed, July 8, 1964; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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

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