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FEDERAL REGISTER

VOLUME 29 NUMBER 202

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

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Title 3—THE PRESIDENT

Executive Order 11184 [1]

AMENDING EXECUTIVE ORDER NO. 10530, RELATING TO THE PERFORMANCE OF CERTAIN FUNCTIONS VESTED IN OR SUBJECT TO THE APPROVAL OF THE PRESIDENT

By virtue of the authority vested in me by Section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that Executive Order No. 10530 of May 10, 1954, entitled "Executive order providing for the performance of certain functions vested in or subject to the approval of the President," as amended, be, and it is hereby, further amended:

(1) By inserting at the end of Section 1 thereof new subsections (x) and (y), reading as follows:

"(x) The authority vested in the President by Section 6 of the Act of August 20, 1964, P.L. 88–459, 78 Stat. 558, to issue regulations governing the provision, occupancy, and availability of quarters and facilities, the determination of rates and charges therefor, and other related matters, as are necessary and appropriate to carry out the provisions of that Act.

"(y) The authority vested in the President by the first section of the Act of August 31, 1964, P.L. 88–538, 78 Stat. 745, to prescribe regulations establishing the rates at which the allowance provided for in that section will be paid (to employees of the United States assigned to duty, other than temporary duty, on one of the California offshore islands) and defining the areas and groups of positions to which such rates shall apply."

(2) By inserting at the end of Section 4 thereof a new subsection (g), reading as follows:

"(g) The authority vested in the President by Section 57 of the Alaska Omnibus Act (added by the 1964 Amendments to the Alaska Omnibus Act, P.L. 88–451, 78 Stat. 507), (1) to make the grants to the State of Alaska provided for in that section, (2) to approve a plan submitted by the State of Alaska for the implementation of the purpose of that section, (3) to specify reports to be made by the agency designated by the State of Alaska in accordance with that section and to prescribe the form of, and information to be contained in, such reports, and (4) to demand access to the records upon which such reports are based."

LYNDON B. JOHNSON

THE WHITE HOUSE,

October 13, 1964.

[F.R. Doc. 64–10621; Filed, Oct. 14, 1964; 11:35 a.m.]

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[1] 3 CFR, 1954–1958 Comp., p. 189; 19 F.R. 2709.

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 728—WHEAT

Subpart—Wheat Diversion Program for 1964 and 1965

MISCELLANEOUS AMENDMENTS

The regulations governing the Wheat Diversion Program for 1964 and 1965, 28 F.R. 5133, are hereby amended as follows:

§ 728.50 [Amended]

1. Section 728.50(a) is amended by adding at the end thereof the following new sentence: "For 1965, no diversion payment shall be made with respect to the minimum diversion acreage as determined under § 728.51(b)(2) or any additional diverted acreage if such additional acreage is less than 10 per centum of the farm wheat allotment."

2. Section 728.50(b) is amended by changing the reference "§ 728.64(b)" to "§ 728.64".

§ 728.51 [Amended]

3. Section 728.51(b)(2) is amended by changing the reference "§ 728.64(b)" in the first sentence thereof to "§ 728.64" and by inserting the words "and 1965" immediately following the words "For 1964" in the third sentence thereof.

3a. Section 728.51(c)(2)(ii) is amended by inserting "for 1964" after the words "except that" in the third sentence thereof.

4. Section 728.51(c)(2)(ii) is further amended by adding the following new sentence at the end thereof: "For purposes of this subdivision (ii), a producer shall be deemed not to have exceeded the farm wheat allotment for 1965 if the acreage in excess of the allotment does not exceed 50 per centum of the allotment, an amount of wheat is stored as required under the provisions of § 728.107 of the regulations governing the Farm Wheat Certificate Program, as amended, and the farm is eligible for wheat marketing certificates. If there is unauthorized depletion of the stored excess wheat, the producer shall pay the amount provided in § 728.108."

§ 728.52 [Amended]

5. Section 728.52(d) is amended by adding the following new sentence at the end thereof: "Notwithstanding the foregoing provisions of this paragraph, the designated diverted acreage under the 1964 program may be grazed through May 22, 1964."

6. Section 728.52(e) is amended to read as follows:

(e) *Diverted acreage devoted to designated crops planted for harvest in lieu of conservation uses.* For 1964, diverted acreage devoted to castor beans, guar, sunflower, safflower or sesame may be harvested. For 1965, the extent to which, if any, the diverted acreage may be devoted to substitute crops shall be provided in an amendment to this subpart.

§ 728.53 [Amended]

7. Section 728.53(a)(11) is amended by adding the following new sentence at the end thereof: "Notwithstanding the foregoing provisions of this subparagraph, for 1965, wheat will qualify as a planting for wildlife food plots or establishment of wildlife habitat under the same conditions as specified for corn and grain sorghums."

§ 728.57 [Amended]

8. Section 728.57(a) is amended by changing the word "The" at the beginning of the second sentence thereof to "the", inserting "For 1964," immediately before such word, and adding the following new sentence: "For 1965, no payment shall be made with respect to the minimum diversion acreage as determined under § 728.51(b)(2), and the county diversion payment rate per bushel for any additional diversion eligible for payment shall be 50 per centum of the rates specified in § 728.73 of this subpart."

9. Section 728.59 is amended to read as follows:

§ 728.59 Notice of payment rates, normal yield, minimum diversion requirement and conserving base.

(a) For 1964, each operator and owner interested in the wheat crop on a farm for which an old farm wheat allotment is established will be notified in writing on Form ASCS–865 of the wheat normal yield. Any producer who files an intention to participate under § 728.61 will receive notice of the farm payment rate, minimum required diversion acreage and the conserving base on Form 477 (Wheat).

(b) For 1965, each operator and owner interested in the wheat crop on a farm for which an old farm wheat allotment is established will be notified in writing on Form MQ–24 of the wheat normal yield, the farm payment rate, minimum required diversion acreage and the conserving base.

§ 728.60 [Amended]

10. Section 728.60(a) is amended to read as follows:

(a) A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, 7 CFR Part 780 (29 F.R. 8200), as amended.

§ 728.61 [Amended]

11. Section 728.61(d) is amended by adding the following new sentence at the end thereof: "For 1965, the operator shall also indicate whether or not he intends to produce excess wheat or whether or not he requests the establishment of an oats-rye base."

12. Section 728.62 is amended to read as follows:

§ 728.62 Advance payment.

Advance payment shall not be made available to participants in the 1964 and 1965 Wheat Diversion Program.

§ 728.64 [Amended]

13. Section 728.64 is amended by changing the heading to "Diversion payment." and changing paragraph (a) to read as follows:

(a) Payments of any amounts due the producers on a farm shall be made after the farm operator certifies that the farm is in compliance with the requirements of the program by signing in the appropriate space on Form 477 (Wheat), and the county committee determines that the producers and the farm are in compliance with such requirements. The signing of Form 477 (Wheat) by any producer or by the farm operator after May 1, of the year following the current year, shall not be approved by the county committee unless prior approval of the State committee is obtained.

14. Section 728.64(b) is amended by changing the first word in the paragraph to "no" and inserting immediately before such word the following: "For 1964,".

15. Section 728.64 is further amended by redesignating paragraphs (c), (d), (e), and (f) as (d), (e), (f), and (g), respectively, and by adding a new paragraph (c) as follows:

(c) For 1965, the amounts of the tolerances with respect to the designated diverted acreages, the permitted acreages, and the total conserving acreage will be promulgated in an amendment to this subpart.

16. Section 728.64(d), as redesignated by amendment 15 above, is amended by adding at the end thereof but not as a part of subparagraph (5) the following new sentence: "Notwithstanding any other provision of this paragraph, for 1965, no payment shall be paid with respect to (1) the minimum diversion acreage as determined under § 728.51(b)(2) and (2) the additional diverted acreage if such acreage is less than 10 per centum of the farm wheat allotment."

§ 728.73 [Amended]

17. Section 728.73 is amended by inserting "(a)" immediately before the text and adding a new paragraph (b) as follows:

(b) The rates for determining the county diversion payment rate per bushel for the 1965 crop of wheat shall be as follows:

1965 WHEAT DIVERSION PROGRAM

County rates per bushel used in determining county diversion payments

ALABAMA

County	Rate per bushel
All counties	$1.35

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$0.91	Mohave	$0.98
Cochise	1.21	Navajo	.91
Coconino	.91	Pima	1.26
Gila	.99	Pinal	1.29
Graham	1.14	Santa Cruz	1.23
Greenlee	.99	Yavapai	.95
Maricopa	1.29	Yuma	1.31

ARKANSAS

Arkansas	$1.41	Lee	$1.41
Ashley	1.38	Lincoln	1.39
Baxter	1.23	Little River	1.33
Benton	1.18	Logan	1.19
Boone	1.21	Lonoke	1.41
Bradley	1.33	Madison	1.19
Calhoun	1.31	Marion	1.22
Carroll	1.19	Miller	1.34
Chicot	1.39	Mississippi	1.41
Clark	1.30	Monroe	1.41
Clay	1.41	Montgomery	1.23
Cleburne	1.41	Nevada	1.32
Cleveland	1.29	Newton	1.21
Columbia	1.34	Ouachita	1.32
Conway	1.38	Perry	1.24
Craighead	1.41	Phillips	1.41
Crawford	1.19	Pike	1.24
Crittenden	1.41	Poinsett	1.41
Cross	1.41	Polk	1.23
Dallas	1.30	Pope	1.23
Desha	1.40	Prairie	1.41
Drew	1.38	Pulaski	1.40
Faulkner	1.39	Randolph	1.41
Franklin	1.20	St. Francis	1.41
Fulton	1.28	Saline	1.28
Garland	1.27	Scott	1.23
Grant	1.29	Searcy	1.22
Greene	1.41	Sebastian	1.22
Hempstead	1.33	Sevier	1.25
Hot Spring	1.28	Sharp	1.28
Howard	1.25	Stone	1.26
Independence	1.34	Union	1.34
Izard	1.25	Van Buren	1.31
Jackson	1.41	Washington	1.19
Jefferson	1.39	White	1.41
Johnson	1.22	Woodruff	1.41
Lafayette	1.34	Yell	1.23
Lawrence	1.40		

CALIFORNIA

Alameda	$1.37	Plumas	$1.26
Alpine	1.26	Riverside	1.32
Amador	1.37	Sacramento	1.37
Butte	1.34	San Benito	1.35
Calaveras	1.37	San Bernardino	1.35
Colusa	1.36	San Diego	1.31
Contra Costa	1.37	San Joaquin	1.39
El Dorado	1.34	San Luis Obispo	1.31
Fresno	1.35	San Mateo	1.37
Glenn	1.35	Santa Barbara	1.30
Humboldt	1.20	Santa Clara	1.36
Imperial	1.33	Santa Cruz	1.34
Inyo	1.16	Shasta	1.24
Kern	1.34	Sierra	1.18
Kings	1.35	Siskiyou	1.24
Lake	1.32	Solano	1.36
Lassen	1.19	Sonoma	1.36
Los Angeles	1.36	Stanislaus	1.38
Madera	1.37	Sutter	1.35
Marin	1.37	Tehama	1.29
Mariposa	1.34	Tulare	1.34
Mendocino	1.28	Tuolumne	1.38
Merced	1.38	Ventura	1.35
Modoc	1.23	Yola	1.37
Mono	1.12	Yuba	1.35
Monterey	1.33		
Napa	1.36		
Orange	1.33		
Placer	1.36		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.10	Kit Carson	$1.12
Alamosa	.99	La Plata	.93
Arapahoe	1.10	Larimer	1.10
Archuleta	.93	Las Animas	1.09
Baca	1.12	Lincoln	1.10
Bent	1.11	Logan	1.10
Boulder	1.10	Mesa	.97
Chaffee	.98	Moffat	.91
Cheyenne	1.12	Montezuma	.93
Conejos	.98	Montrose	.91
Costilla	1.00	Morgan	1.10
Crowley	1.10	Otero	1.10
Custer	1.04	Ouray	.91
Delta	.91	Phillips	1.12
Denver	1.10	Pitkin	.97
Dolores	.93	Prowers	1.12
Douglas	1.10	Pueblo	1.10
Eagle	.97	Rio Blanco	.94
Elbert	1.10	Rio Grande	.98
El Paso	1.10	Routt	.91
Fremont	1.05	Saguache	.98
Garfield	.97	San Miguel	.91
Grand	.97	Sedgwick	1.13
Huerfano	1.07	Summit	.97
Jackson	.98	Washington	1.10
Jefferson	1.10	Weld	1.10
Kiowa	1.12	Yuma	1.12

CONNECTICUT

All counties	$1.42

DELAWARE

Kent	$1.47	Sussex	$1.46
New Castle	1.47		

FLORIDA

All counties	$1.38

GEORGIA

All counties	$1.38

IDAHO

Ada	$1.13	Gem	$1.13
Adams	1.11	Gooding	1.11
Bannock	1.09	Idaho	1.15
Bear Lake	1.06	Jefferson	1.06
Benewah	1.19	Jerome	1.12
Bingham	1.07	Kottenai	1.18
Blaine	1.09	Latah	1.19
Boise	1.13	Lemhi	1.06
Bonner	1.11	Lewis	1.16
Bonneville	1.06	Lincoln	1.10
Boundary	1.11	Madison	1.05
Butte	1.07	Minidoka	1.12
Camas	1.09	Nez Perce	1.19
Canyon	1.13	Oneida	1.11
Caribou	1.08	Owyhee	1.13
Cassia	1.12	Payette	1.13
Clark	1.04	Power	1.09
Clearwater	1.16	Shoshone	1.07
Custer	1.07	Teton	1.03
Elmore	1.12	Twin Falls	1.14
Franklin	1.11	Valley	1.12
Fremont	1.04	Washington	1.13

ILLINOIS

Adams	$1.27	Effingham	$1.34
Alexander	1.35	Fayette	1.35
Bond	1.35	Ford	1.30
Boone	1.38	Franklin	1.35
Brown	1.28	Fulton	1.30
Bureau	1.34	Gallatin	1.29
Calhoun	1.35	Greene	1.35
Carroll	1.33	Grundy	1.35
Cass	1.30	Hamilton	1.35
Champaign	1.33	Hancock	1.27
Christian	1.35	Hardin	1.22
Clark	1.30	Henderson	1.28
Clay	1.30	Henry	1.31
Clinton	1.35	Iroquois	1.35
Coles	1.32	Jackson	1.35
Cook	1.39	Jasper	1.29
Crawford	1.28	Jefferson	1.35
Cumberland	1.32	Jersey	1.35
De Kalb	1.38	Jo Daviess	1.32
DeWitt	1.30	Johnson	1.26
Douglas	1.33	Kane	1.38
DuPage	1.37	Kenkakee	1.36
Edgar	1.30	Kendall	1.34
Edwards	1.31	Knox	1.29

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Lake	$1.37	Pope	$1.25
LaSalle	1.34	Pulaski	1.35
Lawrence	1.29	Putnam	1.35
Lee	1.35	Randolph	1.35
Livingston	1.31	Richland	1.29
Logan	1.32	Rock Island	1.29
McDonough	1.28	Saint Clair	1.35
McHenry	1.38	Saline	1.28
McLean	1.30	Sangamon	1.34
Macon	1.35	Schuyler	1.29
Macoupin	1.35	Scott	1.35
Madison	1.35	Shelby	1.34
Marion	1.35	Stark	1.33
Marshall	1.32	Stephenson	1.37
Mason	1.30	Tazewell	1.30
Massac	1.31	Union	1.35
Menard	1.30	Vermilion	1.34
Mercer	1.28	Wabash	1.32
Monroe	1.35	Warren	1.29
Montgomery	1.35	Washington	1.35
Morgan	1.34	Wayne	1.33
Moultrie	1.34	White	1.30
Ogle	1.38	Whiteside	1.34
Peoria	1.31	Will	1.36
Perry	1.35	Williamson	1.35
Piatt	1.33	Winnebago	1.38
Pike	1.32	Woodford	1.30

INDIANA

Adams	$1.26	Lawrence	$1.32
Allen	1.26	Madison	1.28
Bartholomew	1.31	Marion	1.28
Benton	1.32	Marshall	1.37
Blackford	1.28	Martin	1.26
Boone	1.27	Miami	1.31
Brown	1.28	Monroe	1.34
Carroll	1.31	Montgomery	1.28
Cass	1.32	Morgan	1.26
Clark	1.35	Newton	1.38
Clay	1.29	Noble	1.27
Clinton	1.29	Ohio	1.28
Crawford	1.32	Orange	1.34
Daviess	1.25	Owen	1.26
Dearborn	1.28	Parke	1.27
Decatur	1.30	Perry	1.32
De Kalb	1.26	Pike	1.29
Delaware	1.26	Porter	1.38
Dubois	1.33	Posey	1.29
Elkhart	1.32	Pulaski	1.38
Fayette	1.28	Putnam	1.27
Floyd	1.35	Randolph	1.27
Fountain	1.27	Ripley	1.29
Franklin	1.28	Rush	1.28
Fulton	1.37	St. Joseph	1.37
Gibson	1.29	Scott	1.32
Grant	1.27	Shelby	1.28
Greene	1.26	Spencer	1.32
Hamilton	1.27	Starke	1.38
Hancock	1.28	Steuben	1.26
Harrison	1.28	Sullivan	1.29
Hendricks	1.28	Switzerland	1.29
Henry	1.28	Tippecanoe	1.30
Howard	1.29	Tipton	1.27
Huntington	1.26	Union	1.28
Jackson	1.32	Vanderburgh	1.34
Jasper	1.37	Vermillion	1.34
Jay	1.26	Vigo	1.34
Jefferson	1.29	Wabash	1.29
Jennings	1.30	Warren	1.32
Johnson	1.28	Warrick	1.34
Knox	1.27	Washington	1.34
Kosciusko	1.31	Wayne	1.27
Lagrange	1.27	Wells	1.26
Lake	1.38	White	1.38
La Porte	1.38	Whitley	1.28

IOWA

Adair	$1.26	Butler	$1.32
Adams	1.28	Calhoun	1.31
Allamakee	1.33	Carroll	1.29
Appanoose	1.24	Cass	1.28
Audubon	1.29	Cedar	1.27
Benton	1.31	Cero Gordo	1.34
Black Hawk	1.32	Cherokee	1.30
Boone	1.30	Chickasaw	1.33
Bremer	1.32	Clarke	1.25
Buchanan	1.31	Clay	1.32
Buena Vista	1.31	Clayton	1.31

Iowa—Continued

County	Rate per bushel	County	Rate per bushel
Clinton	$1.28	Mahaska	$1.28
Crawford	1.30	Marion	1.27
Dallas	1.30	Marshall	1.31
Davis	1.25	Mills	1.33
Decatur	1.24	Mitchell	1.35
Delaware	1.31	Monona	1.29
Des Moines	1.27	Monroe	1.25
Dickinson	1.33	Montgomery	1.30
Dubuque	1.30	Muscatine	1.26
Emmet	1.34	O'Brien	1.32
Fayette	1.32	Osceola	1.32
Floyd	1.34	Page	1.31
Franklin	1.32	Palo Alto	1.33
Fremont	1.32	Plymouth	1.30
Greene	1.30	Pocahontas	1.32
Grundy	1.32	Polk	1.30
Guthrie	1.26	Pottawattamie	1.32
Hamilton	1.32	Poweshiek	1.29
Hancock	1.33	Ringgold	1.24
Hardin	1.32	Sac	1.30
Harrison	1.31	Scott	1.28
Henry	1.25	Shelby	1.30
Howard	1.34	Sioux	1.30
Humboldt	1.32	Story	1.31
Ida	1.29	Tama	1.31
Iowa	1.29	Taylor	1.27
Jackson	1.27	Union	1.26
Jasper	1.30	Van Buren	1.25
Jefferson	1.26	Wapello	1.26
Johnson	1.30	Warren	1.28
Jones	1.30	Washington	1.27
Keokuk	1.27	Wayne	1.23
Kossuth	1.33	Webster	1.32
Lee	1.27	Winnebago	1.35
Linn	1.31	Winneshiek	1.33
Louisa	1.26	Woodbury	1.30
Lucas	1.24	Worth	1.35
Lyon	1.31	Wright	1.32
Madison	1.28		

Kansas

Allen	$1.30	Kearny	$1.15
Anderson	1.29	Kingman	1.21
Atchison	1.30	Kiowa	1.19
Barber	1.19	Labette	1.28
Barton	1.19	Lane	1.17
Bourbon	1.31	Leavenworth	1.31
Brown	1.29	Lincoln	1.21
Butler	1.22	Linn	1.33
Chase	1.24	Logan	1.16
Chautauqua	1.24	Lyon	1.26
Cherokee	1.27	McPherson	1.21
Cheyenne	1.15	Marion	1.22
Clark	1.16	Marshall	1.26
Clay	1.23	Meade	1.16
Cloud	1.22	Miami	1.31
Coffey	1.27	Mitchell	1.21
Comanche	1.17	Montgomery	1.26
Cowley	1.22	Morris	1.24
Crawford	1.28	Morton	1.18
Decatur	1.17	Nemaha	1.27
Dickinson	1.22	Neosho	1.30
Doniphan	1.32	Ness	1.19
Douglas	1.30	Norton	1.19
Edwards	1.19	Osage	1.27
Elk	1.24	Osborne	1.21
Ellis	1.19	Ottawa	1.22
Ellsworth	1.21	Pawnee	1.19
Finney	1.16	Phillips	1.19
Ford	1.18	Pottowatomie	1.26
Franklin	1.30	Pratt	1.19
Geary	1.24	Rawlins	1.16
Gove	1.17	Reno	1.21
Graham	1.19	Republic	1.22
Grant	1.15	Rice	1.21
Gray	1.17	Riley	1.26
Greeley	1.15	Rooks	1.20
Greenwood	1.25	Rush	1.19
Hamilton	1.15	Russell	1.20
Harper	1.21	Saline	1.22
Harvey	1.22	Scott	1.16
Haskell	1.16	Sedgwick	1.22
Hodgeman	1.19	Seward	1.19
Jackson	1.28	Shawnee	1.28
Jefferson	1.30	Sheridan	1.17
Jewell	1.22	Sherman	1.15
Johnson	1.32	Smith	1.21

Kansas—Continued

County	Rate per bushel	County	Rate per bushel
Stafford	$1.19	Wallace	$1.15
Stanton	1.13	Washington	1.23
Stevens	1.15	Wichita	1.15
Sumner	1.22	Wilson	1.26
Thomas	1.16	Woodson	1.28
Trego	1.19	Wyandotte	1.32
Wabaunsee	1.26		

Kentucky

Adair	$1.33	Kenton	$1.33
Allen	1.32	Knox	1.33
Anderson	1.34	Larue	1.33
Ballard	1.30	Laurel	1.34
Barren	1.32	Lawrence	1.34
Bath	1.34	Lee	1.34
Bell	1.33	Lewis	1.35
Boone	1.33	Lincoln	1.35
Bourbon	1.35	Livingston	1.30
Boyd	1.35	Logan	1.31
Boyle	1.35	Lyon	1.31
Bracken	1.34	McCracken	1.30
Brethitt	1.33	McCreary	1.33
Breckenridge	1.31	McLean	1.30
Bullitt	1.33	Madison	1.35
Butler	1.31	Magoffin	1.33
Caldwell	1.31	Marion	1.34
Calloway	1.30	Marshall	1.30
Campbell	1.33	Mason	1.34
Carlisle	1.30	Meade	1.31
Carroll	1.33	Menifee	1.33
Carter	1.34	Mercer	1.35
Casey	1.34	Metcalfe	1.32
Christian	1.31	Monroe	1.33
Clark	1.35	Montgomery	1.34
Clay	1.33	Morgan	1.33
Clinton	1.34	Muhlenberg	1.31
Crittenden	1.30	Nelson	1.34
Cumberland	1.33	Nicholas	1.34
Daviess	1.30	Ohio	1.31
Edmonson	1.31	Oldham	1.33
Elliott	1.34	Owen	1.34
Estill	1.34	Owsley	1.33
Fayette	1.35	Pendleton	1.34
Fleming	1.34	Powell	1.34
Franklin	1.34	Pulaski	1.35
Fulton	1.30	Robertson	1.34
Gallatin	1.33	Rockcastle	1.35
Garrard	1.35	Rowan	1.35
Grant	1.34	Russell	1.33
Graves	1.30	Scott	1.34
Grayson	1.32	Shelby	1.33
Green	1.34	Simpson	1.32
Greenup	1.35	Spencer	1.33
Hancock	1.31	Taylor	1.34
Hardin	1.32	Todd	1.31
Harrison	1.34	Trigg	1.31
Hart	1.32	Trimble	1.33
Henderson	1.30	Union	1.30
Henry	1.33	Warren	1.31
Hickman	1.30	Washington	1.35
Hopkins	1.31	Wayne	1.34
Jackson	1.33	Webster	1.30
Jefferson	1.33	Whitley	1.33
Jessamine	1.35	Wolfe	1.33
Johnson	1.33	Woodford	1.35

Louisiana

All counties	$1.36

Maine

All counties	$1.38

Maryland

Allegany	$1.38	Howard	$1.50
Anne Arundel	1.46	Kent	1.47
Baltimore	1.46	Montgomery	1.45
Calvert	1.44	Prince Georges	1.45
Caroline	1.47	Queen Annes	1.47
Carroll	1.46	St. Marys	1.45
Cecil	1.46	Somerset	1.44
Charles	1.44	Talbot	1.47
Dorchester	1.46	Washington	1.42
Frederick	1.45	Wicomico	1.46
Garrett	1.37	Worcester	1.45
Harford	1.47		

Massachusetts

All counties	$1.41

Michigan

County	Rate per bushel	County	Rate per bushel
Alcona	$1.12	Keweenaw	$1.25
Alger	1.23	Lake	1.19
Allegan	1.25	Lapeer	1.24
Alpena	1.11	Leelanau	1.12
Antrim	1.12	Lenawee	1.26
Arenac	1.17	Livingston	1.25
Baraga	1.30	Luce	1.12
Barry	1.25	Mackinac	1.12
Bay	1.22	Macomb	1.26
Benzie	1.22	Manistee	1.19
Berrien	1.34	Marquette	1.26
Branch	1.26	Mason	1.19
Calhoun	1.29	Mecosta	1.19
Cass	1.29	Menominee	1.23
Charlevoix	1.11	Midland	1.22
Cheboygan	1.10	Missaukee	1.18
Chippewa	1.12	Monroe	1.27
Clare	1.22	Montcalm	1.22
Clinton	1.24	Montmorency	1.11
Crawford	1.13	Muskegon	1.22
Delta	1.23	Newaygo	1.21
Dickinson	1.23	Oakland	1.24
Eaton	1.25	Oceana	1.19
Emmet	1.11	Ogemaw	1.20
Genesee	1.24	Ontonagon	1.24
Gladwin	1.21	Osceola	1.19
Gogebic	1.32	Oscoda	1.20
Grand Traverse	1.16	Otsego	1.11
Gratiot	1.24	Ottawa	1.25
Hillsdale	1.25	Presque Isle	1.10
Houghton	1.25	Roscommon	1.13
Huron	1.22	Saginaw	1.24
Ingham	1.25	St. Clair	1.25
Ionia	1.24	St. Joseph	1.28
Iosco	1.13	Sanilac	1.22
Iron	1.24	Schoolcraft	1.23
Isabella	1.21	Shiawassee	1.24
Jackson	1.29	Tuscola	1.22
Kalamazoo	1.28	Van Buren	1.27
Kalkaska	1.12	Washtenaw	1.25
Kent	1.24	Wayne	1.25
		Wexford	1.19

Minnesota

Aitkin	$1.47	Martin	$1.39
Anoka	1.45	Meeker	1.45
Becker	1.39	Mille Lacs	1.45
Beltrami	1.41	Morrison	1.44
Benton	1.45	Mower	1.42
Big Stone	1.41	Murray	1.37
Blue Earth	1.43	Nicollett	1.44
Brown	1.42	Nobles	1.34
Carlton	1.47	Norman	1.37
Carver	1.41	Olmsted	1.43
Cass	1.44	Otter Tail	1.41
Chippewa	1.42	Pennington	1.37
Chisago	1.45	Pine	1.46
Clay	1.38	Pipestone	1.36
Clearwater	1.40	Polk	1.37
Cottonwood	1.39	Pope	1.44
Crow Wing	1.45	Ramsey	1.45
Dakota	1.45	Red Lake	1.38
Dodge	1.44	Redwood	1.41
Douglas	1.43	Renville	1.43
Faribault	1.40	Rice	1.45
Fillmore	1.40	Rock	1.32
Freeborn	1.43	Roseau	1.35
Goodhue	1.45	St. Louis	1.40
Grant	1.42	Scott	1.43
Hennepin	1.45	Sherburne	1.45
Houston	1.39	Sibley	1.43
Hubbard	1.41	Stearns	1.45
Isanti	1.45	Steele	1.44
Itasca	1.46	Stevens	1.43
Jackson	1.37	Swift	1.44
Kanabec	1.45	Todd	1.44
Kandiyohi	1.45	Traverse	1.40
Kittson	1.33	Wabasha	1.44
Koochiching	1.39	Wadena	1.43
Lac Qui Parle	1.40	Waseca	1.44
Lake of the Woods	1.37	Washington	1.45
Le Sueur	1.44	Watonwan	1.41
Lincoln	1.37	Wilkin	1.40
Lyon	1.39	Winona	1.43
McLeod	1.45	Wright	1.45
Mahanomen	1.38	Yellow Medicine	1.40
Marshall	1.35		

Mississippi

County	Rate per bushel
All counties	$1.29

Missouri

County	Rate per bushel	County	Rate per bushel
Adair	$1.31	Lincoln	$1.35
Andrew	1.35	Linn	1.33
Atchison	1.35	Livingston	1.34
Audrain	1.35	McDonald	1.28
Barry	1.25	Macon	1.31
Barton	1.31	Madison	1.30
Bates	1.31	Maries	1.30
Benton	1.27	Marion	1.33
Bollinger	1.29	Mercer	1.31
Boone	1.35	Miller	1.26
Buchanan	1.35	Mississippi	1.40
Butler	1.40	Moniteau	1.33
Caldwell	1.35	Monroe	1.34
Callaway	1.35	Montgomery	1.35
Camden	1.34	Morgan	1.27
Cape Girardeau	1.37	New Madrid	1.41
Carroll	1.35	Newton	1.24
Carter	1.29	Nodaway	1.35
Cass	1.34	Oregon	1.28
Cedar	1.33	Osage	1.32
Chariton	1.33	Ozark	1.22
Christian	1.27	Pemiscot	1.41
Clark	1.31	Perry	1.30
Clay	1.35	Pettis	1.32
Clinton	1.35	Phelps	1.34
Cole	1.33	Pike	1.37
Cooper	1.33	Platte	1.35
Crawford	1.32	Polk	1.33
Dade	1.32	Pulaski	1.34
Dallas	1.33	Putnam	1.30
Daviess	1.34	Ralls	1.34
DeKalb	1.35	Randolph	1.34
Dent	1.28	Ray	1.35
Douglas	1.21	Reynolds	1.26
Dunklin	1.41	Ripley	1.36
Franklin	1.35	St. Charles	1.35
Gasconade	1.34	St. Clair	1.33
Gentry	1.35	Ste. Genevieve	1.32
Greene	1.33	St. Francois	1.31
Grundy	1.30	St. Louis	1.35
Harrison	1.33	Saline	1.34
Henry	1.33	Schuyler	1.31
Hickory	1.33	Scotland	1.32
Holt	1.35	Scott	1.39
Howard	1.34	Shannon	1.26
Howell	1.24	Shelby	1.33
Iron	1.30	Stoddard	1.39
Jackson	1.35	Stone	1.23
Jasper	1.28	Sullivan	1.32
Jefferson	1.35	Taney	1.22
Johnson	1.33	Texas	1.21
Knox	1.32	Vernon	1.31
Laclede	1.34	Warren	1.35
Lafayette	1.35	Washington	1.32
Lawrence	1.28	Wayne	1.30
Lewis	1.32	Webster	1.28
		Worth	1.35
		Wright	1.21

Montana

County	Rate per bushel	County	Rate per bushel
Beaverhead	$1.00	Meagher	$1.04
Big Horn	0.98	Mineral	1.07
Blaine	1.04	Missoula	1.07
Broadwater	1.04	Musselshell	1.04
Carbon	1.04	Park	1.04
Carter	1.13	Cascade	1.04
Fallon	1.13	Chouteau	1.04
Fergus	1.04	Custer	1.11
Flathead	1.04	Daniels	1.09
Gallatin	1.06	Dawson	1.12
Garfield	1.10	Deer Lodge	1.06
Glacier	1.04	Petroleum	1.04
Golden Valley	1.04	Phillips	1.05
Granite	1.04	Pondera	1.04
Hill	1.04	Powder River	1.09
Jefferson	1.04	Powell	1.06
Judith Basin	1.04	Prairie	1.11
Lake	1.04	Ravalli	1.04
Lewis and Clark	1.04	Richland	1.12
Liberty	1.04	Roosevelt	1.13
Lincoln	1.04	Rosebud	1.08
McCone	1.11	Sanders	1.07
Madison	1.06	Sheridan	1.12
		Silver Bow	1.06
		Stillwater	1.04

Montana—Continued

County	Rate per bushel	County	Rate per bushel
Sweet Grass	$1.04	Valley	$1.08
Teton	1.04	Wheatland	1.04
Toole	1.04	Wibaux	1.14
Treasure	1.05	Yellowstone	1.04

Nebraska

County	Rate per bushel	County	Rate per bushel
Adams	$1.24	Jefferson	$1.26
Antelope	1.25	Johnson	1.28
Arthur	1.15	Kearney	1.22
Banner	1.10	Keith	1.15
Blaine	1.19	Keya Paha	1.19
Boone	1.26	Kimball	1.10
Box Butte	1.14	Knox	1.23
Boyd	1.22	Lancaster	1.30
Brown	1.19	Lincoln	1.18
Buffalo	1.24	Logan	1.19
Burt	1.30	Loup	1.22
Butler	1.29	McPherson	1.19
Cass	1.31	Madison	1.26
Cedar	1.24	Merrick	1.26
Chase	1.15	Morrill	1.13
Cherry	1.17	Nance	1.27
Cheyenne	1.11	Nemaha	1.28
Clay	1.24	Nuckolls	1.24
Colfax	1.30	Otoe	1.30
Cuming	1.29	Pawnee	1.27
Custer	1.21	Perkins	1.15
Dakota	1.27	Phelps	1.22
Dawes	1.11	Pierce	1.26
Dawson	1.22	Platte	1.28
Deuel	1.13	Polk	1.28
Dixon	1.26	Red Willow	1.19
Dodge	1.30	Richardson	1.27
Douglas	1.32	Rock	1.20
Dundy	1.15	Saline	1.28
Fillmore	1.26	Sarpy	1.32
Franklin	1.22	Saunders	1.31
Frontier	1.19	Scotts Bluff	1.10
Furnas	1.20	Seward	1.29
Gage	1.28	Sheridan	1.13
Garden	1.14	Sherman	1.24
Garfield	1.23	Sioux	1.10
Gosper	1.21	Stanton	1.27
Grant	1.15	Thayer	1.26
Greeley	1.25	Thomas	1.19
Hall	1.25	Thurston	1.28
Hamilton	1.26	Valley	1.23
Harlan	1.21	Washington	1.31
Hayes	1.16	Wayne	1.25
Hitchcock	1.17	Webster	1.23
Holt	1.23	Wheeler	1.26
Hooker	1.17	York	1.27
Howard	1.25		

Nevada

All counties	$1.18

New Hampshire

All counties	$1.40

New Jersey

County	Rate per bushel	County	Rate per bushel
Atlantic	$1.45	Middlesex	$1.45
Bergen	1.46	Monmouth	1.45
Burlington	1.46	Morris	1.45
Camden	1.47	Ocean	1.45
Cape May	1.43	Passaic	1.46
Cumberland	1.46	Salem	1.47
Essex	1.46	Somerset	1.45
Gloucester	1.47	Sussex	1.45
Hunterdon	1.44	Union	1.46
Mercer	1.46	Warren	1.43

New Mexico

County	Rate per bushel	County	Rate per bushel
Bernalillo	$1.12	Mora	$1.12
Catron	1.03	Otero	1.15
Chaves	1.19	Quay	1.22
Colfax	1.11	Rio Arriba	.93
Curry	1.22	Roosevelt	1.20
De Baca	1.17	Sandoval	1.12
Dona Ana	1.12	San Juan	.93
Eddy	1.17	San Miguel	1.12
Grant	.97	Santa Fe	1.09
Guadalupe	1.17	Sierra	1.12
Harding	1.15	Socorro	1.12
Hidalgo	1.06	Taos	.98
Lea	1.21	Torrance	1.13
Lincoln	1.15	Union	1.17
Luna	1.09	Valencia	1.07
McKinley	.97		

New York

County	Rate per bushel	County	Rate per bushel
Albany	$1.48	Oneida	$1.43
Allegany	1.41	Onondaga	1.41
Broome	1.41	Ontario	1.41
Cattaraugus	1.37	Orange	1.44
Cayuga	1.41	Orleans	1.40
Chautauqua	1.33	Oswego	1.41
Chemung	1.41	Otsego	1.43
Chenango	1.41	Putnam	1.44
Clinton	1.38	Rensselaer	1.47
Columbia	1.46	Rockland	1.43
Cortland	1.41	St. Lawrence	1.37
Delaware	1.42	Saratoga	1.46
Dutchess	1.44	Schenectady	1.47
Erie	1.39	Schoharie	1.45
Essex	1.41	Schuyler	1.41
Franklin	1.35	Seneca	1.41
Fulton	1.42	Steuben	1.41
Genesee	1.41	Suffolk	1.40
Greene	1.45	Sullivan	1.39
Herkimer	1.44	Tioga	1.41
Jefferson	1.38	Tompkins	1.41
Lewis	1.39	Ulster	1.44
Livingston	1.41	Warren	1.44
Madison	1.41	Washington	1.45
Monroe	1.41	Wayne	1.41
Montgomery	1.47	Westchester	1.45
Nassau	1.42	Wyoming	1.41
Niagara	1.41	Yates	1.41

North Carolina

All counties	$1.40

North Dakota

County	Rate per bushel	County	Rate per bushel
Adams	$1.19	McLean	$1.22
Barnes	1.33	Mercer	1.20
Benson	1.25	Morton	1.21
Billings	1.18	Mountrail	1.19
Bottineau	1.20	Nelson	1.31
Bowman	1.18	Oliver	1.21
Burke	1.19	Pembina	1.31
Burleigh	1.25	Pierce	1.24
Cass	1.35	Ramsey	1.27
Cavalier	1.27	Ransom	1.35
Dickey	1.34	Renville	1.19
Divide	1.17	Richland	1.38
Dunn	1.18	Rolette	1.23
Eddy	1.28	Sargent	1.37
Emmons	1.27	Sheridan	1.25
Foster	1.30	Sioux	1.21
Golden Valley	1.15	Slope	1.19
Grand Forks	1.34	Stark	1.19
Grant	1.19	Steele	1.33
Griggs	1.32	Stutsman	1.30
Hettinger	1.19	Towner	1.24
Kidder	1.27	Traill	1.34
La Moure	1.32	Walsh	1.32
Logan	1.29	Ward	1.20
McHenry	1.22	Wells	1.27
McIntosh	1.29	Williams	1.18
McKenzie	1.15		

Ohio

County	Rate per bushel	County	Rate per bushel
Adams	$1.25	Gallia	$1.25
Allen	1.26	Geauga	1.31
Ashland	1.28	Greene	1.25
Ashtabula	1.31	Guernsey	1.28
Athens	1.27	Hamilton	1.25
Auglaize	1.26	Hancock	1.27
Belmont	1.28	Hardin	1.27
Brown	1.25	Harrison	1.28
Butler	1.25	Henry	1.25
Carroll	1.28	Highland	1.25
Champaign	1.25	Hocking	1.27
Clark	1.25	Holmes	1.28
Clermont	1.25	Huron	1.27
Clinton	1.25	Jackson	1.25
Columbiana	1.29	Jefferson	1.29
Coshocton	1.28	Knox	1.27
Crawford	1.27	Lake	1.29
Cuyahoga	1.28	Lawrence	1.25
Darke	1.28	Licking	1.27
Defiance	1.25	Logan	1.25
Delaware	1.27	Lorain	1.28
Erie	1.27	Lucas	1.26
Fairfield	1.27	Madison	1.26
Fayette	1.25	Mahoning	1.30
Franklin	1.27	Marion	1.27
Fulton	1.25	Medina	1.28

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Meigs	$1.25	Ross	$1.26
Mercer	1.26	Sandusky	1.27
Miami	1.26	Scioto	1.25
Monroe	1.28	Seneca	1.27
Montgomery	1.25	Shelby	1.26
Morgan	1.28	Stark	1.28
Morrow	1.27	Summit	1.28
Muskingum	1.28	Trumbull	1.31
Noble	1.28	Tuscarawas	1.28
Ottawa	1.27	Union	1.27
Paulding	1.26	Van Wert	1.26
Perry	1.27	Vinton	1.27
Pickaway	1.26	Warren	1.25
Pike	1.25	Washington	1.28
Portage	1.28	Wayne	1.28
Preble	1.25	Williams	1.26
Putnam	1.26	Wood	1.27
Richland	1.28	Wyandot	1.27

OKLAHOMA

Adair	$1.24	Le Flore	$1.24
Alfalfa	1.23	Lincoln	1.24
Atoka	1.24	Logan	1.24
Beaver	1.21	Love	1.24
Beckham	1.24	McClain	1.24
Blaine	1.24	McCurtain	1.24
Bryan	1.24	McIntosh	1.24
Caddo	1.24	Major	1.24
Canadian	1.24	Marshall	1.24
Carter	1.24	Mayes	1.23
Cherokee	1.24	Murray	1.24
Choctaw	1.24	Muskogee	1.24
Cimarron	1.19	Noble	1.23
Cleveland	1.24	Nowata	1.25
Coal	1.24	Okfuskee	1.24
Comanche	1.24	Oklahoma	1.24
Cotton	1.24	Okmulgee	1.24
Craig	1.25	Osage	1.22
Creek	1.24	Ottawa	1.25
Custer	1.24	Pawnee	1.24
Delaware	1.24	Payne	1.24
Dewey	1.23	Pittsburg	1.24
Ellis	1.22	Pontotoc	1.24
Garfield	1.24	Pottawatomie	1.24
Garvin	1.24	Pushmataha	1.24
Grady	1.24	Roger Mills	1.23
Grant	1.22	Rogers	1.23
Greer	1.24	Seminole	1.24
Harmon	1.24	Sequoyah	1.24
Harper	1.21	Stephens	1.24
Haskell	1.24	Texas	1.21
Hughes	1.24	Tillman	1.24
Jackson	1.24	Tulsa	1.23
Jefferson	1.24	Wagoner	1.23
Johnston	1.24	Washington	1.25
Kay	1.23	Washita	1.24
Kingfisher	1.24	Woods	1.22
Kiowa	1.24	Woodward	1.22
Latimer	1.24		

OREGON

Baker	$1.18	Lake	$1.23
Benton	1.22	Lane	1.19
Clackamas	1.26	Lincoln	1.16
Clatsop	1.22	Linn	1.22
Columbia	1.24	Malheur	1.13
Coos	1.12	Marion	1.25
Crook	1.25	Morrow	1.26
Curry	1.10	Multnomah	1.29
Deschutes	1.25	Polk	1.24
Douglas	1.14	Sherman	1.28
Gilliam	1.27	Tillamook	1.28
Grant	1.25	Umatilla	1.25
Harney	1.10	Union	1.20
Hood River	1.27	Wallowa	1.17
Jackson	1.10	Wasco	1.31
Jefferson	1.28	Washington	1.28
Josephine	1.07	Wheeler	1.25
Klamath	1.24	Yamhill	1.26

PENNSYLVANIA

Adams	$1.44	Bradford	$1.40
Allegheny	1.34	Bucks	1.46
Armstrong	1.32	Butler	1.33
Beaver	1.31	Cambria	1.35
Bedford	1.37	Carbon	1.42
Berks	1.44	Centre	1.37
Blair	1.36	Chester	1.45

PENNSYLVANIA—Continued

County	Rate per bushel	County	Rate per bushel
Clarion	$1.33	Mercer	$1.31
Clearfield	1.35	Mifflin	1.39
Clinton	1.37	Monroe	1.42
Columbia	1.41	Montgomery	1.46
Crawford	1.31	Montour	1.39
Cumberland	1.42	Northampton	1.44
Dauphin	1.41	Northumberland	1.39
Delaware	1.46	Perry	1.41
Elk	1.36	Pike	1.38
Erie	1.31	Potter	1.35
Fayette	1.35	Schuylkill	1.41
Forest	1.32	Snyder	1.39
Franklin	1.42	Somerset	1.36
Fulton	1.40	Sullivan	1.41
Greene	1.33	Susquehanna	1.40
Huntingdon	1.38	Tioga	1.40
Indiana	1.35	Union	1.39
Jefferson	1.35	Venango	1.31
Juniata	1.39	Warren	1.31
Lackawanna	1.40	Washington	1.31
Lancaster	1.44	Wayne	1.39
Lawrence	1.33	Westmoreland	1.33
Lebanon	1.42	Wyoming	1.41
Lehigh	1.44	York	1.44
Luzerne	1.40		
Lycoming	1.38		
McKean	1.36		

RHODE ISLAND

All counties	$1.42

SOUTH CAROLINA

All counties	$1.38

SOUTH DAKOTA

Aurora	$1.26	Jackson	$1.23
Beadle	1.32	Jerauld	1.31
Bennett	1.15	Jones	1.25
Bon Homme	1.26	Kingsbury	1.34
Brookings	1.35	Lake	1.34
Brown	1.33	Lawrence	1.21
Brule	1.27	Lincoln	1.30
Buffalo	1.27	Lyman	1.27
Butte	1.21	McCook	1.30
Campbell	1.28	McPherson	1.30
Charles Mix	1.24	Marshall	1.36
Clark	1.34	Meade	1.20
Clay	1.30	Mellette	1.20
Codington	1.36	Miner	1.32
Corson	1.21	Minnehaha	1.31
Custer	1.13	Moody	1.34
Davison	1.28	Pennington	1.21
Day	1.35	Perkins	1.19
Deuel	1.34	Potter	1.29
Dewey	1.21	Roberts	1.38
Douglas	1.25	Sanborn	1.31
Edmunds	1.31	Shannon	1.13
Fall River	1.10	Spink	1.33
Faulk	1.31	Stanley	1.28
Graint	1.38	Sully	1.28
Gregory	1.22	Todd	1.20
Haakon	1.24	Tripp	1.21
Hamlin	1.35	Turner	1.30
Hand	1.31	Union	1.30
Hanson	1.29	Walworth	1.29
Harding	1.19	Washabaugh	1.23
Hughes	1.29	Yankton	1.28
Hutchinson	1.26	Ziebach	1.18
Hyde	1.29		

TENNESSEE

Anderson	$1.38	Cumberland	$1.36
Bedford	1.35	Davidson	1.33
Benton	1.32	Decatur	1.32
Bledsoe	1.36	DeKalb	1.34
Blount	1.39	Dickson	1.33
Bradley	1.38	Dyer	1.30
Campbell	1.38	Fayette	1.30
Cannon	1.34	Fentress	1.36
Carroll	1.31	Franklin	1.36
Carter	1.41	Gibson	1.30
Cheatham	1.33	Giles	1.35
Chester	1.31	Grainger	1.39
Claiborne	1.40	Greene	1.40
Clay	1.34	Grundy	1.35
Cocke	1.39	Hamblen	1.40
Coffey	1.35	Hamilton	1.37
Crockett	1.30	Hancock	1.41

TENNESSEE—Continued

County	Rate per bushel	County	Rate per bushel
Hardeman	$1.31	Obion	$1.30
Hardin	1.32	Overton	1.35
Hawkins	1.42	Perry	1.33
Haywood	1.30	Pickett	1.35
Henderson	1.32	Polk	1.39
Henry	1.31	Putnam	1.35
Hickman	1.33	Rhea	1.37
Houston	1.32	Roane	1.37
Humphreys	1.32	Robertson	1.32
Jackson	1.34	Rutherford	1.34
Jefferson	1.39	Scott	1.37
Johnson	1.41	Sequatchie	1.36
Knox	1.39	Sevier	1.39
Lake	1.30	Shelby	1.30
Lauderdale	1.30	Smith	1.34
Lawrence	1.34	Stewart	1.32
Lewis	1.34	Sullivan	1.42
Lincoln	1.36	Sumner	1.32
Loudon	1.38	Tipton	1.30
McMinn	1.38	Trousdale	1.33
McNairy	1.31	Unicoi	1.40
Macon	1.33	Union	1.39
Madison	1.30	Van Buren	1.35
Marion	1.36	Warren	1.35
Marshall	1.35	Washington	1.41
Maury	1.34	Wayne	1.33
Meigs	1.37	Weakley	1.30
Monroe	1.39	White	1.35
Montgomery	1.32	Williamson	1.34
Moore	1.35	Wilson	1.33
Morgan	1.37		

TEXAS

Andrews	$1.23	Ellis	$1.35
Archer	1.24	El Paso	1.14
Armstrong	1.24	Erath	1.29
Atascosa	1.35	Falls	1.37
Bailey	1.24	Fannin	1.28
Bandera	1.33	Fisher	1.24
Bastrop	1.37	Floyd	1.24
Baylor	1.24	Foard	1.24
Bee	1.35	Frio	1.28
Bell	1.37	Gaines	1.24
Bexar	1.36	Galveston	1.54
Blanco	1.36	Garza	1.24
Borden	1.24	Gillespie	1.32
Bosque	1.35	Glasscock	1.24
Bowie	1.28	Goliad	1.36
Brazos	1.35	Gonzales	1.35
Briscoe	1.24	Gray	1.23
Brown	1.33	Grayson	1.28
Burleson	1.40	Guadalupe	1.37
Burnet	1.33	Hale	1.24
Caldwell	1.37	Hall	1.24
Calhoun	1.37	Hamilton	1.29
Callahan	1.24	Hansford	1.21
Carson	1.24	Hardeman	1.24
Castro	1.24	Harris	1.53
Chambers	1.43	Hartley	1.22
Cherokee	1.38	Haskell	1.24
Childress	1.24	Hays	1.37
Clay	1.26	Hemphill	1.22
Cochran	1.24	Henderson	1.35
Coke	1.24	Hill	1.36
Coleman	1.30	Hockley	1.24
Colorado	1.43	Hood	1.32
Collin	1.33	Hopkins	1.29
Collingsworth	1.24	Houston	1.35
Comal	1.37	Howard	1.24
Comanche	1.27	Hudspeth	1.15
Concho	1.30	Hunt	1.32
Cooke	1.28	Hutchinson	1.22
Coryell	1.33	Irion	1.21
Cottle	1.24	Jack	1.28
Crosby	1.24	Jackson	1.40
Culberson	1.16	Jeff Davis	1.15
Dallam	1.21	Johnson	1.35
Dallas	1.33	Jones	1.24
Dawson	1.24	Karnes	1.35
Deaf Smith	1.24	Kaufman	1.34
Delta	1.31	Kendall	1.33
Denton	1.33	Kent	1.24
DeWitt	1.37	Kerr	1.32
Dickens	1.24	Kimble	1.31
Dimmit	1.26	King	1.24
Donley	1.24	Kinney	1.25
Eastland	1.25	Knox	1.24
Edwards	1.24	Lemar	1.28

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Lamb	$1.24	Reeves	$1.17
Lampasas	1.33	Refugio	1.35
Lavaca	1.38	Roberts	1.22
Leon	1.35	Robertson	1.37
Limestone	1.37	Rockwall	1.33
Lipscomb	1.22	Runnels	1.28
Live Oak	1.35	San Saba	1.33
Llano	1.33	Schleicher	1.22
Loving	1.17	Scurry	1.24
Lubbock	1.24	Shackelford	1.24
Lynn	1.24	Sherman	1.21
McCulloch	1.32	Somervell	1.33
McLennan	1.37	Stephens	1.28
Martin	1.23	Sterling	1.24
Mason	1.33	Stonewall	1.24
Maverick	1.22	Sutton	1.20
Medina	1.35	Swisher	1.24
Menard	1.30	Tarrant	1.34
Midland	1.22	Taylor	1.26
Milam	1.39	Terry	1.24
Mills	1.33	Throckmorton	1.26
Mitchell	1.24	Tom Green	1.24
Montague	1.28	Travis	1.37
Moore	1.22	Uvalde	1.30
Motley	1.24	Van Zandt	1.33
Navarro	1.36	Victoria	1.37
Nolan	1.24	Walker	1.35
Ochiltree	1.22	Waller	1.50
Oldham	1.24	Ward	1.19
Palo Pinto	1.28	Washington	1.43
Parker	1.31	Wharton	1.48
Parmer	1.24	Wheeler	1.23
Pecos	1.16	Wichita	1.24
Potter	1.24	Wilbarger	1.24
Presidio	1.14	Williamson	1.37
Rains	1.33	Wilson	1.35
Randall	1.24	Wise	1.30
Reagan	1.31	Yoakum	1.24
Real	1.30	Young	1.28
Red River	1.26	Zavala	1.26

UTAH

Beaver	$1.14	Piute	$0.93
Box Elder	1.11	Rich	0.97
Cache	1.11	Salt Lake	1.12
Carbon	0.97	San Juan	0.93
Daggett	0.97	San Pete	0.92
Davis	1.12	Sevier	0.92
Duchesne	1.00	Summit	1.12
Emery	0.97	Tooele	1.12
Garfield	0.93	Uintah	0.97
Grand	0.97	Utah	1.12
Iron	1.12	Wasatch	1.00
Juab	1.12	Washington	1.12
Kane	0.93	Wayne	0.93
Millard	1.14	Weber	1.12
Morgan	1.12		

VERMONT

All counties	$1.40

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomack	$1.41	Dinwiddie	$1.41
Albemarle	1.40	Elizabeth City	1.41
Alleghany	1.38	Essex	1.41
Amelia	1.41	Fairfax	1.40
Amherst	1.40	Fauquier	1.40
Appomattox	1.41	Floyd	1.39
Arlington	1.40	Fluvanna	1.40
Augusta	1.40	Franklin	1.39
Bath	1.38	Frederick	1.40
Bedford	1.40	Giles	1.38
Bland	1.38	Gloucester	1.41
Botetourt	1.39	Goochland	1.41
Brunswick	1.40	Grayson	1.39
Buchanan	1.38	Greene	1.40
Buckingham	1.41	Greensville	1.40
Campbell	1.40	Halifax	1.40
Caroline	1.41	Hanover	1.41
Carroll	1.39	Henrico	1.41
Charles City	1.41	Henry	1.39
Charlotte	1.41	Highland	1.38
Chesterfield	1.41	Isle of Wight	1.40
Clarke	1.40	James City	1.41
Craig	1.38	King and Queen	1.41
Culpeper	1.40	King George	1.41
Cumberland	1.41		
Dickenson	1.38		

VIRGINIA—Continued

County	Rate per bushel	County	Rate per bushel
King William	$1.41	Prince William	$1.40
Lancaster	1.41	Princess Anne	1.40
Lee	1.39	Pulaski	1.39
Loudoun	1.40	Rappahannock	1.40
Louisa	1.40	Richmond	1.41
Lunenburg	1.41	Roanoke	1.39
Madison	1.40	Rockbridge	1.40
Mathews	1.41	Rockingham	1.40
Mecklenburg	1.40	Russell	1.39
Middlesex	1.41	Scott	1.39
Montgomery	1.38	Shenandoah	1.40
Nansemond	1.40	Smyth	1.39
Nelson	1.40	Southampton	1.40
New Kent	1.41	Spotsylvania	1.41
Norfolk	1.40	Stafford	1.41
Northampton	1.41	Surry	1.40
Northumberland	1.41	Sussex	1.40
Nottoway	1.41	Tazewell	1.38
Orange	1.40	Warren	1.40
Page	1.40	Warwick	1.41
Patrick	1.39	Washington	1.39
Pittsylvania	1.40	Westmoreland	1.41
Powhatan	1.41	Wise	1.39
Prince Edward	1.41	Wythe	1.39
Prince George	1.41	York	1.41

WASHINGTON

Adams	$1.23	Lewis	$1.22
Asotin	1.19	Lincoln	1.22
Benton	1.26	Mason	1.21
Chelan	1.24	Okanogon	1.22
Clallam	1.13	Pacific	1.21
Clark	1.29	Pend Oreille	1.07
Columbia	1.24	Pierce	1.27
Cowlitz	1.26	San Juan	1.24
Douglas	1.23	Skagit	1.24
Ferry	1.02	Skamania	1.30
Franklin	1.25	Snohomish	1.25
Garfield	1.22	Spokane	1.19
Grant	1.24	Stevens	1.15
Grays Harbor	1.21	Thurston	1.23
Island	1.24	Wahkiakum	1.26
Jefferson	1.15	Walla Walla	1.25
King	1.28	Whatcom	1.23
Kitsap	1.19	Whitman	1.20
Kittitas	1.29	Yakima	1.28
Klickitat	1.28		

WEST VIRGINIA

Barbour	$1.35	Mineral	$1.37
Berkeley	1.39	Mingo	1.34
Boone	1.34	Monongalia	1.33
Braxton	1.34	Monroe	1.37
Brooke	1.32	Morgan	1.38
Cabell	1.32	Nicholas	1.36
Calhoun	1.33	Ohio	1.32
Clay	1.34	Pendleton	1.38
Doddridge	1.32	Pleasants	1.31
Fayette	1.36	Pocahontas	1.38
Gilmer	1.33	Preston	1.35
Grant	1.37	Putnam	1.32
Greenbrier	1.38	Raleigh	1.35
Hampshire	1.38	Randolph	1.37
Hancock	1.32	Ritchie	1.32
Hardy	1.38	Roane	1.32
Harrison	1.34	Summers	1.38
Jackson	1.31	Taylor	1.35
Jefferson	1.40	Tucker	1.37
Kanawha	1.33	Tyler	1.31
Lewis	1.34	Upshur	1.35
Lincoln	1.33	Wayne	1.33
Logan	1.34	Webster	1.36
McDowell	1.36	Wetzel	1.32
Marion	1.33	Wirt	1.32
Marshall	1.32	Wood	1.31
Mason	1.32	Wyoming	1.35
Mercer	1.37		

WISCONSIN

Adams	$1.32	Chippewa	$1.41
Ashland	1.43	Clark	1.38
Barron	1.40	Columbia	1.34
Bayfield	1.37	Crawford	1.31
Brown	1.31	Dane	1.35
Buffalo	1.36	Dodge	1.35
Burnett	1.45	Door	1.26
Calumet	1.33	Douglas	1.43

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Dunn	$1.41	Outagamie	$1.32
Eau Claire	1.38	Ozaukee	1.36
Florence	1.26	Pepin	1.38
Fond du Lac	1.34	Pierce	1.39
Forest	1.36	Polk	1.44
Grant	1.30	Portage	1.35
Green	1.36	Price	1.40
Green Lake	1.33	Racine	1.38
Iowa	1.33	Richland	1.32
Iron	1.37	Rock	1.37
Jackson	1.34	Rusk	1.42
Jefferson	1.36	St. Croix	1.41
Juneau	1.31	Sauk	1.34
Kenosha	1.38	Sawyer	1.39
Kewaunee	1.28	Shawano	1.30
La Crosse	1.33	Sheboygan	1.35
La Fayette	1.33	Taylor	1.40
Langlade	1.28	Trempealeau	1.34
Lincoln	1.28	Vernon	1.32
Manitowoc	1.33	Vilas	1.27
Marathon	1.35	Walworth	1.38
Marinette	1.27	Washburn	1.37
Marquette	1.32	Washington	1.36
Menomonie	1.30	Waukesha	1.37
Milwaukee	1.38	Waupaca	1.30
Monroe	1.32	Waushara	1.31
Oconto	1.29	Winnebago	1.33
Oneida	1.30	Wood	1.38

WYOMING

Albany	$1.04	Natrona	$0.96
Big Horn	0.93	Niobrara	1.06
Campbell	1.01	Park	0.93
Carbon	0.98	Platte	1.10
Converse	1.02	Sheridan	0.99
Crook	1.03	Sublette	0.97
Fremont	0.93	Sweetwater	0.97
Goshen	1.10	Teton	1.03
Hot Springs	0.93	Uinta	0.97
Johnson	0.99	Washakie	0.93
Laramie	1.10	Weston	1.05
Lincoln	0.97		

18. A new § 728.76 is added to read as follows:

§ 728.76 Oats-rye diversion payment in 1965; substitution in 1965 of feed grains for wheat and wheat for feed grains, oats and rye.

Notwithstanding any other provision of the regulations in this part and Part 775 of this chapter, the following provisions shall be applicable for 1965:

(a) *Oats-rye diversion payment.* (1) On a farm participating in the Wheat Diversion Program, an oats-rye base shall be established for the farm for 1965 upon request of the farm operator on Form 477 (Wheat), in which case an oats-rye diversion payment may be earned. All the regulations governing the Feed Grain Program shall apply separately for the purpose of determining eligibility for the oats-rye diversion payment except as otherwise provided herein. The oats-rye base determined for the farm shall be the average of the 1959 and 1960 acreage of oats and rye planted for harvest as grain, as adjusted in accordance with instructions issued by the Deputy Administrator to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography.

(2) The minimum diversion acreage requirement in § 775.304(b)(2) of this chapter shall apply separately to the total feed grain base and to the oats-rye base and the maximum diversion acreage of oats and rye shall be 50 per

centum of the oats-rye base or 25 acres, whichever is greater: *Provided*, That the total acreage eligible for diversion from feed grains and oats and rye shall not exceed 50 per centum of the combined feed grain and oats-rye bases or 25 acres, whichever is greater.

(3) The permitted acreage of oats and rye shall be the oats-rye base minus the stated intention for diversion of oats and rye. The permitted acreage of feed grains may be devoted to oats and rye and if any of the permitted acreage of feed grains is so devoted to oats and rye, payment for diversion for oats and rye and feed grains shall be made as provided in paragraph (c) of this section.

(4) The oats and rye rate of payment for both minimum and additional diversion will be 25 per centum of the farm diversion payment rate established for wheat under § 728.57(a).

(5) Price support payments shall not be made for oats and rye.

(6) The oats-rye base shall not be in effect if the total feed grain acreage exceeds the permitted acreage of feed grains.

(7) Upon request of the operator at any time, the oats-rye base shall not be in effect for the farm.

(b) *Substitution.* Feed grain acreage in excess of the permitted acreage of feed grains shall be considered as wheat acreage, wheat acreage in excess of the permitted acreage of wheat shall be considered as feed grain acreage or oats and rye acreage, and oats and rye acreage in excess of the permitted acreage of oats and rye shall be considered as wheat acreage and feed grain acreage: *Provided*, That if an oats-rye base is in effect for the farm, feed grain acreage in excess of the permitted acreage of feed grains shall not be considered as wheat acreage.

(c) *Diversion payment under substitution.* If the combined acreage of feed grains and oats and rye exceeds the sum of the permitted acreages of feed grains and oats and rye or if the acreage of wheat exceeds the permitted acreage of wheat, payment for diverison shall be made for the crops actually underplanted without regard to the stated intention for each commodity for a number of acres not to exceed the total acreage otherwise eligible for payment. If more than one commodity is actually underplanted, the total acreage otherwise eligible for payment shall be credited first to the commodity with the largest applicable payment rate to the extent of the actual underplanted acreage of such commodity, and the remaining acreage, if any, otherwise eligible for payment shall be credited to other commodities in high to low payment rate order to the extent of the actual underplanting of such commodities: *Provided*, That total diversion payment for barley, corn, and grain sorghums shall not be made for an acreage in excess of the total actual underplanted acreage of such crops.

(d) *Applicability.* This section shall be applicable only if (1) the total feed grains, wheat, and (if an oats-rye base is in effect for the farm) oats and rye acreage do not exceed the sum of the permitted acreages of feed grains, wheat, and (if an oats-rye base is in effect for the farm) oats and rye by more than the tolerance authorized in § 728.64 (c), and (2) the farm is otherwise eligible for a wheat diversion payment, and (if an old farm feed grain base is in effect for the farm) a feed grain diversion payment, and (if an oats-rye base is in effect for the farm) and oats-rye diversion payment. For purposes of the foregoing sentence, the farm shall be considered eligible for payment if the farm would have been eligible for a payment except for the fact that (1) the diverted acreage is devoted to any authorized substitute crop in lieu of payment; (2) the payment otherwise earned has been reduced to zero for authorized harvesting or grazing under the provisions of § 775.306 of this chapter and § 728.52; (3) the acres eligible for pay ment are zero because of the applications of § 728.64(d)(3) or § 775.318(b)(2)(iii) of this chapter but the total conserving acreage is within the tolerances prescribed in such sections; (4) in the case of wheat, no payment is authorized for the minimum diversion acreage as determined under § 728.51(b) (2) or (5) no payment is authorized because of failure of producers to meet the cross-compliance requirements of § 728.51(c)(2)(ii) or § 775.304(c)(2) of this chapter. The provisions of this section are not applicable if excess wheat produced on the farm is stored under the provisions of § 728.107.

(Sec. 339(g), 76 Stat. 624)

Effective date: Upon publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 64-10322; Filed, Oct. 14, 1964; 8:45 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.2]

PART 814—ALLOTMENT OF SUGAR QUOTA

Mainland Cane Sugar Area, 1964

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act", for the purpose of alloting the 1964 sugar quota for the Mainland Cane Sugar Area among persons who process sugar from sugar cane and market such sugar for consumption in the continental United States.

Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things (1) to prevent disorderly marketing of sugar or liquid sugar and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on July 9, 1964 (29 F.R. 9398), of a public hearing to be held in New Orleans, Louisiana, at the Monteleone Hotel on August 7, 1964, beginning at 9:00 a.m., c.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary findings of necessity for allotments, (2) to establish a fair, efficient and equitable allotment of the 1964 quota for the Mainland Cane Sugar Area, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee, and (c) substituting corrected data where such data becomes a part of the official records of the Department, and (4) to make provision for transfer and exchange of allotments.

The hearing was held at the place and time specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice. In arriving at the findings, conclusions and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by the interested person are inconsistent with the findings and conclusions herein, the specific or implied request to make such findings and reach such conclusions are denied on the basis of the facts found and stated and the conclusions reached as set forth herein.

Omission of a recommended decision and effective date. The record of the hearing shows that the supply of sugar available for marketing is substantially in excess of the quota of 911,410 tons and that 1964 marketings of mainland cane sugar, unless restricted, would substantially exceed the 1964 quota for the Mainland Cane Sugar Area. The proceeding to which this order relates was instituted for the purpose of allotting the quota for the Mainland Cane Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. In view of the need for allotments and the relatively short time remaining in the marketing year, it is imperative that processors know as soon as possible the quantity of sugar each may market within the quota during the balance of the year in order to plan marketings and prevent disorderly marketing that could occur if the effective date of the allotment order is unduly delayed. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably

requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impractical and contrary to the public interest, and consequently, this order shall become effective upon publication in the FEDERAL REGISTER.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugarbeets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. The Secretary is also authorized in making such allotments, whenever there is involved any allotment that pertains to a new sugarbeet processing plant or factory serving a locality having a substantial sugarbeet acreage for the first time or that pertains to an existing sugarbeet processing plant or factory with substantially expanded facilities added to serve farms having a substantial sugarbeet acreage for the first time, to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need of establishing an allotment which will permit such marketing of sugar as is necessary for reasonably efficient operation of any such new processing plant or factory or expanded facilities during each of the first two years of its operation. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person.

The record of the hearing indicated that the prospective supply of mainland cane sugar available for marketing in 1964 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 7, 8).

The government witness introduced for the record annual data on processings, marketings and inventories for the most recent five year period (R. 8, 9; Ex. 4).

The three factors of "processings", "past marketing" and "ability to market" in the provision of the law quoted above have been considered and each is given a percentile weighting by the allotment method herein adopted as set forth in Finding 4. The allotment method adopted is the same as that proposed by the government witness at the hearing except that a marketing allotment of 150 tons, instead of 100 tons as proposed, is reserved for Louisiana State University, and the "processings" factor is measured only by the quantity of sugar produced from the 1963-crop without providing for the alternative measure of the factor as was proposed.

The increase in the Louisiana State University allotment over that proposed by the government witness was recommended by a majority of Louisiana processors (R. 22) and concurred in by most of the Florida processors (R. 42) and no objection was made by any interested persons. The alternative measure of the "processings" factor, proposed by the government to give consideration to the "hardship" provision of section 205(a) of the Act, was not adopted because the record discloses that it would be applicable to only one processor and in that case not as a result of abnormal and uncontrollable conditions (R. 37).

Two additional allotment proposals were made by industry representatives at the hearing. One proposal was made on behalf of 36 of the 40 Louisiana processors (R. 20) while the other proposal was supported by six of the eight Florida processors which operated in 1963 (R. 39).

The proposal made on behalf of the Louisiana processors would give consideration to past performance over a five year period while the proposal made on behalf of the six Florida processors would give consideration to performance for only the most recent two years.

The substantive features of the formula proposed by Louisiana interest differed from the government's proposal in that the measures for "processings" for each processor would be the higher of the 1963 crop processings or the average processings of the 1961 and 1962 crops; that "past marketings" would be measured by the average annual marketings for the 1959–1963 period and that the shares of the difference in the "ability to market" factor would be apportioned on the basis of the 1959–1963 average new crop marketings.

The formula proposed by the majority of the Florida processors differed from the government's proposed formula in that the measure for "past marketings" would be the average of 1962–1963 marketings; that the shares of difference in the "ability to market" factor would be apportioned on the basis of the 1962–1963 average new-crop marketings; and that the total percentage of the basic quota for each processor would be determined by weighting the three measures of "processings", "past marketings" and "ability to market" by 20 percent, 20 percent and 60 percent respectively.

The upward trend in the growth of the mainland cane industry with the establishment of new processors and the expansion of established processors during the last three crops indicates that a shorter period as a measure of marketings would be more equitable than the five year average used in recent allotment orders issued during the static growth period of 1953 to 1958. The use of five year average marketings as proposed by Louisiana would be advantageous to the established processors while the use of two year average marketings as proposed by the Florida processors would be advantageous to the new processors and other processors having substantial expansion. The government's allotment method using a three year period as the measure of marketings as adopted herein tends to balance the interests of established processors with rather static production with those of processors who expanded production and new processors. The proposal made by the Florida processors to give a 60 percent weighting to the "ability to market" factor rather than the "processings" factor, versus a 20 percent weighting to the ability factor adopted in this order, would be advantageous to processors with high effective inventories which in most instances would be those processors producing a substantial portion of their sugar after January 1, namely Florida processors.

Testimony was presented at the hearing on the behalf of two Florida processors requesting a larger allotment because of freeze damage suffered in December 1962, by measuring such damage on the same basis as that used by the government in making abandonment and deficiency payments to growers pursuant to the Act (R. 54).

The witness for the principal Louisiana and Florida processors contended that if credit was given for freeze damage, pursuant to such request, such credit should be given to all affected processors (R. 69, 72). The record discloses that many growers in Louisiana delivered cane to several processors and therefore the use of abandonment and deficiency payment records of individual producers does not provide a practicable or workable basis for giving consideration to freeze damage in the determination of allotment for each processor.

The record also does not supply a basis for differentiating among the causes of a reduction in sugar production because of freeze damage, or normal and controllable conditions, or improper care.

A request was made at the hearing for allotments on behalf of three processors that plan to begin processing cane for the first time this fall (R. 43, 64, 67). Allotments may be established on the basis of the record of this proceeding only for those processors having a record of processings and past marketings in the base period used. No provision for exceptions has been made, since several other processors which do have prior production history nevertheless are precluded from marketing 1964 crop sugar this year, and several others are permitted to market only minor quantities.

The representative of the Louisiana processors recommended that this order contain general provisions with respect to the "Transfer of allotments" and "Exchange of sugar between allottees" (R. 23).

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) January 1, 1964 effective inventories of mainland cane sugar were approximately 430,000 short tons, raw value. With production of new-crop sugar in 1964 expected to exceed 900,000 tons, the total supply of sugar available for marketing in 1964 is expected to exceed the 911,410 ton quota established for the area.

(2) The supply situation makes necessary the allotment of the 1964 sugar quota for the Mainland Cane Sugar Area to assure an orderly flow of such sugar in the channels of interstate commerce, to prevent disorderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(3) An allotment of 150 short tons, raw value, shall be established for the Louisiana State University.

(4) The remainder of the 1964 Mainland Cane Sugar Area quota for consumption within the continental United States, after allotting 150 tons as provided in (3), above shall be allotted to processors other than Louisiana State University by measuring and weighing each of the three factors specified in section 205(a) of the Act and determining allotments as follows, based on data in the hearing record and any corrected final data of which official notice will be taken.

(a) The factor "processings" shall be measured for each processor by his production of sugar from 1963-crop sugarcane in short tons, raw value, expressed as a percentage of the total of such processings for all processors and weighted by 60 percent;

(b) The factor "past marketings" shall be measured by each processor's average annual marketings for the years 1961 through 1963, in short tons, raw value, expressed as a percentage of the total of such marketings for all processors, and weighted by 20 percent;

(c) The factor "ability to market" shall be measured by the sum of (i) each processor's January 1, 1964, effective inventory and (ii) his share of the difference between 911,260 short tons, raw value, and total January 1, 1964 effective inventories of all processors. Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his average 1961 through 1963 new-crop marketings were of the total average new-crop marketings of all processors for such years. The sum of (i) and (ii), above, in short tons, raw value, expressed as a percentage of the total for all processors shall be weighted by 20 percent.

(d) The total of the percentages resulting from (a), (b), and (c), above, for each processor shall be multiplied by the quantity in short tons, raw value, by which the quota exceeds 150 tons allotted as provided in (3), above, to determine his basic allotment in short tons, raw value.

(e) Final allotments shall be determined by assigning to each allottee, with a basic allotment less than his January 1, 1964, effective inventory, an allotment equal to such effective inventory and reducing the basic allotments proportionately of other processors as necessary to make final allotments equal to the area quota.

(5) The quantity of sugar and the percentages referred to in Finding (4), above, based upon final data, and the computation of allotments are set forth in the following table:

Processor	Processings of sugar		Average quota marketings, 1961–63		Ability to market					Processor's basic allotment [2]		Processor's adjusted [3] allotment short tons, raw value
					Effective inventory Jan. 1, 1964	New crop quota marketings		Measures used				
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1961–63	"Shares" of difference [1]	Col. (5) plus col. (7)	Percent of total	Percent of total	Short tons, raw value	
						Short tons, raw value						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co.	15,285	1.293	12,131	1.377	2,814	11,523	8,849	11,663	1.280	1.307	11,910	11,813
Alma Plantation, Ltd.	14,304	1.210	11,051	1.254	0	10,455	8,028	8,028	.881	1.153	10,507	10,421
J. Aron & Co., Inc.	21,275	1.799	18,378	2.086	0	18,378	14,113	14,113	1.549	1.806	16,457	16,322
Billeaud Sugar Factory	13,381	1.132	9,244	1.049	970	8,869	6,811	7,781	.854	1.060	9,659	9,580
Breaux Bridge Sugar Coop.	11,331	.958	8,965	1.018	826	8,749	6,718	7,544	.828	.944	8,602	8,532
Wm. T. Burton Industries, Inc.	10,223	.864	6,140	.697	6,134	6,140	4,715	10,849	1.190	.896	8,165	8,098
Caire & Graugnard	8,291	.701	6,777	.769	868	5,277	4,052	4,920	.540	.682	6,215	6,164
Caldwell Sugars Coop., Inc.	21,443	1.813	17,406	1.976	932	17,406	13,366	14,298	1.569	1.797	16,375	16,241
Catherine Sugar Co., Inc.	4,726	.400	5,879	.667	331	5,879	4,514	4,845	.532	.480	4,374	4,338
Columbia Sugar Co.	11,218	.949	9,261	1.051	316	8,765	6,731	7,047	.773	.934	8,511	8,441
Cora-Texas Manufacturing Co., Inc.	9,499	.803	6,719	.763	4,097	4,083	3,135	7,232	.794	.793	7,226	7,167
Dugas & LeBlanc, Ltd.	20,454	1.730	16,922	1.921	0	16,881	12,963	12,963	1.423	1.707	15,555	15,428
Duhe & Bourgeois Sugar Co.	16,100	1.361	14,172	1.609	934	13,245	10,171	11,105	1.219	1.382	12,594	12,491
Erath Sugar Co., Ltd.	11,765	.995	8,285	.940	1,265	7,995	6,139	7,404	.812	.947	8,630	8,559
Evan Hall Sugar Coop., Inc.	33,182	2.806	28,624	3.249	0	27,883	21,412	21,412	2.350	2.803	25,543	25,334
Florida Sugar Corp.	13,649	1.154	8,317	.944	5,379	3,970	3,049	8,428	.925	1.066	9,714	9,635
Frisco Cane Co., Inc.	3,720	.315	3,114	.353	294	2,642	2,029	2,323	.255	.311	2,834	2,811
Glades Co. Sugar Growers Coop., Assoc.	23,917	2.023	5,447	.618	20,120	1,356	1,041	21,161	2.322	1.802	16,421	20,120
Glenwood Coop., Inc.	23,215	1.963	19,319	2.193	0	19,319	14,835	14,835	1.628	1.942	17,697	17,552
Helvetia Sugar Coop., Inc.	16,487	1.394	14,458	1.641	956	13,673	10,500	11,456	1.257	1.416	12,903	12,798
Iberia Sugar Coop., Inc.	26,802	2.267	19,186	2.178	6,654	19,186	14,733	21,387	2.347	2.265	20,640	20,471
LaFourche Sugar Co.	27,379	2.315	21,956	2.492	492	21,956	16,860	17,352	1.904	2.268	20,667	20,498
Harry L. Laws & Co., Inc.	14,456	1.222	10,630	1.207	776	10,463	8,035	8,811	.967	1.168	10,644	10,557
Levert-St. John, Inc.	20,940	1.771	15,023	1.705	664	14,621	11,228	11,892	1.305	1.665	15,173	15,049
Louisa Sugar Coop., Inc.	15,976	1.351	12,303	1.397	1,570	12,056	9,258	10,828	1.188	1.328	12,102	12,003
Louisiana State Penitentiary	3,351	.283	3,063	.348	182	3,001	2,304	2,486	.273	.294	2,679	2,657
Meeker Sugar Coop., Inc.	11,025	.932	7,303	.829	4,158	5,092	3,910	8,068	.885	.902	8,220	8,153
Milliken & Farwell, Inc.	19,247	1.628	14,990	1.702	0	14,840	11,396	11,396	1.250	1.567	14,279	14,162
Okeelanta Sugar Refinery, Inc.	65,981	5.580	51,246	5.817	39,915	23,703	18,202	58,117	6.378	5.787	52,735	52,304
Osceola Farms Co.	28,922	2.446	14,439	1.639	17,422	7,511	5,768	23,190	2.545	2.304	20,995	20,823
M. A. Patout & Son, Ltd.	21,557	1.823	17,126	1.944	335	16,020	12,302	12,637	1.387	1.760	16,038	15,907
Poplar Grove Pltg. & Refining Co.	12,990	1.099	9,557	1.085	2,970	9,557	7,339	10,309	1.131	1.103	10,051	9,969
Savoie Industries	21,496	1.818	17,495	1.986	0	17,463	13,410	13,410	1.472	1.782	16,239	16,106
St. James Sugar Coop., Inc.	20,968	1.773	16,350	1.856	6,679	15,132	11,620	18,299	2.008	1.837	16,740	16,603
St. Mary Sugar Coop., Inc.	20,867	1.765	17,398	1.975	0	17,252	13,248	13,248	1.454	1.745	15,902	15,772
South Coast Corp.	96,200	8.135	72,077	8.182	73,230	26,640	20,457	93,687	10.281	8.574	78,131	77,492
Southdown, Inc.	60,275	5.097	49,449	5.613	28,778	32,394	24,876	53,654	5.888	5.359	48,834	48,435
South Florida Sugar Co., Inc.	5,471	.463	692	.079	3,396	692	531	3,927	.431	.380	3,463	3,435
Sterling Sugars, Inc.	39,355	3.328	30,773	3.493	1,037	30,503	23,424	24,461	2.684	3.232	29,452	29,211
Sugarcane Growers Coop. of Florida	76,478	6.468	32,472	3.686	58,043	8,731	6,705	64,748	7.105	6.039	55,031	58,043
J. Supple's Sons Pltg. Co., Inc.	8,026	.679	6,650	.755	2,052	4,528	3,477	5,529	.607	.680	6,197	6,146
Talisman Sugar Corp.	4,666	.395	623	.071	3,121	515	395	3,516	.386	.328	2,989	3,121
United States Sugar Corp.	204,358	17.282	166,970	18.953	122,883	68,021	52,234	175,117	19.217	18.003	164,054	162,712
Valentine Sugars, Inc.	18,699	1.581	16,910	1.920	7,349	9,626	7,392	14,741	1.618	1.656	15,090	14,967
Vida Sugars, Inc.	8,161	.690	6,662	.756	462	6,605	5,072	5,534	.607	.687	6,260	6,209
A. Wilbert's Sons Lbr. & Sh. Co.	14,839	1.255	11,226	1.274	468	11,226	8,621	9,089	.997	1.207	10,999	10,909
Young's Industries, Inc.	10,534	.891	7,782	.883	691	7,460	5,729	6,420	.704	.852	7,764	7,701
Total	1,182,484	100.000	880,960	100.000	429,563	627,892	481,697	911,260	100.000	100.000	911,260	911,260

[1] The difference between 911,260 tons (basic quota for 1964 established by S.R. 811, effective Jan. 1, 1964, less 150 ton reserve for Louisiana State University) and total Jan. 1, 1964, effective inventories for all processors amounting to 429,563 tons. This difference of 481,697 tons prorated on the basis of each processor's average 1961–63 new-crop marketings.

[2] Determined by weighting "processings" col. (2) by 60 percent; "marketings", col. (4) by 20 percent; and "ability", col. (9) by 20 percent.

[3] Basic allotments adjusted to provide each allottee a minimum allotment equal to his Jan. 1, 1964, effective inventory.

(6) The order shall be revised without further notice or hearing for the purpose of (a) allotting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, (b) revising allotments by the substitution of corrected data which have become a part of the official records of the Department; and (c) revising allotments to give effect to any increase or decrease in the quota made by the Secretary pursuant to the provisions of the Sugar Act of 1948, as amended. Any revision in allotments made to give effect to (a) above shall be made by increasing proportionately the basic allotments and then applying the remainder of the allotment procedure as otherwise established as a result of this proceeding, except that the quantity prorated to any allottee releasing allotments in excess of a specified quantity should be limited in accordance with the written statement of release by any such allottee. In making changes under (b) and (c) of this Finding (6) allotments shall be computed in the same manner as provided for in this order.

(7) Official notice will be taken of (a) written notification to the Agricultural Stabilization and Conservation Service by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, (b) substitution of corrected data where the corrected data becomes a part of the official records of the Department and (c) any regulation issued by the Secretary which changes the 1964 Mainland Cane Sugar Area quota.

(8) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such sugarcane as he would normally process, if operating, is processed by other allottees.

(9) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee.

(10) That the use of the records of abandonment and deficiency payments to individual sugarcane producers does not provide a workable method for giving consideration to loss of production from freeze in establishing marketing allotments for processors throughout the mainland cane sugar area, and that no other method which may be applied with uniform significance and effect throughout the area can be determined on the basis of the record.

(11) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient and equitable distribution of any 1964 Mainland Cane Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205(a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, it is hereby ordered:

§ 814.2 Allotment of the 1964 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* The 1964 Mainland Cane Sugar Area quota for consumption within the continental United States of 911,410 short tons, raw value, is hereby allotted to the following processors in amounts which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co., Inc	11,813
Alma Plantation, Ltd	10,421
J. Aron & Co., Inc	16,322
Billeaud Sugar Factory	9,580
Breaux Bridge Sugar Coop., Inc	8,532
William T. Burton Industries, Inc	8,098
Caire & Graugnard	6,164
Caldwell Sugars Coop., Inc	16,241
Catherine Sugar Co., Inc	4,338
Columbia Sugar Co	8,441
Cora-Texas Manufacturing Co., Inc	7,167
Dugas & LeBlanc, Ltd	15,428
Duhe & Bourgeois Sugar Co	12,491
Erath Sugar Co., Ltd	8,559
Evan Hall Sugar Coop., Inc	25,334
Florida Sugar Corp	9,635
Frisco Cane Co., Inc	2,811
Glades County Sugar Growers Coop., Inc	20,120
Glenwood Coop., Inc	17,552
Helvetia Sugar Coop., Inc	12,798
Iberia Sugar Coop., Inc	20,471
LaFourche Sugar Co	20,498
Harry L. Laws & Co., Inc	10,557
Levert-St. John, Inc	15,049
Louisa Sugar Coop., Inc	12,003
Louisiana State Penitentiary	2,657
Meeker Sugar Coop., Inc	8,153
Milliken & Farwell, Inc	14,162
Okeelanta Sugar Refinery, Inc	52,304
Osceola Farms Co	20,823
M. A. Patout & Son, Ltd	15,907
Poplar Grove Pltg. & Ref. Co	9,969
Savoie Industries	16,106
St. James Sugar Coop., Inc	16,603
St. Mary Sugar Coop., Inc	15,772
South Coast Corp	77,492
Southdown, Inc	48,435
South Florida Sugar Co., Inc	3,435
Sterling Sugars, Inc	29,211
Sugar Cane Growers Cooperative of Florida	58,043
J. Supple's Sons Pltg. Co., Inc	6,146
Talisman Sugar Corp	3,121
United States Sugar Corp	162,712
Valentine Sugars, Inc	14,967
Vida Sugars, Inc	6,209
A. Wilbert's Sons Lbr. & Shr. Co	10,909
Young's Industries, Inc	7,701
Louisiana State University	150
All other persons	0
Total	911,410

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (23 F.R. 1943).

(c) *Transfer of allotments.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other person, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Administrator that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process 1964-crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchange of sugar between allottees.* When approved in writing by the Administrator, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section, may ship, transport or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it has been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(e) *Delegation.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with findings and conclusions heretofore made, to give effect to (1) the substitution of corrected data for any error in basic data, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the Mainland Cane Sugar Area quota.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119).

Issued at Washington, D.C., this 12th day of October 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-10538; Filed, Oct. 14, 1964; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-EA-78]

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

Designation of Control Zone and Transition Areas

On July 17, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 9672) stating that the Federal Aviation Agency proposed to designate a control zone and transition area at Mansfield, Ohio, and a transition area at Marion, Ohio.

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

Subsequent to the notice of proposed rule making it was noted that the name

of the Galion-Crestline Airport was changed to the Galion Municipal Airport. Since the action taken herein to correct the discrepancy is editorial in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101), the Mansfield, Ohio, control zone is amended to read as follows:

Within a 5-mile radius of the Mansfield Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.).

2. In § 71.181 (29 F.R. 1160), the Mansfield, Ohio, and Marion, Ohio, transition areas are added, respectively, as follows:

a. That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Mansfield Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.); and within a 5-mile radius of the Galion Municipal Airport (latitude 40°45'10" N., longitude 82°43'35" W.); within 5 miles SW and 8 miles NE of the Mansfield Airport ILS localizer SE course, extending from the ILS LOM to 12 miles SE, within 2 miles each side of the Mansfield VORTAC 308° radial, extending from the VORTAC to 12 miles NW of the VORTAC; within 2 miles each side of the Mansfield VORTAC 221° radial, extending from the Galion Municipal Airport 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface extending from the Tiverton VORTAC; to latitude 40°30'00" N., longitude 83°10'00" W., to latitude 40°50'00" N., longitude 83°30'00" W., to latitude 41°11'00" N., longitude 83°19'00" W., to latitude 41°14'00" N., longitude 82°57'00" W.; thence counterclockwise via a 21-mile radius arc of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.) to latitude 41°08'40" N., longitude 82°32'00" W.; to latitude 40°56'30" N., longitude 82°12'00"; thence counterclockwise via a 37-mile radius arc of the Cleveland-Hopkins Airport (latitude 41°24'30" N., and longitude 81°51'00" W.) to latitude 40°54'00" N., longitude 82°-04'00" W. to the point of beginning.

b. That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion Municipal Airport (latitude 40°36'55" N., longitude 83°03'55" W.); within 5 miles NE and 8 miles SW of a 328° bearing from the Marion RBN, extending from the RBN to 12 miles NW.

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

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

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-10497; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 64-LAX-19]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to extend the period of effectiveness of the Santa Ana, Calif. (Orange County Airport), control zone. This control zone is presently effective from 0600 to 2200 hours, local time, daily. Due to recent changes in the times of aircraft activity, the Santa Ana tower has rescheduled its operation to provide an additional hour of service, ending at 2300 hours, local time, daily. Consequently, this extension of the time of availability of tower service requires the time of effectiveness of the Santa Ana control zone to be extended one hour to provide the controlled airspace needed to complement this additional service.

Since this amendment is minor in nature and imposes no substantial burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

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

In § 71.171 (29 F.R. 1101), the Santa Ana, Calif. (Orange County Airport), control zone is amended as follows:

"0600 to 2200 hours, local time, daily." is deleted and "0600 to 2300 hours, local time, daily." is substituted therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

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

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-10498; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 64-SO-33]

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

Alteration of Control Zone

On August 21, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11974) stating that the Federal Aviation Agency proposed to alter the control zone at Elizabeth City, N.C.

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

The substance of the proposed amendment has been published; therefore, for the reasons stated in the notice, the following action is taken:

In § 71.171 (29 F.R. 1101) the Elizabeth City, N.C., control zone is amended by the addition of control zone extensions within 2 miles each side of the Elizabeth City VOR 226° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR and within 2 miles each side of the Elizabeth City VOR 068° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR.

This amendment shall become effective 0001 e.s.t., December 10, 1964.

This amendment is made under authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 7, 1964.

ARVIN O. BASNIGHT,
Director, Southern Region.

[F.R. Doc. 64-10499; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 64-SW-48]

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

Revocation of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke the New Iberia, La., control zone.

The Department of the Navy has advised the Federal Aviation Agency that all instrument flight operations at New Iberia NAAS will be discontinued on October 15, 1964. Since there will no longer be a requirement for the New Iberia control zone after that date, action is taken herein to effect its revocation. The effect of this amendment on the airspace action proposed for the Lafayette, La., terminal area, as described in Airspace Docket No. 63-SW-90, published in the FEDERAL REGISTER on August 21, 1964 (29 F.R. 11976), will be taken into consideration in that docket.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 15, 1964, as hereinafter set forth.

In § 71.171 (29 F.R. 1139, Jan. 24, 1964), the New Iberia, La., control zone is revoked.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on October 7, 1964.

ARCHIE W. LEAGUE,
Director, Southwest Region.

[F.R. Doc. 64-10500; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 63-WA-76]

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

Alteration of Control Zone and Transition Area

In a notice of proposed rule making published in the FEDERAL REGISTER on July 9, 1964 (29 F.R. 9400), and in a supplemental notice published on August 22, 1964 (29 F.R. 12037), the Federal Aviation Agency proposed to alter the controlled airspace in the Hibbing, Minn., terminal area.

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

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the Hibbing, Minn., control zone is amended to read:

Within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'20" N., longitude 92°50'25" W.); within 2 miles each side of the Hibbing VOR 313° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 210° bearing from Chisholm-Hibbing Airport, extending from the 5-mile radius zone to 8 miles SW of the airport.

2. In § 71.181 (29 F.R. 1160) the Hibbing, Minn., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chisholm-Hibbing Airport (latitude 47°-23'20" N., longitude 92°50'25" W.); within 5 miles NW and 8 miles SE of the 210° bearing from Chisholm-Hibbing Airport, extending from the airport to 12 miles SW of the airport; within 2 miles each side of the 060° bearing from Chisholm-Hibbing Airport, extending from the 7-mile radius area to 14 miles NE of the airport; within 2 miles each side of the Hibbing VOR 313° radial, extending from the 7-mile radius area to 8 miles NW of the intersection of the Hibbing VOR 313° and the Eveleth VOR 273° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Hibbing VOR 133° and 313° radials, extending from 8 miles NW to 13 miles SE of the VOR; within 8 miles NW and 5 miles SE of the 060° bearing from Chisholm-Hibbing Airport, extending from the airport to 18 miles NE of the airport; and within 5 miles NE and 8 miles SW of the Hibbing VOR 313° radial, extending from 12 miles NW of the intersection of the Hibbing VOR 313° and the Eveleth VOR 273° radials to 8 miles NW of the VOR.

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

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

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

[F.R. Doc. 64-10501; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 64-WE-18]

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

Designation of Control Zone and Transition Area

On July 17, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 9673) stating that the Federal Aviation Agency proposed to designate a control zone and a transition area at Visalia, Calif.

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

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101), the Visalia, Calif., control zone is added as follows:

Visalia, Calif.

Within a 4-mile radius of the Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 121° radial, extending from the 4-mile radius zone to the VOR, excluding the portion within a 1-mile radius of Green Acres Airport, Visalia, Calif. (latitude 36°20'20" N., longitude 119°-19'30" W.), effective from 0700 to 2100 hours, local time, daily.

2. In § 71.181 (29 F.R. 1160), the Visalia, Calif., transition area is added as follows:

Visalia, Calif.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Visalia Municipal Airport (latitude 36° 19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 121° and 301° radials, extending from the 5-mile radius area to 8 miles NW of the VOR.

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

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

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-10502; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 64-WA-64]

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

Alteration of Domestic High Altitude Reporting Points

The purpose of this amendment to § 71.207 of the Federal Aviation Regulations is to add Northbrook, Ill., as a high altitude reporting point on Jet Route Nos. 87, 89, and 99; add Joliet, Ill., as a high altitude reporting point on Jet Route Nos. 18, 82, and 101; and delete Joliet, Ill., as a high altitude reporting point on Jet Route No. 64. Recent modifications of operating procedures and jet route configurations in the Chicago, Ill., area have resulted in changes to air traffic control requirements with regard to specific high altitude reporting points. Action is taken herein to conform to these modifications.

Since this amendment is procedural in nature and does not involve the designation of airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, the following alterations to § 71.207 (29 F.R. 1223) are made:

1. "Joliet, Ill.; J-26, J-60, J-64, J-30, J-35, J-87" is deleted and "Joliet, Ill.; J-18, J-26, J-30, J-35, J-60, J-82, J-87, J-101." is substituted therefor.

2. "Northbrook, Ill.; J-35, J-101, J-94, J-84, J-90." is deleted and "Northbrook, Ill.; J-35, J-84, J-87, J-89, J-90, J-94, J-99, J-101." is substituted therefor.

These amendments shall become effective 0001 e.s.t., December 10, 1964.

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

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

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-10503; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 64-WA-58]

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

Alteration of Federal Airway

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to include the Navasota, Tex., VOR in the description of VOR Federal Airway No. 306 between Austin, Tex., and Daisetta, Tex.

The Navasota VOR, located at latitude 30°17'20" N., longitude 96°03'30" W., was commissioned on August 29, 1964. Since the Navasota VOR lies on the centerline of V-306 between Austin and Daisetta, there would be no additional airspace involved in the redesignation.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

In § 71.123 (29 F.R. 7922), V-306 is amended to read:

V-306 From Austin, Tex., via Navasota, Tex., to Daisetta, Tex.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

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

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-10504; Filed, Oct. 14, 1964; 8:48 a.m.]

[Airspace Docket No. 64-WA-78]

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

Revocation of Reporting Point

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke the Allentown, Pa., reporting point. This action was inadvertently omitted from Airspace

Docket No. 64–WA–62 which was published in the FEDERAL REGISTER on September 26, 1964 (29 F.R. 13381).

Since this amendment is procedural in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will be effective 0001 e.s.t, November 12, 1964.

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

In § 71.207 (29 F.R. 1223) the Allentown, Pa., domestic high altitude reporting point is revoked.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

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

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–10505; Filed, Oct. 14, 1964; 8:48 a.m.]

[Airspace Docket No. 64–WA–24]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Designation of Jet Route

On July 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 9907) stating that the Federal Aviation Agency (FAA) proposed to designate a jet route from Knoxville, Tenn., to Cleveland, Ohio.

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

In consideration of the foregoing, Part 75 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

In § 75.100 (29 F.R. 1287) the following is added:

Jet route No. 83 (Knoxville, Tenn., to Cleveland, Ohio). From Knoxville, Tenn., via the INT of the Knoxville 018° and the Appleton, Ohio, 189° radials; Appleton; to Cleveland, Ohio.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

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

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–10506; Filed, Oct. 14, 1964; 8:48 a.m.]

[Airspace Docket No. 63–WA–96]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Designation of Jet Route

On June 5, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 7329) stating that the Federal Aviation Agency (FAA) was considering designation of a jet route from Oakland, Calif., via Ukiah, Calif.; Fortuna, Calif.; North Bend, Oreg.; Newport, Oreg.; Hoquiam, Wash.; to Seattle, Wash.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented. The Department of the Air Force commented that the proposed jet route would conflict with several areas in which Air Defense Command (ADC) interceptor training is conducted and that the ADC training mission would be derogated if delays are imposed upon interceptor aircraft returning to land with minimum fuel. Since the proposed route is to be used as an alternate and increases by 68 miles the distance between Oakland and Seattle via existing routes, it is anticipated that traffic via the proposed route will not be sufficient to materially affect the ADC mission in the interceptor training areas. The Air Force commented further that the proposed jet route would have an adverse effect upon ADC recovery procedures at Hamilton AFB, Calif. The areas in which the ADC interceptor training is conducted are now traversed by three jet routes, J–70, J–93, and J–88. Also, extensive use is presently made of the direct routing between Oakland and Ukiah as proposed in the notice rather than by the circuitous routing via J–88; therefore, terminal procedures at Hamilton AFB would not be affected any more than they are at present.

In consideration of the foregoing, Part 75 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964.

In § 75.100 (29 F.R. 1287) the following is added:

Jet Route No. 33 (Oakland, Calif., to Seattle, Wash.). From Oakland, Calif., via Ukiah, Calif.; Fortuna, Calif.; North Bend, Oreg.; Newport, Oreg.; Hoquiam, Wash.; to Seattle, Wash.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

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

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–10507; Filed, Oct. 14, 1964; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6244; Amdt. 820]

PART 507—AIRWORTHINESS DIRECTIVES

Champion Model 402 Aircraft

Amendment 774, 29 F.R. 10460, AD 64–17–4, requires inspection of each exhaust stack extension and rear support hanger and repair or replacement of any failed or worn parts on Champion Model 402 aircraft. Since the issuance of Amendment 774, the manufacturer has now provided an improved exhaust stack clamp and a flexible rear stack support hanger, which when installed will provide sufficient stiffness and strength of the exhaust system to improve the service life and remove the need for repetitive inspection. Amendment 774 is being revised accordingly.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is amended as follows:

Amendment 774, 29 F.R. 10460, AD 64–17–4, Champion Model 402 aircraft, is amended by:

1. Adding a new paragraph (d) to read:

(d) The repetitive inspections in paragraphs (a) and (c) may be discontinued when an improved exhaust stack extension attachment clamp and flexible rear stack hanger have been installed on right and left sides of both engines in accordance with Champion Kit No. 224.

2. Changing the parenthetical reference statement to read:

(Champion Service Letter No. 66 and Champion Kit No. 224 cover this same subject.)

This amendment shall become effective October 15, 1964.

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

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

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 64–10521; Filed, Oct. 14, 1964; 8:49 a.m.]

[Reg. Docket No. 6246; Amdt. 821]

PART 507—AIRWORTHINESS DIRECTIVES

Vertol Model 107–II Helicopters

Amendment 648, 28 F.R. 12614, AD 63–24–4, requires repetitive inspections and specifies the retirement life for the quill shaft of Vertol 107–II helicopters. The manufacturer has developed a modification which will eliminate the need for the periodic inspections and the life limit. Accordingly, Amendment 648 is being amended to provide for discontinuance of the inspections after the modification is incorporated.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 648, 28 F.R. 12614, AD 63–24–4, Vertol Model 107–II helicopters, is amended by:

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

(e) As an alternative means of compliance with this directive, the following may be accomplished:

(1) Install the tapered gasket seal type shim, P/N 107DS218–3 between the mixbox and aft transmission in place of the existing gasket seal, and replace the aft transmission mounting lug bushings with new eccentric type bushings in accordance with Vertol Service Bulletin No. 107–182 dated October 7, 1964.

(2) Modify the aft transmission lower case for new quill shaft lubrication in accordance with Part II of Vertol Service Bulletin No. 107–182. This involves discarding the P/N 107D2214–1 plug jet, adding two higher capacity screened type jets and altering the P/N 107D2268–1 oil jet.

(3) During reassembly of the transmission following the rework described in (1) and (2), the gear box inspections specified in Parts I and II of Vertol Service Bulletin No. 107–182 shall be accomplished. These inspections shall include quill shaft lubrication inspection, gear box oil flow check, bearing pre-load, and back lash check, and gear box mating surface and pilot diameter dial indicator check. Quill shafts which have accumulated prior service time up to a maximum of 120 hours, may be installed for further service after a magnaglo and wear inspection in accordance with Vertol Service Bulletin No. 107–182.

(4) Reidentify the aft transmission assembly, subassemblies, and components in accordance with Part II of Vertol Service Bulletin No. 107–182.

2. Adding a new paragraph (f) to read:

(f) Upon completion of all modifications and reidentification of gearbox units as described in (e), the 120 hour quill shaft retirement life and repetitive inspections required by (a), (b), (c), and (d) of this AD are no longer required.

3. Changing the parenthetical reference statement to read:

(Vertol Service Bulletin No. 107–113 dated October 28, 1963, and No. 107–113A dated November 22, 1963, cover (a), (b), (c), and (d) of this AD. Vertol Service Bulletin No. 107–182 dated October 7, 1964, covers (e).)

This amendment shall become effective October 15, 1964.

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

Issued in Washington, D.C., on October 12, 1964.

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

[F.R. Doc. 64–10520; Filed, Oct. 14, 1964; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–841]

PART 13—PROHIBITED TRADE PRACTICES

Chestnut Hill Industries, Inc.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Chestnut Hill Industries, Inc., Hollywood, Fla., Docket C–841, Sept. 29, 1964]

Consent order requiring a Hollywood, Fla., distributor of wearing apparel to cease violating sec. 2(d) of the Clayton Act by granting substantial allowances for the promoting and advertising of its products to certain department stores and others who purchased its products for resale while not making comparable allowances available to all competitors of those so favored.

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

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

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

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

Issued: September 29, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64–10473; Filed, Oct. 14, 1964; 8:45 a.m.]

[Docket No. C–840]

PART 13—PROHIBITED TRADE PRACTICES

Patricia Stevens, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–150 Indorsement; § 13.55 *Demand, business, or other opportunities;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities;* § 13.260 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Patricia Stevens, Inc., et al., Chicago, Ill., Docket C–840, Sept. 29, 1964]

In the Matter of Patricia Stevens, Inc., a Corporation, and Vincent Melzac, as an officer of Said Corporation, and Tom Fizdale, Inc., a Corporation, and Tom Fizdale, Individually and as an Officer of Said Corporation

Consent order requiring a Chicago operator of schools offering courses of instruction to persons seeking jobs as professional models, fashion advisers, buyers, airline stewardesses, secretaries and receptionists, and careers in radio, the movies, television, and other fields; along with its corporate associate which granted franchises to schools throughout the United States wherein the Patricia Stevens methods of training were employed; to cease making such false claims in advertising and through agents as that jobs and careers were open to all graduates of their courses; that their career placement service assured graduates of immediate employment; that their graduates were in demand by airlines as stewardesses and by department stores as fashion advisers or buyers; that their schools were recommended by vocational counsellors, high schools, colleges, etc.; and that their contracts were cancellable at the students' option.

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

PART I

It is ordered, That respondent Patricia Stevens, Inc., a corporation, and its officers, and respondent Vincent Melzac, as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of courses of instruction, or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That jobs are obtainable by or that careers are open to all graduates of said respondents' school in the field for which they receive said respondents' training.

2. That graduates of said respondents' school can obtain top positions in any field solely by finishing a course or courses of instruction offered by said respondents.

3. That said respondents' school is recommended by colleges or educational departments of leading magazines; or that such school is recommended by vocational counselors or high schools, either generally or specifically, unless said respondents establish that such is the fact.

4. That said respondents' career placement service assures graduates of said respondents' school immediate employment in the field or vocation for which they have been trained by said respondents; or representing that any kind of placement assistance is furnished to persons completing said respondents' course of instruction unless such assistance is so afforded.

5. That students' contracts are cancellable at the students' option unless such contracts contain a clause providing for such option.

6. That graduates of said respondents' training courses for airline stewardesses are in great demand by airlines.

7. That graduates of certain of said respondents' courses are in great demand by department stores or other business organizations as fashion advisers or buyers.

PART II

It is ordered, That respondent Tom Fizdale, Inc., a corporation, and its officers, and respondent Tom Fizdale, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of courses of instruction, or services, in commerce, as "commerce" is defined in the Federal Trade Commssion Act, do forthwith cease and desist from representing, directly or by implication:

1. That jobs are obtainable by or that careers are open to all graduates of said respondents' schools in the field for which they receive said respondents' training.

2. That graduates of said respondents' schools can obtain top positions in any field solely by finishing a course or courses of instruction offered by said respondents.

3. That said respondents' schools are recommended by colleges or educational departments of leading magazines; or that such schools are recommended by vocational counselors or high schools, either generally or specifically, unless said respondents establish that such is the fact.

4. That said respondents' career placement service assures graduates of said respondents' schools immediate employment in the field or vocation for which they have been trained by said respondents; or representing that any kind of placement assistance is furnished to persons completing said respondents' course of instruction unless such assistance is so afforded.

5. That students' contracts are cancellable at the students' option unless such contracts contain a clause providing for such option.

6. That graduates of said respondents' training courses for airline stewardesses are in great demand by airlines.

7. That graduates of certain of said respondents' courses are in great demand by department stores or other business organizations as fashion advisers or buyers.

For the purposes of this proceeding and as used in this order, the phrase "directly or through any corporate or other device", insofar as it imposes responsibility upon respondents for acts and practices engaged in by respondents' licensees or said licensees' representatives, shall be construed to impose such responsibility upon respondents for only those said acts or practices which have been participated in, or directed, authorized, ratified or condoned by respondents.

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

Issued: September 29, 1964.

By the Commission.

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

[F.R. Doc. 64-10474; Filed, Oct. 14, 1964; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56284]

PART 17—PROTESTS AND REAPPRAISEMENTS

Protests

It has been determined that an additional copy of a protest is now necessary for purposes of administration. Under the present arrangement, collectors of customs retain a copy and forward the original and third copy to the U.S. Customs Court and the Assistant to the Chief Counsel, respectively. Such additional copy will be forwarded to the Assistant to the Chief Counsel but will be for the use of the Customs Section, Department of Justice.

Section 17.1(b), first sentence, is amended to read as follows:

§ 17.1 Protest; form of.

* * * * *

(b) Each protest shall be in quadruplicate, addressed to the collector, and signed by the person protesting or his agent or attorney. * * *

(Secs. 514, 624, 46 Stat. 734, 759; 19 U.S.C. 1514, 1624)

[SEAL] LESTER D. JOHNSON, *Acting Commissioner of Customs.*

Approved: October 6, 1964.

James A. Reed, *Assistant Secretary of the Treasury.*

[F.R. Doc. 64-10515; Filed, Oct. 14, 1964; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

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

MISCELLANEOUS AMENDMENTS

1. In § 3.6, paragraph (e) is amended to read as follows:

§ 3.6 Duty periods.

* * * * *

(e) *Travel status; training duty disability or death from injury).* Any member of a Reserve Component:

(1) Who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training; and

(2) Who is disabled or dies from an injury incurred while proceeding directly to or returning directly from such active duty for training or inactive duty training shall be deemed to have been on active duty for training or inactive duty training, as the case may be. The Veterans Administration will determine whether such individual was so authorized or required to perform such duty, and whether he was disabled or died from injury so incurred. In making such determinations, there shall be taken into consideration the hour on which he began to proceed or return; the hour on which he was scheduled to arrive for, or on which he ceased to perform, such duty; the method of travel performed; his itinerary; the manner in which the travel was performed; and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this paragraph, the burden of proof shall be on the claimant. (38 U.S.C. 106(d); Public Law 88-616.)

2. In § 3.7, paragraph (h) is amended to read as follows:

§ 3.7 Persons included.

* * * * *

(h) *Coast Guard.* Active service in Coast Guard on or after January 29, 1915, while under jurisdiction of either Treasury or Navy Department. (See § 3.6 (c) and (d) as to temporary members of the Coast Guard Reserves.)

* * * * *

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

These VA regulations are effective October 2, 1964.

Approved: October 9, 1964.

By direction of the Administrator.

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

[F.R. Doc. 64-10494; Filed, Oct. 14, 1964; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15598; FCC 64-906]

PART 73—RADIO BROADCAST SERVICES

Table of Television Channel Assignments; Harrisburg, Pennsylvania

Report and order. 1. The Commission has under consideration: (1) The notice of proposed rule making issued herein July 31, 1964 (FCC 64-771), proposing to reserve Channel 33 at Harrisburg, Pa., for educational use; and (2) the comments and reply comments filed in response to that notice, by the following parties: South Central Educational Broadcasting Council (SCEBC, whose petition led to the notice); Hudson Broadcasting Corp. (Hudson), permit-

tee of Station WDTV on Channel 33 at Harrisburg (not operating); United Broadcasting Company of Eastern Maryland, Inc. (United), permittee of Channel 24 at Baltimore, Md.; Elmer Nolte; the Maryland State Board of Education (Maryland Board); Association of Maximum Service Telecasters, Inc. (MST) and Dixon Industries, Inc. (reply comments only). Except for the first two parties mentioned, the comments and replies relate to the effect of a Channel 33 assignment at Harrisburg on use of Channel 18 at Baltimore or Gaithersburg, Md.

2. SCEBC, the Pennsylvania state educational group for the Harrisburg area, received last June a construction permit on Channel *65, which is assigned to Harrisburg and reserved for educational use (its construction permit specifies Hershey, Pa.). Also assigned to Harrisburg are UHF Channels 21, 27 and 33, the former two occupied by operating stations. Channel 33 was assigned to Harrisburg in 1961 after a rule making proceeding (Docket No. 13610). WDTV, for which Hudson holds a permit on Channel 33, is the successor of Station WCMB–TV, which operated from 1954 until 1957 on another UHF channel there and then went dark; the station has not operated since. WCMB–TV was owned by a predecessor in interest of Hudson. SCEBC seeks Channel 33 because of certain advantages it attaches to the use of a channel in this part of the band. SCEBC also urges that this proceeding be resolved as quickly as possible, so that it may proceed with construction on Channel 33 so as to meet commitments to begin in-school programming by November.[1]

3. In the notice we mentioned two specific matters—the relation of the proposed assignment to use of Channel 18 at Baltimore, and the propriety of the agreement between SCEBC and Hudson, by which, in return for either $35,000 or $45,000 depending on when SCEBC wishes to pay it, Hudson agreed to the reservation of Channel 33 for education and deletion of WDTV's construction permit on the channel. (The agreement specifically covers no physical assets at all.)

4. With respect to the use of Channel 18, under § 73.698 of our rules UHF stations operating 15 channels removed must be at least 75 miles apart. This is to avoid "image" interference, which, ordinarily, would affect the lower channel but not the higher. If this separation is adhered to, possible use of Channel 18 at Baltimore is somewhat restricted; the Baltimore post office (reference point) is 74.1 miles from SCEBC's site (which it would use on Channel 33), and the location of the three Baltimore VHF stations is 70.7 miles from that site. It appears that if Channel 18 is to be assigned to Gaithersburg, there is a small area where it could be used at standard separations with respect to the SCEBC site. In Docket No. 14229, the over-all UHF allocation proceeding, we proposed to assign Channel 18 to Gaithersburg. SCEBC and Hudson urge that this consideration is irrelevant, since Channel 33 is now assigned to Harrisburg and would simply remain so assigned. They also argue that the deviation from standard separations would be small at most; SCEBC says it is willing to take an assignment subject to accepting a short separation down to 70 miles if Channel 18 is assigned to Baltimore.

5. The other parties' positions are essentially as follows: the Maryland Board opposes the Channel 33 assignment, because of its effect on use of Channel 18 at Baltimore, which the Board has sought (it is asserted that the desirable transmitter sites are all north of Baltimore, considerably closer to Harrisburg than the reference point).[2] United does not oppose the proposal as long as, at the same time, Channel 18 is assigned to Baltimore, with a 70-mile minimum separation (it also requests that its Channel 24 permit be modified to specify Channel 18, which it originally had and which was deleted when 33 was assigned to Harrisburg in 1961). It asserts that maintenance of standard spacings would require a site east or south of the center of Baltimore, an undesirably low area. Nolte takes substantially the same position with respect to the Channel 18 assignment, urging that the separations be waived (he would accept a restriction on radiation to afford Channel 33 equivalent protection). MST, which has consistently opposed short separations, urges that if Channel 33 is assigned to Harrisburg, it should be made clear that if Channel 18 is later assigned to Baltimore it will not be used at less than 75-mile separation (MST shows a substantial area east and south of Baltimore where a station would meet all applicable separations). Dixon Industries' reply comments are merely aimed at certain statements of MST concerning its Gaithersburg request.[3]

6. Upon consideration of this matter, we are of the view that the considerations concerning possible use of Channel 18 at Baltimore, or Gaithersburg, are no reason for not making the Channel 33 reservation at Harrisburg now if it is otherwise appropriate. This action does not alter the status of the pending requests for the assignment of Channel 18, since there was an outstanding construction permit for Channel 33 at Harrisburg when these petitions were filed. Furthermore, the Commission is not satisfied that the present allocation structure for the heavily populated New England and North Altantic states area (or that proposed in Docket No. 14229) represents the most effective use of UHF channels, and the staff is currently engaged in a study to determine whether or not some other arrangement of channels, built around the existing framework of UHF stations which have been constructed and placed in operation, would more nearly meet the estimated needs of this area. It is quite possible that this study will show that some channel other than 18 will fit a more efficient pattern of channel assignments, thereby providing more needed assignments in this and other areas. In view of the uncertainties involved, we do not believe it to be in the public interest to defer action on the Harrisburg matter until the matter of possible use of Channel 18 is resolved in the overall proceeding.

7. Turning to the arrangement between SCEBC and Hudson, by which either $35,000 or $45,000 would pass from the former to the latter in return for consent to the reservation and deletion of Hudson's CP, Hudson and SCEBC claim as justification for this the losses incurred in the operation of WCMB–TV from 1954 to 1957. This station was owned by Rossmoyne Corporation, and it is asserted that a "net unrecovered loss" of about $225,000 was incurred in the television operation. Hudson acquired control of Rossmoyne in December 1958, by buying out its 66⅔ percent shareholder and acquiring some of the stock of the other shareholder, Edgar K. Smith, for a total of 80 percent.[4] Later, Rossmoyne was merged into Hudson, with Mr. Smith getting a 20 percent interest in the latter in return for his Rossmoyne interest. At the time Hudson acquired control of Rossmoyne, some $60,000 in debts from the television operation were outstanding, and of these about $51,000 were later paid (the remainder was charged off). Along with the television CP, Hudson acquired from Rossmoyne a profitable AM operation, WCMB. SCEBC also advances as reason for the consideration the savings it may realize from operation on a lower UHF channel, said to be perhaps as much as $30,000 or $35,000 per year.

8. In its comments, Hudson took the position that its consent to reservation of Channel 33 and deletion of its permit is entirely conditioned on receiving the consideration mentioned; if the Commission disapproves of the arrangement, it withdraws its consent. On the basis of the facts before us, we are of the view that the agreement would have to be disallowed, for one reason because this is an allocations matter, in connection with which "payoffs" of this nature should not be allowed. Even if this were a more conventional assignment transaction, it would be open to serious question as to its propriety, in view of the facts that no physical assets would pass, the former UHF station has been silent for more than 7 years and never operated on Channel 33, and the losses were incurred by parties mostly different from those now involved.[5] However, we need not now finally decide this matter. In a letter filed September 28, 1964, Hudson

[1] Also, as SCEBC points out, if its station is to operate on Channel 33 it must obtain reservation of that channel before it can be eligible for matching Federal funds.

[2] The National Association of Educational Broadcasters (NAEB) has also proposed the assignment of Channel *18 at Baltimore.

[3] United, Nolte, the Maryland Board and Dixon have all filed petitions seeking assignment of Channel 18, as mentioned herein. These are under consideration in the over-all proceeding.

[4] In connection with getting Commission consent to its acquisition of control, Hudson in December 1958 made an unequivocal statement that, after taking control, within 8 months it would either return the television station to the air or surrender the CP. Neither of these developments has occurred.

[5] Tidewater Teleradio, Inc., FCC 62–1246, 24 R.R. 653; National Broadcasting Company, Inc., FCC 63–257, 25 R.R. 67.

noted the importance of a quick resolution of this matter and reservation of Channel 33 for education, and, while strongly urging the propriety of the above arrangement, stated that "it consents to the immediate assignment of Channel 33 to South Central irrespective of whether the financial arrangements between the two parties are approved." It states that it wishes to make a further showing, in the form of a brief, in support of the propriety of the financial arrangement, and possibly enter into a modified arrangement with SCEBC.

9. We conclude that immediate reservation of Channel 33 for education, and modification of the educational permit to specify that channel, is in the public interest. Immediate action will permit educational telecasting to proceed with certainty as soon as possible. Accordingly, we are taking these actions, effective immediately. The shift of SCEBC's permit to Channel 33 leaves Channel 65 available. Hudson has expressed no interest in this channel, and, indeed, in the letter mentioned above states that * * * "the surrender of Hudson's television construction permit will mean the termination of Hudson's interest in television broadcasting in Harrisburg." Therefore we are terminating Hudson's permit rather than modifying it, and as it requests we will permit Hudson to make a further showing concerning the propriety of its arrangement with SCEBC, as it presently stands or as it may be modified.

10. Authority for the rule amendment adopted herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. In view of the need for expeditious reassignment of Channel 33 for reasons mentioned above, the 30-day waiting period generally required by section 4 of the Administrative Procedure Act would not be in the public interest, and the reservation of Channel 33 is accordingly made effective as quickly as possible.

11. In view of the foregoing: *It is ordered*, That, effective October 2, 1964, the Table of Assignments contained in § 73.606 of the Commission's rules is amended, insofar as the community named is concerned, to read as follows:

City	*Channel No.*
Harrisburg, Pa	21+, 27−, *33+, 65

12. *It is further ordered*, That, effective October 2, 1964, the outstanding authorization of South Central Educational Broadcasting Council for Station WITF–TV at Hershey, Pennsylvania, is modified to specify Channel 33+ instead of Channel 65, subject to the following conditions:

(a) That South Central Educational Broadcasting Council shall advise the Commission in writing by October 12, 1964, of its acceptance of the modification of its authorization to construct and operate Station WITF–TV; and

(b) That South Central Educational Broadcasting Council shall submit to the Commission by November 2, 1964, all necessary information for the preparation of modified authorization to construct and operate on Channel 33 with transmitting facilities meeting all of the requirements of the Commission's rules and regulations for operation on that channel.

13. *It is further ordered*, That the construction permit of Hudson Broadcasting Corporation for Channel 33+ at Harrisburg, Pennsylvania, is deleted; and

14. *It is further ordered*, That Hudson Broadcasting Corporation may submit a brief and whatever further data it wishes concerning financial arrangements or understandings between it and South Central Educational Broadcasting Council, for consideration by the Commission in passing on the question of whether such arrangements or understandings are in the public interest, and that in all other respects this proceeding is terminated.

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

Adopted: September 30, 1964.

Released: October 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[6]

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

[F.R. Doc. 64–10530; Filed, Oct. 14, 1964; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

Miscellaneous Amendments

Correction

In F.R. Doc. 64–10333 appearing in the issue for Saturday, October 10, 1964, at page 14028, paragraph 11 should read as follows:

11. Amend the data opposite post office number 616 to read: A–B–F–I.[1 2]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[Ex Parte MC–19]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Motor Common Carriers of Household Goods; Postponement of Effective Date

Upon consideration of the record in the above-entitled proceeding; and good cause appearing therefor:

It is ordered, That the effective date of the order of May 6, 1964, in said proceeding be, and it is hereby, further postponed from October 1, 1964 (29 F.R. 9711), to November 30, 1964.

Dated at Washington, D.C., this 1st day of October A.D. 1964.

By the Commission, Chairman Goff.

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

[F.R. Doc. 64–10488; Filed, Oct. 14, 1964; 8:46 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

Migratory Game Birds; Certain States; Correction

In F.R. Doc. 64–9681, appearing on pages 13265 and 13266 of the issue for Thursday, September 24, 1964, the following paragraphs should read as follows:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Crab Orchard National Wildlife Refuge, Ill., is permitted from October 31 through December 9, 1964, inclusive, and the hunting of geese is permitted from November 16 through December 23, 1964, inclusive, and from December 27, 1964, through January 15, 1965, inclusive, but only on the area designated by signs as open to hunting. Season for taking geese will be closed when a kill quota of 15,000 Canada geese is reached in Jackson, Williamson, Union, and Alexander Counties.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Swan Lake National Wildlife Refuge, Mo., is permitted from October 20 through December 28, 1964, inclusive, but only on the area designated by signs as open to hunting. The season will be closed when a kill quota of 25,000 Canada geese is reached in the refuge and the local 7 county area more specifically described by State and Federal regulations.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI WILDLIFE AND FISH REFUGE

(2) Hunting is permitted on designated open areas concurrent with applicable Federal seasons and any more-restrictive State seasons from the first day of the first waterfowl hunting season applicable to the geographical area concerned, until the end of the applicable seasons.

R. W. BURWELL, *Regional Director.*

OCTOBER 9, 1964.

[F.R. Doc. 64–10482; Filed, Oct. 14, 1964; 8:46 a.m.]

[6] Commissioner Hyde dissenting; Commissioner Cox concurring in the results.

PART 32—HUNTING

Bitter Lake National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

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

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of quail on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from November 28, through December 20, 1964, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 1,600 acres, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail.

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, and are effective through December 20, 1964.

JOHN C. GATLIN,
Regional Director,
Albuquerque, N. Mex.

OCTOBER 7, 1964.

[F.R. Doc. 64-10485; Filed, Oct. 14, 1964; 8:46 a.m.]

PART 32—HUNTING

Seney National Wildlife Refuge, Michigan

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permitted from 6:00 a.m. to 7:00 p.m. each day from November 14, 1964, through November 29, 1964, only on the area designated by signs as open to hunting. This open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and bear. 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 and are effective through November 29, 1964.

R. W. BURWELL,
Regional Director, Bureau
of Sport Fisheries and Wildlife.

OCTOBER 8, 1964.

[F.R. Doc. 64-10483; Filed, Oct. 14, 1964; 8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

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

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Agassiz National Wildlife Refuge, Minn., is permitted from sunrise to sunset November 7 through November 11, 1964, inclusive, only on the area designated by signs as open to hunting. This open area comprising 58,050 acres, is delineated on a map available at the refuge headquarters at Middle River, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 11, 1964.

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Rice Lake National Wildlife Refuge is permitted from sunrise to sunset November 7 through November 15, 1964, and with bow and arrow only from sunrise to sunset November 28, inclusive, only on the area designated by signs as open to hunting. This open area comprising 13,000 acres, is delineated on a map available at refuge headquarters, McGregor, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) Hunters may not enter the refuge before 6:00 a.m. daily and must leave the refuge before 6:00 p.m. daily.

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 and are effective through November 28, 1964.

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tamarac National Wildlife Refuge is permitted from sunrise to sunset November 7 through November 11, 1964, inclusive, only on the areas designated by signs as open to hunting. This open area comprising 31,800 acres, is delineated on a map available at refuge headquarters, Rochert, Minn., 56578, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer.

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, and are effective through November 11, 1964.

R. W. BURWELL,
Regional Director, Bureau
of Sport Fisheries and Wildlife.

OCTOBER 8, 1964.

[F.R. Doc. 64-10484; Filed, Oct. 14, 1964; 8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

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

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,400 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset on November 6, 1964, and from sunrise to sunset November 7, 1964, through November 15, 1964.

(2) 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, and are effective through November 15, 1964.

CHASE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on Chase Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,600 acres, is delineated on a map available at the refuge

headquarters, Kensal, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting is permitted from sunrise to sunset November 10, 1964, through November 15, 1964.

(2) 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, and are effective through November 15, 1964.

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Des Lacs National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,740 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 15, 1964.

(2) 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, and are effective through November 15, 1964.

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,700 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 15, 1964.

(2) 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, and are effective through November 15, 1964.

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lostwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,300 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 15, 1964.

(2) 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, and are effective through November 15, 1964.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lower Souris National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 11, 1964.

(2) 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, and are effective through November 11, 1964.

SLADE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Slade National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,840 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 15, 1964.

(2) 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, and are effective through November 15, 1964.

SNAKE CREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Snake Creek National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 13,435 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 15, 1964.

(2) 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, and are in effect through November 15, 1964.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 11, 1964.

(2) 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, and are effective through November 11, 1964.

ANDREW J. MEYER,
Acting Regional Director,
Bureau of Sport Fisheries and Wildlife.

OCTOBER 6, 1964.

[F.R. Doc. 64-10486; Filed, Oct. 14, 1964; 8:46 a.m.]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

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

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebraska, is permitted only on the area designated by signs as open to hunting. This open area, comprising 27,000 acres, is delineated on maps available at refuge headquarters, Valentine, Nebraska, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) All deer hunters will check in and out at a designated checking station.

(2) Hunters will park their vehicles in designated parking areas and will hunt on foot. Patrol vehicles will pick up deer kills for hunters.

(3) The open seasons for deer are as follows:

a. Archery season—one-half hour before sunrise to one-half hour after sunset, December 11, 1964, and December 15, 1964, through December 31, 1964.

b. Rifle season—one-half hour before sunrise to one-half hour after sunset, December 12, 13, and 14, 1964.

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, and are effective through December 31, 1964.

ANDREW J. MEYER,
Acting Regional Director,
Bureau of Sport Fisheries and Wildlife.

OCTOBER 7, 1964.

[F.R. Doc. 64-10535; Filed, Oct. 14, 1964; 8:50 a.m.]

PART 32—HUNTING

National Wildlife Refuges, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

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

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lacreek National Wildlife Refuge, South Dakota, is permitted from November 1 through November 5, 1964, but only on the area designated by signs as open to hunting. This open area, comprising 310 acres, locally known as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

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, and are effective through November 5, 1964.

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Firearms season—November 28 through December 6, 1964.

(2) Archery season—December 15 through December 31, 1964.

(3) Hunters will not be allowed to drive on refuge-maintained trails but may park their vehicles and hunt on foot.

(4) All deer taken on the refuge must be checked in at a designated checking station.

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, and are effective through December 31, 1964.

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Waubay National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This area, comprising 4,591 acres, is delineated on a map available at refuge headquarters, Waubay, South Dakota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Firearms season—November 28, 1964 through December 6, 1964.

(2) Archery season—December 15, 1964 through December 31, 1964.

(3) Hunters will not be allowed to drive on refuge-maintained trails but may park their vehicles and hunt on foot.

(4) All deer taken on the refuge must be checked in at a designated checking station.

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, and are effective through December 31, 1964.

ANDREW J. MEYER,
Acting Regional Director,
Bureau of Sport Fisheries and Wildlife.

OCTOBER 7, 1964.

[F.R. Doc. 64-10536; Filed, Oct. 14, 1964; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 6]

LOANS MADE BY NATIONAL BANKS SECURED BY DIRECT OBLIGATIONS OF THE UNITED STATES

Notice of Proposed Rule Making

Pursuant to the authority contained in paragraph (8) of R.S. 5200, as amended, 12 U.S.C. 84(8), the Comptroller of the Currency, with the approval of the Secretary of the Treasury, is considering the amendment of Part 6, relating to loans made by National Banks and secured by direct obligations of the United States. Pursuant to 12 U.S.C. 248(m), the proposed regulation would also be applicable to state member banks.

Paragraph (8) of 12 U.S.C. 84 authorizes the Comptroller of the Currency, with the approval of the Secretary of the Treasury, to permit, by regulation, exceptions to the limitations imposed by the statute upon loans made by National Banks secured by obligations of the United States. Part 6 now permits such loans to be made without limitation when secured by direct obligations of the United States maturing not more than 18 months from the making of the loan. This amendment would remove the 18-month maturity requirement and extend the exception to such loans when secured by any direct obligations of the United States.

Prior to the adoption thereof, consideration will be given to written comments pertaining thereto which are submitted to the Comptroller of the Currency, Washington, D.C., within 15 days after the date of the publication of this notice. It is contemplated that the proposed amendment, with such revisions thereof as may be appropriate in the light of comments submitted, will become effective on or about November 9, 1964.

The proposed amendment to Part 6 of Title 12 of the Code of Federal Regulations of the United States reads as follows:

Sec.
6.1 Scope and application.
6.2 General authorization.

AUTHORITY: The provisions of this Part 6 issued under R.S. 5200, as amended; 12 U.S.C. 84(8).

§ 6.1 Scope and application.

(a) This part is issued by the Comptroller of the Currency with the approval of the Secretary of the Treasury under authority of paragraph (8) of Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), and section 321(b) of the Act of August 23, 1935 (49 Stat. 713);

(b) This part applies to loans made by National Banks secured by direct obligations of the United States.

§ 6.2 General authorization.

The obligations to any national banking association of any person, copartnership, association, or corporation, secured by not less than a like amount of direct obligations of the United States, shall not be subject to any limitation based upon the capital and surplus of the association.

Dated: October 14, 1964.

JAMES J. SAXON,
Comptroller of the Currency.

Approved:

DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64-10622; Filed, Oct. 14, 1964; 11:44 a.m.]

Internal Revenue Service

[26 CFR Part 1]

MOVING EXPENSES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 62 of the Internal Revenue Code of 1954 to section 213(b) of the Revenue Act of 1964 (78 Stat. 52), and to conform such regulations to section 217 of such Code, as added by section 213(a)(1) of the Revenue Act of 1964 (78 Stat. 50), such regulations are amended as follows:

PARAGRAPH 1. Section 1.62 is amended by adding a paragraph (8) to section 62 and by revising the historical note. These amended and added provisions read as follows:

§ 1.62 Statutory provisions; adjusted gross income defined.

Sec. 62. *Adjusted gross income defined.* * * *

(8) *Moving expense deduction.* The deduction allowed by section 217.

* * * * *

[Sec. 62 as amended by sec. 7(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828); sec. 213(b), Rev. Act 1964 (78 Stat. 52)]

PAR. 2. Section 1.62-1 is amended by revising paragraph (c)(10) and by adding a subparagraph (11) to paragraph (c). These amended and added provisions read as follows:

§ 1.62-1 Adjusted gross income.

* * * * *

(c) * * *

(10) Deductions allowed by sections 404 and 405(c) for contributions on behalf of a self-employed individual;

(11) The deduction for moving expenses allowed by section 217.

* * * * *

PAR. 3. Section 1.211-1 is amended to read as follows:

§ 1.211-1 Allowance of deductions.

In computing taxable income under section 63(a), the deductions provided by sections 212, 213, 214, 215, 216, and 217 shall be allowed subject to the exceptions provided in part IX, subchapter B, chapter 1 of the Code (section 261 and following, relating to items not deductible).

PAR. 4. Section 1.217 is redesignated as § 1.218 and as so redesignated is amended by redesignating section 217 as section 218, and by adding a historical note. These amended and added provisions read as follows:

§ 1.218 Statutory provisions; cross references.

Sec. 218. *Cross references.* (1) For deduction for long-term capital gains in the case of a taxpayer other than a corporation, see section 1202.

(2) For deductions in respect of a decedent, see section 691.

[Sec. 218 as redesignated by sec. 213(a)(1), Rev. Act 1964 (78 Stat. 50)]

PAR. 5. There are added immediately after § 1.216-2 the following new sections:

§ 1.217 Statutory provisions; moving expenses.

Sec. 217. *Moving expenses*—(a) *Deduction allowed.* There shall be allowed as a deduction moving expenses paid or incurred during the taxable year in connection with the commencement of work by the taxpayer as an employee at a new principal place of work.

(b) *Definition of moving expenses*—(1) *In general.* For purposes of this section, the term "moving expenses" means only the reasonable expenses—

(A) Of moving household goods and personal effects from the former residence to the new residence, and

(B) Of traveling (including meals and lodging) from the former residence to the new place of residence.

(2) *Individuals other than taxpayer.* In the case of any individual other than the taxpayer, expenses referred to in paragraph (1) shall be taken into account only if such individual has both the former residence and the new residence as his principal place of abode and is a member of the taxpayer's household.

(c) *Conditions for allowance.* No deduction shall be allowed under this section unless—

(1) The taxpayer's new principal place of work—

(A) Is at least 20 miles farther from his former residence than was his former principal place of work, or

(B) If he had no former principal place of work, is at least 20 miles from his former residence, and

(2) During the 12-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee, in such general location, during at least 39 weeks.

(d) *Rules for application of subsection (c)(2).* (1) Subsection (c)(2) shall not apply to any item to the extent that the taxpayer receives reimbursement or other expense allowance from his employer for such item.

(2) If a taxpayer has not satisfied the condition of subsection (c)(2) before the time prescribed by law (including extensions thereof) for filing the return for the taxable year during which he paid or incurred moving expenses which would otherwise be deductible under this section, but may still satisfy such condition, then such expenses may (at the election of the taxpayer) be deducted for such taxable year notwithstanding subsection (c)(2).

(3) If—

(A) For any taxable year moving expenses have been deducted in accordance with the rule provided in paragraph (2), and

(B) The condition of subsection (c)(2) is not satisfied by the close of the subsequent taxable year,

then an amount equal to the expenses which were so deducted shall be included in gross income for such subsequent taxable year.

(e) *Disallowance of deduction with respect to reimbursements not included in gross income.* No deduction shall be allowed under this section for any item to the extent that the taxpayer receives reimbursement or other expense allowance for such item which is not included in his gross income.

(f) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

[Sec. 217 as added by sec. 213(a)(1), Rev. Act 1964 (78 Stat. 50)]

§ 1.217–1 Deduction for moving expenses.

(a) *Allowance of deduction*—(1) *In general.* Section 217(a) allows a deduction from gross income for moving expenses paid or incurred by the taxpayer during the taxable year in connection with the commencement of work as an employee at a new principal place of work. Except as provided in section 217, no deduction is allowable for any expenses incurred by the taxpayer in connection with moving himself, the members of his family or household, or household goods and personal effects. The deduction is allowable only for expenses incurred after December 31, 1963, in taxable years ending after such date. To qualify for the deduction the expenses must meet the definition of the term "moving expenses" provided in section 217(b); the taxpayer must meet the conditions set forth in section 217(c); and, if the taxpayer receives a reimbursement or other expense allowance for an item of expense, the deduction for the portion of the expense reimbursed is allowable only to the extent that such reimbursement or other expense allowance is included in his gross income as provided in section 217(e). The deduction is allowable only to a taxpayer who pays or incurs moving expenses in connection with his commencement of work as an employee and is not allowable to a taxpayer who pays or incurs such expenses in connection with his commencement of work as a self-employed individual. The term "employee" as used in this section has the same meaning as in § 31.3401(c)–1 of this chapter (Employment Tax Regulations).

(2) *Commencement of work.* To be deductible, the moving expenses must be paid or incurred by the taxpayer in connection with the commencement of work by him at a new principal place of work (see paragraph (c)(3) of this section for a discussion of the term "principal place of work"). While it is not necessary that the taxpayer have a contract or commitment of employment prior to his moving to a new location, the deduction is not allowable unless employment actually does occur. The term "commencement" includes (i) the beginning of work by a taxpayer for the first time or after a substantial period of unemployment or part-time employment, (ii) the beginning of work by a taxpayer for a different employer, or (iii) the beginning of work by a taxpayer for the same employer at a new location. To qualify as being in connection with the commencement of work, the move for which moving expenses are incurred must bear a reasonable proximity both in time and place to such commencement. In general, moving expenses incurred within one year of the date of the commencement of work are considered to be reasonably proximate to such commencement. Moving expenses incurred in relocating the taxpayer's residence to a location which is farther from his new principal place of work than was his former residence are not generally to be considered as incurred in connection with such commencement of work. For example, if A is transferred by his employer from place X to place Y and A's old residence while he worked at place X is 25 miles from Y, A will not generally be entitled to deduct moving expenses in moving to a new residence 40 miles from Y even though the minimum distance limitation contained in section 217(c)(1) is met. If, however, A is required, as a condition of his employment, to reside at a particular place, or if such residency will result in an actual decrease in his commuting time or expense, the expenses of the move may be considered as incurred in connection with his commencement of work at place Y.

(b) *Definition of moving expenses*—(1) *In general.* Section 217(b) defines the term "moving expenses" to mean only the reasonable expenses (i) of moving household goods and personal effects from the taxpayer's former residence to his new residence, and (ii) of traveling (including meals and lodging) from the taxpayer's former residence to his new place of residence. The test of deductibility thus is whether the expenses are reasonable and are incurred for the items set forth in (i) and (ii) above.

(2) *Reasonable expenses.* (i) The term "moving expenses" includes only those expenses which are reasonable under the circumstances of the particular move. Generally, expenses are reasonable only if they are paid or incurred for movement by the shortest and most direct route available from the taxpayer's former residence to his new residence by the conventional mode or modes of transportation actually used and in the shortest period of time commonly required to travel the distance involved by such mode. Expenses paid or incurred in excess of a reasonable amount are not deductible. Thus, if moving or travel arrangements are made to provide a circuitous route for scenic, stopover, or other similar reasons, the additional expenses resulting therefrom are not deductible since they do not meet the test of reasonableness.

(ii) The application of this subparagraph may be illustrated by the following example:

Example. A, an employee of the M Company works and maintains his principal residence in Boston, Massachusetts. Upon receiving orders from his employer that he is to be transferred to M's Los Angeles, California office, A motors to Los Angeles with his family with stopovers at various cities between Boston and Los Angeles to visit friends and relatives. In addition, A detours into Mexico for sight-seeing. Because of the stopovers and tour into Mexico, A's travel time and distance are increased over what they would have been had he proceeded directly to Los Angeles. To the extent that A's route of travel between Boston and Los Angeles is in a generally southwesterly direction it may be said that he is traveling by the shortest and most direct route available by motor vehicle. Since A's excursion into Mexico is away from the usual Boston-Los Angeles route, the portion of the expenses paid or incurred attributable to such excursion is not deductible. Likewise, that portion of the expenses attributable to A's delays en route not necessitated by reasons of rest or repair of his vehicle are not deductible.

(3) *Expenses of moving household goods and personal effects.* Expenses of moving household goods and personal effects include expenses of transporting such goods and effects owned by the taxpayer or a member of his household from the taxpayer's former residence to his new residence, and expenses of packing, crating and in-transit storage and insurance for such goods and effects. Expenses paid or incurred in moving household goods and personal effects to a taxpayer's new residence from a place other than his former residence are allowable, but only to the extent that such expenses do not exceed the amount which would be allowable had such goods and effects been moved from the taxpayer's former residence. Examples of items not de-

ductible as moving expenses include, but are not limited to, storage charges (other than in-transit), costs incurred in the acquisition of property, costs incurred and losses sustained in the disposition of property, penalties for breaking leases, mortgage penalties, expenses of refitting rugs or draperies, expenses of connecting or disconnecting utilities, losses sustained on the disposal of memberships in clubs, tuition fees, and similar items.

(4) *Expenses of traveling.* Expenses of traveling include the cost of transportation and of meals and lodging en route (including the date of arrival) of both the taxpayer and members of his household, who have both the taxpayer's former residence and the taxpayer's new residence as their principal places of abode, from the taxpayer's former residence to his new place of residence. Expenses of traveling do not include, for example: living or other expenses of the taxpayer and members of his household following their date of arrival at the new place of residence and while they are waiting to enter the new residence or waiting for their household goods to arrive; expenses in connection with house or apartment hunting; living expenses preceding the date of departure for the new place of residence; expenses of trips for purposes of selling property; expenses of trips to the former residence by the taxpayer pending the move by his family to the new place of residence; or any allowance for depreciation. The deduction for traveling expenses is allowable for only one trip made by the taxpayer and members of his household; however, it is not necessary that the taxpayer and all members of his household travel together or at the same time.

(5) *Residence.* The term "former residence" refers to the taxpayer's principal residence before his departure for his new principal place of work. The term "new residence" refers to the taxpayer's principal residence within the general location of his new principal place of work. Thus, neither term includes other residences owned or maintained by the taxpayer or members of his family or seasonal residences such as a summer beach cottage. Whether or not property is used by the taxpayer as his residence, and whether or not property is used by the taxpayer as his principal residence (in the case of a taxpayer using more than one property as a residence), depends upon all the facts and circumstances in each case. Property used by the taxpayer as his principal residence may include a houseboat, a house trailer, or similar dwelling. The term "new place of residence" generally includes the area within which the tax payer might reasonably be expected to commute to his new principal place of work. The application of the terms "former residence", "new residence" and "new place of residence" as defined in this paragraph and as used in section 217 (b)(1) may be illustrated in the following manner: Expenses of moving household goods and personal effects are moving expenses when paid or incurred for transporting such items from the taxpayer's former residence to the taxpayer's new residence (such as from one street address to another). Expenses of traveling, on the other hand, are limited to those incurred between the taxpayer's former residence (a geographic point) and his new place of residence (a commuting area) up to and including the date of arrival. The date of arrival is the day the taxpayer secures lodging within that commuting area, even if on a temporary basis.

(6) *Individuals other than taxpayer.* In addition to the expenses set forth in section 217(b)(1) which are attributable to the taxpayer alone, the same type of expenses attributable to certain individuals other than the taxpayer, if paid or incurred by the taxpayer, are deductible. Those other individuals must (i) be members of the taxpayer's household, and (ii) have both the taxpayer's former residence and his new residence as their principal place of abode. A member of the taxpayer's household may not be, for example, a tenant residing in the taxpayer's residence, nor an individual such as a servant, governess, chauffeur, nurse, valet, or personal attendant.

(c) *Conditions for allowance*—(1) *In general.* Section 217(c) provides two conditions which must be satisfied in order for a deduction of moving expenses to be allowed under section 217(a). The first is a minimum distance requirement prescribed by section 217(c)(1), and the second is a minimum period of employment requirement prescribed by section 217(c)(2).

(2) *Minimum distance.* For the purposes of applying the minimum distance requirement of section 217(c)(1) all taxpayers are divided into one or the other of the following categories: taxpayers having a former principal place of work, and taxpayers not having a former principal place of work. In this latter category are individuals who are seeking full-time employment for the first time (for example, recent high school or college graduates), or individuals who are re-entering the labor force after a substantial period of unemployment or part-time employment.

(i) In the case of a taxpayer having a former principal place of work, section 217(c)(1)(A) provides that no deduction is allowable unless the distance between his new principal place of work and his former residence exceeds by at least 20 miles the distance between his former principal place of work and such former residence.

(ii) In the case of a taxpayer not having a former principal place of work, section 217(c)(1)(B) provides that no deduction is allowable unless the distance between his new principal place of work and his former residence is at least 20 miles.

(iii) For purposes of measuring distances under section 217(c)(1) all computations are to be made on the basis of a straight-line measurement.

(3) *Principal place of work.* (i) A taxpayer's "principal place of work" usually is the place at which he spends most of his working time. Generally, where a taxpayer performs services as an employee, his principal place of work is his employer's plant, office, shop, store or other property. However, a taxpayer may have a principal place of work even if there is no one place at which he spends a substantial portion of his working time. In such case, the taxpayer's principal place of work is the place at which his business activities are centered—for example, because he reports there for work, or is otherwise required either by his employer or the nature of his employment to "base" his employment there. Thus, while a member of a railroad crew, for example, may spend most of his working time aboard a train, his principal place of work is his home terminal, station, or other such central point where he reports in, checks out, or receives instructions. In those cases where the taxpayer is employed by a number of employers on a relatively short-term basis, and secures employment by means of a union hall system (such as a construction or building trades worker), the taxpayer's principal place of work would be the union hall.

(ii) In cases where a taxpayer has more than one employment (i.e., more than one employer at any particular time) his principal place of work is usually determined with reference to his principal employment. The location of a taxpayer's principal place of work is necessarily a question of fact which must be determined on the basis of the particular circumstances in each case. The more important factors to be considered in making a factual determination regarding the location of a taxpayer's principal place of work are (*a*) the total time ordinarily spent by the taxpayer at each place, (*b*) the degree of the taxpayer's business activity at each place, and (*c*) the relative significance of the financial return to the taxpayer from each place.

(iii) In general, a place of work is not considered to be the taxpayer's principal place of work for purposes of this section if the taxpayer maintains an inconsistent position, for example, by claiming an allowable deduction under section 162 (relating to trade or business expenses) for traveling expenses "while away from home" with respect to expenses incurred while he is not away from such place of work and after he has incurred moving expenses for which a deduction is claimed under this section.

(4) *Minimum period of employment.* Under section 217(c)(2), no deduction is allowed unless, during the 12-month period immediately following the taxpayer's arrival in the general location of his new principal place of work, he is a full-time employee, in such general location, during at least 39 weeks.

(i) The 12-month period and the 39-week period set forth in section 217(c)(2) are measured from the date of the taxpayer's arrival in the general location of his new principal place of work. Generally, the taxpayer's date of arrival is the date of the termination of the last trip preceding the taxpayer's commencement of work on a regular basis, regardless of the date on which the taxpayer's family or household goods and effects arrive.

(ii) It is not necessary that the taxpayer remain in the employ of the same employer for 39 weeks, but only that he be employed in the same general location of his new principal place of work during such period. The "general location" of the new principal place of work refers to the area within which an individual might reasonably be expected to commute to such place of work, and will usually be the same area as is known as the "new place of residence"; see paragraph (b)(5) of this section.

(iii) Only a week during which the taxpayer is a full-time employee qualifies as a week of work for purposes of the 39-week requirement of section 217(c)(2). Whether an employee is a full-time employee during any particular week depends upon the customary practices of the occupation in the geographic area in which the taxpayer works. In the case of occupations where employment is on a seasonal basis, weeks occurring in the off-season when no work is required or available (as the case may be) may be counted as weeks of full-time employment only if the employee's contract or agreement of employment covers the off-season period and the off-season period is less than 6 months. Thus, a school teacher whose employment contract covers a 12-month period and who teaches on a full-time basis for more than 6 months in fulfillment of such contract is considered a full-time employee during the entire 12-month period. A taxpayer will not be deemed as other than a full-time employee during any week merely because of periods of involuntary temporary absence from work, such as those due to illness, strikes, shutouts, layoffs, natural disasters, etc.

(iv) In the case of taxpayers filing a joint return, either spouse may satisfy this 39-week requirement. However, weeks worked by one spouse may not be added to weeks worked by the other spouse in order to satisfy such requirement.

(v) The application of this subparagraph may be illustrated by the following examples:

Example (1). A is an electrician residing in New York City. Having heard of the possibility of better employment prospects in Denver, Colorado, he moves himself, his family and his household goods and personal effects, at his own expense, to Denver where he secures employment with the M Aircraft Corporation. After working full-time for 30 weeks his job is terminated, and he subsequently moves to and secures employment in Los Angeles, California, which employment lasts for more than 39 weeks. Since A was not employed in the general location of his new principal place of employment while in Denver for at least 39 weeks, no deduction is allowable for moving expenses paid or incurred between New York City and Denver. A will be allowed to deduct only those moving expenses attributable to his move from Denver to Los Angeles, assuming all other conditions of section 217 are met.

Example (2). Assume the same facts as in example (1), except that B, A's wife, secures employment in Denver at the same time as A, and that she continues to work in Denver for at least 9 weeks after A's departure for Los Angeles. Since she has met the 39-week requirement in Denver, and assuming all other requirements of section 217 are met, the moving expenses paid by A attributable to the move from New York City to Denver will be allowed as a deduction, provided A and B file a joint return.

Example (3). Assume the same facts as in example (1), except that B, A's wife, secures employment in Denver on the same day that A departs for Los Angeles, and continues to work in Denver for 9 weeks thereafter. Since neither A (who has worked 30 weeks) nor B (who has worked 9 weeks) has independently satisfied the 39-week requirement, no deduction for moving expenses attributable to the move from New York City to Denver is allowable.

(d) *Rules for application of section 217(c)(2)—(1) Inapplicability of 39-week test to reimbursed expenses.* (i) Paragraph (1) of section 217(d) provides that the 39-week employment condition of section 217(c)(2) does not apply to any moving expense item to the extent that the taxpayer receives reimbursement or other allowance from his employer for such item. A reimbursement or other allowance to an employee for expenses of moving, in the absence of a specific allocation by the employer, is allocated first to items deductible under section 217(a) and then, if a balance remains, to items not so deductible.

(ii) The application of this subparagraph may be illustrated by the following examples:

Example (1). A, a recent college graduate, with his residence in Washington, D.C., is hired by the M Corporation in San Francisco, California. Under the terms of the employment contract, M agrees to reimburse A for three-fifths of his moving expenses from Washington to San Francisco. A moves to San Francisco, and pays $1,000 for expenses incurred, for which he is reimbursed $600 by M. After working for M for a period of 3 months, A becomes dissatisfied with the job, and returns to Washington to continue his education. Since he has failed to satisfy the 39-week requirement of section 217(c)(2) the expenses totaling $400 for which A has received no reimbursement are not deductible. Under the special rule of section 217(d)(1), however, the deduction for the $600 reimbursed moving expenses is not disallowed by reason of section 217(c)(2).

Example (2). B, a self-employed accountant, who works and resides in Columbus, Ohio, is hired by the N Company in St. Petersburg, Florida. Pursuant to its policy with respect to newly hired employees, N agrees to reimburse B to the extent of $1,000 of the expenses incurred by him in connection with his move to St. Petersburg, allocating $700 for the items specified in section 217(b)(1), and $300 for "temporary living expenses." B moves to St. Petersburg, and incurs $800 of "moving expenses" and $300 of "temporary living expenses" in St. Petersburg. B receives reimbursement of $1,000 from N, which amount is included in his gross income. Assuming B fails to satisfy the 39-week test of section 217(c)(2), he will nevertheless be allowed to deduct $700 as a moving expense. On the other hand, had N made no allocation between deductible and non-deductible items, B would have been allowed to deduct $800 since, in the absence of a specific allocation of the reimbursement by N, it is presumed that the reimbursement was for items specified in section 217(b)(1) to the extent thereof.

(2) *Election of deduction before 39-week test is satisfied.* (i) Paragraph (2) of section 217(d) provides a special rule which applies in those cases where a taxpayer paid or incurred, in a particular taxable year, moving expenses which would be deductible in that taxable year except for the fact that the 39-week employment condition of section 217(c)(2) has not been satisfied before the time prescribed by law (including extensions thereof) for filing the return for such taxable year. The rule provides that where a taxpayer has paid or incurred moving expenses and as of the date prescribed by section 6072 for filing his return for such taxable year, including extensions thereof as may be allowed under section 6081, there remains unexpired a sufficient portion of the 12-month period so that it is still possible for the taxpayer to satisfy the 39-week requirement, then the taxpayer may elect to claim a deduction for such moving expenses on the return for such taxable year. The election shall be exercised by taking the deduction on the return filed within the time prescribed by section 6072 (including extensions as may be allowed under section 6081). It is not necessary that the taxpayer wait until the date prescribed by law for filing his return in order to make the election. He may make the election on an early return based upon the facts known on the date such return is filed. However, an election made on an early return will become invalid if, as of the date prescribed by law for filing the return, it is not possible for the taxpayer to satisfy the 39-week requirement.

(ii) In the event that a taxpayer does not elect to claim a deduction for moving expenses on the return for the taxable year in which such expenses were paid or incurred in accordance with (i) of this subparagraph, and the 39-week employment condition of section 217(c)(2) (as well as all other requirements of section 217) is subsequently satisfied, then the taxpayer may file an amended return for the taxable year in which such moving expenses were paid or incurred on which he may claim a deduction under section 217. The taxpayer may, in lieu of filing an amended return, file a claim for refund based upon the deduction allowable under section 217.

(iii) The application of this subparagraph may be illustrated by the following examples:

Example (1). A is transferred by his employer, M, from Boston, Massachusetts, to Cleveland, Ohio, and begins working there on November 1, 1964, followed by his family and household goods and personal effects on November 15, 1964. Moving expenses are paid or incurred by A in 1964 in connection with this move. On April 15, 1965, when A files his income tax return for the year 1964, A has been a full-time employee in Cleveland for approximately 24 weeks. Notwithstanding the fact that as of April 15, 1965, A has not satisfied the 39-week employment condition of section 217(c)(2) he may nevertheless elect to claim his 1964 moving expenses on his 1964 income tax return since there is still sufficient time remaining before November 1, 1965, within which to satisfy the 39-week requirement.

Example (2). Assume the facts are the same as in example (1), except that as of April 15, 1965, A has left the employ of M, and is in the process of seeking further employment in Cleveland. Since, under these conditions, A may be unsure whether or not he will be able to satisfy the 39-week requirement by November 1, 1965, he may not wish to avail himself of the election

provided by section 217(d)(2). In such event, A may wait until he has actually satisfied the 39-week requirement, at which time he may file an amended return claiming as a deduction the moving expenses paid or incurred in 1964. A may, in lieu of filing an amended return, file a claim for refund based upon a deduction for such expenses. Should A fail to satisfy the 39-week requirement on or before November 1, 1965, no deduction is allowable for moving expenses incurred in 1964.

(3) *Recapture of deduction where 39-week test is not met.* Paragraph (3) of section 217(d) provides a special rule which applies in cases where a taxpayer has deducted moving expenses under the election provided in section 217(d)(2) prior to his satisfying the 39-week employment condition of section 217(c)(2), and the 39-week test is not satisfied during the taxable year immediately following the taxable year in which the expenses were deducted. In such cases an amount equal to the expenses which were deducted must be included in the taxpayer's gross income for the taxable year immediately following the taxable year in which the expenses were deducted. In the event the taxpayer has deducted moving expenses under the election provided in section 217(d)(2) for the taxable year, and subsequently files an amended return for such year on which he eliminates such deduction, such expenses will not be deemed to have been deducted for purposes of the recapture rule of the preceding sentence.

(e) *Disallowance of deduction with respect to reimbursements not included in gross income.* Section 217(e) provides that no deduction shall be allowed under section 217 for any item to the extent that the taxpayer receives reimbursement or other expense allowance for such item unless the amount of such reimbursement or other expense allowance is included in his gross income. A reimbursement or other allowance to an employee for expenses of moving, in the absence of a specific allocation by the employer, is allocated first to items deductible under section 217(a) and then, if a balance remains, to items not so deductible. For purposes of this section, moving services furnished in-kind, directly or indirectly, by a taxpayer's employer to the taxpayer or members of his household are considered as being a reimbursement or other allowance received by the taxpayer for moving expenses. If a taxpayer pays or incurs moving expenses and either prior or subsequent thereto receives reimbursement or other expense allowance for such item, no deduction is allowed for such moving expenses unless the amount of the reimbursement or other expense allowance is included in his gross income in the year in which such reimbursement or other expense allowance is received. In those cases where the reimbursement or other expense allowance is received by a taxpayer for an item of moving expense subsequent to his having claimed a deduction for such item, and such reimbursement or other expense allowance is properly excluded from gross income in the year in which received, the taxpayer must file an amended return for the taxable year in which the moving expenses were deducted and decrease such deduction by the amount of the reimbursement or other expense allowance not included in gross income. This does not mean, however, that a taxpayer has an option to include or not include in his gross income an amount received as reimbursement or other expense allowance in connection with his move as an employee. This question remains one which must be resolved under section 61(a) (relating to the definition of gross income).

PAR. 6. Section 1.262–1 is amended by revising subparagraph (5) of paragraph (b) and by adding a subparagraph (10) to paragraph (c). These amended and added provisions read as follows:

§ 1.262–1 Personal, living, and family expenses.

* * * * *

(b) *Examples of personal, living, and family expenses.* * * *

(5) Expenses incurred in traveling away from home (which include transportation expenses, meals, and lodging) and any other transportation expenses are not deductible unless they qualify as expenses deductible under section 162, § 1.162–2, and paragraph (d) of § 1.162–5 (relating to trade or business expenses), section 170 and paragraph (a)(2) of § 1.170–2 (relating to charitable contributions), section 212 and § 1.212–1 (relating to expenses for production of income), section 213(e) and paragraph (e) of § 1.213–1 (relating to medical expenses) or section 217(a) and paragraph (a) of § 1.217–1 (relating to moving expenses). The taxpayer's costs of commuting to his place of business or employment are personal expenses and do not qualify as deductible expenses. The costs of the taxpayer's lodging not incurred in traveling away from home are personal expenses and are not deductible unless they qualify as deductible expenses under section 217. Except as permitted under section 162, 212, or 217, the costs of the taxpayer's meals not incurred in traveling away from home are personal expenses.

* * * * *

(c) *Cross references.* * * *

(10) Section 217 (moving expenses).

[F.R. Doc. 64–10516; Filed, Oct. 14, 1964; 8:49 a.m.]

[26 CFR Part 1]

REPEAL OF CREDIT FOR DIVIDENDS RECEIVED BY INDIVIDUALS AND DOUBLING OF DIVIDEND EXCLUSION FOR INDIVIDUALS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 34, 116, and various other sections of the Internal Revenue Code of 1954 to section 201 of the Revenue Act of 1964 (78 Stat. 31), such regulations are amended as follows:

PARAGRAPH 1. Section 1.34 is amended by revising section 34(a) and paragraph (2) of section 34(b) and by revising the historical note. These amended provisions read as follows:

§ 1.34 Statutory provisions; dividends received by individuals.

Sec. 34. *Dividends received by individuals*—(a) *General rule.* Effective with respect to taxable years ending after July 31, 1954, there shall be allowed to an individual, as a credit against the tax imposed by this subtitle for the taxable year, an amount equal to the following percentage of the dividends which are received from domestic corporations and are included in gross income:

(1) 4 percent of the amount of such dividends which are received before January 1, 1964, and

(2) 2 percent of the amount of such dividends which are received during the calendar year 1964.

(b) *Limitation on amount of credit.* * * *

(2) The following percent of the taxable income for the taxable year:

(A) 2 percent, in the case of a taxable year ending before January 1, 1955, or beginning after December 31, 1963.

(B) 4 percent, in the case of a taxable year ending after December 31, 1954, and beginning before January 1, 1964.

* * * * *

[Sec. 34 as amended by sec. 3(a), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); sec. 10(e), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009); sec. 201(a), Rev. Act 1964 (78 Stat. 31); repealed by sec. 201(b), Rev. Act 1964 (78 Stat. 31)]

PAR. 2. Paragraph (a) of § 1.34–1 is amended by revising subparagraph (1). The amended provision reads as follows:

§ 1.34–1 Credit against tax and exclusion from gross income in case of dividends received by individuals.

(a) *In general.* (1) Section 34 provides a credit against the income tax of an individual for certain dividends received after July 31, 1954, and on or before December 31, 1964. The credit, subject to the limitations provided in section 34(b), is equal to 4 percent of the

dividends received before January 1, 1964, and 2 percent of the dividends received during the calendar year 1964. The credit is allowable with respect to dividends received in any taxable year ending after July 31, 1954, but applies only to dividends received on or before December 31, 1964. The credit applies only to dividends which are received from domestic corporations and which are included in the gross income of the taxpayer. Section 116 provides for the exclusion from gross income of the first $100 ($50 for dividends received in taxable years beginning before January 1, 1964) of certain dividends received by an individual. See § 1.116–1. In determining which dividends are entitled to the credit against income tax provided by section 34, the exclusion from gross income provided in section 116 is applied to the first dividends received in the taxable year. Since the exclusion applies to dividends received at any time during a taxable year ending after July 31, 1954, dividends received before August 1, 1954, may be taken into account in determining the exclusion from gross income under section 116 but do not constitute dividends for which a credit is allowed.

PAR. 3. Paragraph (a) of § 1.34–2 is amended to read as follows:

§ 1.34–2 Limitations on amount of credit.

(a) Under section 34(b) the credit may not exceed the lesser of either—

(1) The amount of the tax imposed by chapter 1 of the Code for the taxable year reduced by the foreign tax credit allowable under section 33, or

(2) Whichever of the following is applicable:

(i) In the case of a taxable year ending before January 1, 1955, or beginning after December 31, 1963, 2 percent of the taxable income for such taxable year;

(ii) In the case of a taxable year ending after December 31, 1954, and beginning before January 1, 1964, 4 percent of the taxable income for such taxable year.

In the case of a taxpayer who computes his tax under section 3 or who uses the standard deduction provided by section 141, the taxable income for the taxable year is the adjusted gross income for the taxable year reduced by the standard deduction prescribed in section 141 and the deductions for personal exemptions provided in section 151. Where the alternative tax on capital gains is imposed under section 1201(b), the taxable income for such taxable year is the taxable income as defined in section 63, which includes 50 percent of the excess of net long-term capital gain over net short-term capital loss.

PAR. 4. There is added immediately after § 1.34–5 the following new section:

§ 1.34–6 Dividends received after December 31, 1964.

In the case of dividends received after December 31, 1964, section 34 and the regulations issued thereunder do not apply.

PAR. 5. Section 1.35 is amended by revising section 35(b)(1) and the historical note. The amended provisions read as follows:

§ 1.35 Statutory provisions; partially tax-exempt interest received by individuals.

Sec. 35. *Partially tax-exempt interest received by individuals.* * * *

(b) *Limitation on amount of credit.* The credit allowed by subsection (a) shall not exceed whichever of the following is the lesser:

(1) The amount of the tax imposed by this chapter for the taxable year, reduced by the credit allowable under section 33, or

* * * * *

[Sec. 35 as amended by sec. 41(b), Technical Amendments Act 1958 (72 Stat. 1639); sec. 201(d)(2) Rev. Act 1964 (78 Stat. 32)]

PAR. 6. Paragraph (a) of § 1.61–9 is amended to read as follows:

§ 1.61–9 Dividends.

(a) *In general.* Except as otherwise specifically provided, dividends are included in gross income under sections 61 and 301. For the principal rules with respect to dividends includible in gross income, see section 316 and the regulations thereunder. As to distributions made or deemed to be made by regulated investment companies, see sections 851 through 855, and the regulations thereunder. As to distributions made by real estate investment trusts, see sections 856 through 858, and the regulations thereunder. See section 116 for the exclusion from gross income of $100 ($50 for dividends received in taxable years beginning before January 1, 1964) of dividends received by an individual, except those from certain corporations. Furthermore, dividends may give rise to a credit against tax under section 34, relating to dividends received by individuals (for dividends received on or before December 31, 1964), and under section 37, relating to retirement income.

* * * * *

PAR. 7. Section 1.116 is amended by revising section 116(a), by adding a new paragraph (3) to section 116(c) and by revising the historical note. The amended and added provisions read as follows:

§ 1.116 Statutory provisions; partial exclusion of dividends received by individuals.

Sec. 116. *Partial exclusion of dividends received by individuals*—(a) *Exclusion from gross income.* Effective with respect to any taxable year ending after July 31, 1954, gross income does not include amounts received by an individual as dividends from domestic corporations, to the extent that the dividends do not exceed $100. If the dividends received in a taxable year exceed $100, the exclusion provided by the preceding sentence shall apply to the dividends first received in such year.

* * * * *

(c) *Special rules for certain distributions.* For purposes of subsection (a)—

* * * * *

(3) The amount of dividends properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same date that the dividends were received by the estate or trust.

* * * * *

[Sec. 116 as amended by sec. 3(a), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); sec. 10(f), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009); secs. 201 (c) and (d)(6)(C), Rev. Act 1964 (78 Stat. 32)]

PAR. 8. Section 1.116–1 is amended to read as follows:

§ 1.116–1 Partial exclusion of dividends.

(a) *In general.* Section 116 excludes from gross income the first $100 ($50 for dividends received in a taxable year which ends after July 31, 1954 and begins before January 1, 1964, whether or not the dividend is received after July 31, 1954) of dividends from domestic corporations received by an individual in a taxable year beginning after December 31, 1963.

(b) *Joint returns of husband and wife.* In the case of a joint return of husband and wife, each spouse is entitled to the exclusion in an amount not in excess of $100 ($50 for dividends received in taxable years beginning before January 1, 1964), with respect to the dividends received by such spouse. Thus, if in the calendar year 1955, a husband receives $200 of dividends and his wife $100, the amount to be included in gross income is $200 ($150 of the husband's dividends and $50 of the wife's dividends). If the amounts are received in a taxable year beginning after December 31, 1963, the amount to be included in gross income is $100 ($100 of the husband's dividends and none of the wife's dividends). If the wife receives only $30 of dividends, the entire $30 is excludable, and there is included in gross income in the joint return in the case of a taxable year beginning before January 1, 1964, only $150 ($200 less his $50 exclusion) or in the case of a taxable year beginning after December 31, 1963, only $100 ($200 less his $100 exclusion) consisting of the dividends received by the husband.

(c) *Individuals receiving dividends.* Where two or more persons hold stock as tenants in common, as joint tenants, or as tenants by the entirety, the dividends received with respect to such stock shall be considered as being received by each tenant to the extent that he is entitled under local law to a share of such dividends. Where dividends constitute community property under local law each spouse shall be considered as receiving one-half of such dividends.

(d) *Dividends to which the exclusion applies*—(1) *General rule.* The exclusion under section 116 applies only to distributions of property defined as dividends by section 316. Thus, the exclusion is not allowed with respect to patronage dividends paid by either exempt or taxable farm cooperatives. Nor is it allowed for distributions to nonstockholding policy holders by an insurance company having shares of stock or for any distribution by a mutual insurance company. See subparagraph (2)(i) of this paragraph for an additional restriction with respect to stock life insurance companies. The exclusion is, however, allowed with respect to dividends paid on capital stock by nonexempt cooperatives and with respect to dividends paid on capital stock by building

and loan associations. However, see subparagraph (2)(ii) of this paragraph with respect to so-called dividends paid by building and loan associations ineligible for the exclusion. The exclusion is allowed with respect to distributions from any organization taxed as a corporation if the distribution falls within the definition of a dividend in section 316.

(2) *Dividends from certain corporations.* (i) Section 116 (b) and (c) contains further restrictions on the type of distributions which are treated as dividends for purposes of the exclusion. Thus, no exclusion is applicable with respect to dividends received from a corporation organized under the China Trade Act, 1922; from stock life insurance companies before January 1, 1959, in taxable years ending before such date; from corporations which during their taxable year of the distribution or their preceding taxable year were corporations to which section 931 applies (relating to income from sources within possessions of the United States); from corporations which during the taxable year of the distribution or the preceding taxable year are corporations exempt from tax either under section 501, relating to charitable, etc., organizations, or under section 521, relating to farmers' cooperative associations.

(ii) So-called dividends paid by mutual savings banks, cooperative banks, and building and loan associations which are allowed as a deduction under section 591 are ineligible for the exclusion.

(iii) For special rules as to the limitation on the amount of dividends for which an exclusion is allowable in the case of dividends paid by a regulated investment company, see section 854 and the regulations thereunder.

(iv) See section 857(c) and paragraph (d) of § 1.857–4 for special rules which deny an exclusion under section 116 in the case of dividends received from a real estate investment trust with respect to a taxable year for which such trust is taxable under part II, subchapter M, chapter 1 of the Code.

(e) *Taxpayers not entitled to exclusion.* (1) The exclusion is not available to nonresident aliens with respect to whom a tax is imposed for the taxable year under section 871(a). However, if the taxpayer elects under section 6014 to have the Government compute his tax, the taxpayer is allowed the exclusion under section 116.

(2) For additional rules for the treatment of dividends received by estates or trusts, and the allocation of such dividends between an estate or trust and the beneficiary thereof, see sections 652 and 662 and the regulations thereunder.

(3) For treatment of dividends received by a partnership, see section 702 and the regulations thereunder.

(4) For treatment of dividends received by a common trust fund, see section 584 and the regulations thereunder.

(f) *Time dividends are received.* In cases where it is necessary to determine the time of receipt of dividends the rules established to determine in which taxable year dividends must be included in gross income apply, including the rules relating to constructive receipt. See section 451 and regulations thereunder.

(g) *Special rule relating to receipt of dividends by beneficiary of an estate or trust.* In general, dividends are deemed received by a beneficiary in the taxable year in which they are includible in his gross income under section 652 or 662. However, solely for purposes of determining the amount of the exclusion applicable to dividends received by a beneficiary from an estate or trust, the time of receipt of such dividends by the estate or trust is also considered the time of receipt by the beneficiary.

PAR. 9. Paragraph (b)(1)(vi) of § 1.443–1 is amended to read as follows:

§ 1.443–1 Returns for periods of less than 12 months.

* * * * *

(b) *Computation of tax for short period on change of annual accounting period*—(1) *General rule.*

* * * * *

(vi) If the amount of a credit against the tax (for example, the credits allowable under section 34 (for dividends received on or before December 31, 1964), and 35 (for partially tax-exempt interest)) is dependent upon the amount of any item of income or deduction, such credit shall be computed upon the amount of the item annualized separately in accordance with the foregoing rules. The credit so computed shall be treated as a credit against the tax computed on the basis of the annualized taxable income. In any case in which a limitation on the amount of a credit is based upon taxable income, taxable income shall mean the taxable income computed on the annualized basis.

* * * * *

PAR. 10. Paragraph (a) of § 1.565–3 is amended to read as follows:

§ 1.565–3 Effect of consent.

(a) The amount of the consent dividend shall be considered, for all purposes of the Code, as if it were distributed in money by the corporation to the shareholder on the last day of the taxable year of the corporation, received by the shareholder on such day, and immediately contributed by the shareholder as paid-in capital to the corporation on such day. Thus, the amount of the consent dividend will be treated by the shareholder as a dividend. The shareholder will be entitled to the dividends received credit under section 34 (for dividends received on or before December 31, 1964) and the exclusion under section 116, or to the dividends received deduction under section 243, with respect to such consent dividend. The basis of the shareholder's consent stock in a corporation will be increased by the amount thus treated in his hands as a dividend which he is considered as having contributed to the corporation as paid-in capital. The amount of the consent dividend will also be treated as a dividend received from sources within the United States in the same manner as if the dividend had been paid in money to the shareholders. Among other effects of the consent dividend, the earnings and profits of the corporation will be decreased by the amount of the consent dividends. Moreover, if the shareholder is a corporation, its accumulated earnings and profits will be increased by the amount of the consent dividend with respect to which it makes a consent.

PAR. 11. Section 1.584 is amended by revising section 584(c)(2) and the historical note. The amended provisions read as follows:

§ 1.584 Statutory provisions; common trust funds.

Sec. 584. *Common trust funds.* * * *

(c) *Income of participants in fund.* * * *

(2) *Dividends and partially tax exempt interest.* The proportionate share of each participant in the amount of dividends to which section 116 applies, and in the amount of partially tax exempt interest on obligations described in section 35 or section 242, received by the common trust fund shall be considered for purposes of such sections as having been received by such participant. If the common trust fund elects under section 171 (relating to amortizable bond premium) to amortize the premium on such obligations, for purposes of the preceding sentence the proportionate share of the participant of such interest received by the common trust fund shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 171 as is attributable to such share.

* * * * *

[Sec. 584 as amended by sec. 4, Act of Sept. 28, 1962 (Pub. Law 87–772, 76 Stat. 668, 670); sec. 201(d)(5), Rev. Act 1964 (78 Stat. 32)]

PAR. 12. Section 1.584–2 is amended by revising paragraph (b)(1). The amended provision reads as follows:

§ 1.584–2 Income of participants in common trust fund.

* * * * *

(b)(1) Each participant's proportionate share in the amount of dividends to which section 34 (for dividends received on or before December 31, 1964) or section 116 applies received by the common trust fund shall be deemed to have been received by such participant as such dividends.

PAR. 13. Section 1.642(a)(3) is amended by adding a historical note to read as follows:

* * * * *

[Sec. 642(a)(3) repealed by sec. 201(d)(6)(A), Rev. Act. 1964 (78 Stat. 32)]

PAR. 14. Section 1.642(a)(3)–1 is amended to read as follows:

§ 1.642(a)(3)–1 Dividends received by an estate or trust.

An estate or trust is allowed a credit against the tax for dividends received on or before December 31, 1964 (see section 34), only for so much of the dividends as are not properly allocable to any beneficiary under section 652 or 662. Section 642(a)(3), and this section do not apply to amounts received as dividends after December 31, 1964. For treatment of the credit in the hands of the beneficiary see § 1.652(b)–1.

PAR. 15. Section 1.642(a)(3)–2 is amended to read as follows:

§ 1.642(a)(3)–2 Time of receipt of dividends by beneficiary.

In general, dividends are deemed received by a beneficiary in the taxable year in which they are includible in his gross income under section 652 or 662. For example, a simple trust, reporting on the basis of a fiscal year ending October 30, receives quarterly dividends on November 3, 1954, and February 3, May 3, and August 3, 1955. These dividends are all allocable to beneficiary A, reporting on a calendar year basis, under section 652 and are deemed received by A in 1955. See section 652(c). Accordingly, A may take all these dividends into account in determining his credit for dividends received under section 34 and his dividends exclusion under section 116. However, solely for purposes of determining whether dividends deemed received by individuals from trusts or estates qualify under the time limitations of section 34(a) or section 116(a), section 642(a)(3) provides that the time of receipt of the dividends by the trust or estate is also considered the time of receipt by the beneficiary. For example, a simple trust reporting on the basis of a fiscal year ending October 30 receives quarterly dividends on December 3, 1953, and March 3, June 3, and September 3, 1954. These dividends are all allocable to beneficiary A, reporting on the calendar year basis, under section 652 and are includible in his income for 1954. However, for purposes of section 34(a) or section 116(a), these dividends are deemed received by A on the same dates that the trust received them. Accordingly, A may take into account in determining the credit under section 34 only those dividends received by the trust on September 3, 1954, since the dividend received credit is not allowed under section 34 for dividends received before August 1, 1954 (or after December 31, 1964). Section 642(a)(3) and this section do not apply to amounts received by an estate or trust as dividends after December 31, 1964. However, the rules in this section relating to time of receipt of dividends by a beneficiary are applicable to dividends received by an estate or trust prior to January 1, 1965, and accordingly, such dividends are deemed to be received by the beneficiary (even though received after December 31, 1964) on the same dates that the estate or trust received them for purposes of determining the credit under section 34 or the exclusion under section 116.

PAR. 16. Section 1.642(i) is amended by revising section 642(i), and by adding a historical note. The amended and added provisions reads as follows:

§ 1.642(i) Statutory provisions; estates and trusts; special rules for credits and deductions; cross references.

Sec. 642. *Special rules for credits and deductions.* * * *

(i) *Cross references.* (1) For disallowance of standard deduction in case of estates and trusts, see section 142(b)(4).

(2) For special rule for determining the time of receipt of dividends by a beneficiary under section 652 or 662, see section 116(c)(3).

[Sec. 642(i) as amended by sec. 201(d)(6)(B), Rev. Act 1964 (78 Stat. 32)]

PAR. 17. Section 1.642(i)–1 is amended to read as follows:

§ 1.642(i)–1 Cross references.

(a) The standard deduction is not allowed to estates and trusts (see section 142(b)(4)).

(b) The amount of dividends properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same date that the dividends were received by the estate or trust (see section 116(c)(3)).

PAR. 18. Section 1.652(b)–1 is amended to read as follows:

§ 1.652(b)–1 Character of amounts.

In determining the gross income of a beneficiary, the amounts includible under § 1.652(a)–1 have the same character in the hands of the beneficiary as in the hands of the trust. For example, to the extent that the amounts specified in § 1.652(a)–1 consist of income exempt from tax under section 103, such amounts are not included in the beneficiary's gross income. Similarly, dividends distributed to a beneficiary retain their original character in the beneficiary's hands for purposes of determining the availability to the beneficiary of the dividends received credit under section 34 (for dividends received on or before December 31, 1964) and the dividend exclusion under section 116. The tax treatment of amounts determined under § 1.652(a)–1 depends upon the beneficiary's status with respect to them, not upon the status of the trust. Thus, if a beneficiary is deemed to have received foreign income of a foreign trust, the includibility of such income in his gross income depends upon his taxable status with respect to that income.

PAR. 19. Section 1.661(c)–1 is amended to read as follows:

§ 1.661(c)–1 Limitation on deduction.

An estate or trust is not allowed a deduction under section 661(a) for any amount which is treated under section 661(b) as consisting of any item of distributable net income which is not included in the gross income of the estate or trust. For example, if in 1962, a trust, which reports on the calendar year basis, has distributable net income of $20,000, which is deemed to consist of $10,000 of dividends and $10,000 of tax-exempt interest, and distributes $10,000 to beneficiary A, the deduction allowable under section 661(a) (computed without regard to section 661(c)) would amount to $10,000 consisting of $5,000 of dividends and $5,000 of tax-exempt interest. The deduction actually allowable under section 661(a) as limited by section 661(c) is $4,975, since no deduction is allowable for the $5,000 of tax-exempt interest and the $25 deemed distributed out of the $50 of dividends excluded under section 116, items of distributable net income which are not included in the gross income of the estate or trust.

PAR. 20. Paragraph (b) of § 1.683–2 is amended to read as follows:

§ 1.683–2 Exceptions.

* * * * *

(b) For purposes of determining the time of receipt of dividends under sections 34 (for purposes of the credit for dividends received on or before December 31, 1964) and 116, the dividends paid, credited, or to be distributed to a beneficiary are deemed to have been received by the beneficiary ratably on the same dates that the dividends were received by the estate or trust.

* * * * *

PAR. 21. Section 1.702 is amended by revising section 702(a)(5) and by adding a historical note. The amended and added provisions read as follows:

§ 1.702 Statutory provisions; income and credits of partner.

Sec. 702. *Income and credits of partner*—(a) *General rule.* In determining his income tax, each partner shall take into account separately his distributive share of the partnership's—

* * * * *

(5) Dividends with respect to which there is provided an exclusion under section 116 or a deduction under part VIII of subchapter B,

* * * * *

[Sec. 702 as amended by sec. 201(d)(7), Rev. Act 1964 (78 Stat. 32)]

PAR. 22. Section 1.702–1 is amended by revising paragraph (a)(5) to read as follows:

§ 1.702–1 Income and credits of partners.

(a) *General rule.* * * *

(5) Each partner shall take into account, as part of the dividends received by him from domestic corporations, his distributive share of dividends received by the partnership, with respect to which the partner is entitled to a credit under section 34 (for dividends received on or before December 31, 1964), an exclusion under section 116, or a deduction under part VIII, subchapter B, chapter 1 of the Code.

PAR. 23. Paragraph (a)(2) of § 1.852–4 is amended to read as follows:

§ 1.852–4 Method of taxation of shareholders of regulated investment companies.

(a) *Ordinary income.* * * *

(2) See section 853(b)(2) and (c) and paragraph (b) of § 1.853–2 and § 1.853–3 for the treatment by shareholders of dividends received from a regulated investment company which has made an election under section 853(a) with respect to the foreign tax credit. See section 854 and §§ 1.854–1 through 1.854–3 for limitations applicable to dividends received from regulated investment companies for the purpose of the credit under section 34 (for dividends received on or before December 31, 1964), the exclusion from gross income under section 116, and the deduction under section 243. See section 855 (b) and (d) and paragraphs (c) and (f) of § 1.855–1 for treatment by shareholders of dividends paid by a regulated investment company after the close of the taxable

year in the case of an election under section 855(a).

* * * * *

PAR. 24. Section 1.857 is amended by revising section 857(c) and the historical note. The amended provisions read as follows:

§ 1.857 Statutory provisions; taxation of real estate investment trusts and their beneficiaries.

Sec. 857. *Taxation of real estate investment trusts and their beneficiaries.* * * *

(c) *Restrictions applicable to dividends received from real estate investment trusts.* For purposes of section 116 (relating to an exclusion for dividends received by individuals) and section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

* * * * *

[Sec. 857 as added by sec. 10(a), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1006); as amended by sec. 201(d)(11), Rev. Act 1964 (78 Stat. 32)]

PAR. 25. Paragraph (d) of § 1.857-4 is amended to read as follows:

§ 1.857-4 Method of taxation of shareholders of real estate investment trusts.

* * * * *

(d) *Dividend received credit, exclusion, and deduction not allowed.* Any dividend received from a real estate investment trust which, for the taxable year to which the dividend relates, is a qualified real estate investment trust, shall not be eligible for the dividend received credit (for dividends received on or before December 31, 1964) under section 34(a), the dividend received exclusion under section 116, or the dividend received deduction under section 243.

PAR. 26. Paragraph (c) of § 1.876-1 is amended to read as follows:

§ 1.876-1 Alien residents of Puerto Rico.

* * * * *

(c) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens), section 33 (relating to taxes of foreign countries), section 34 (relating to dividends received by individuals) for dividends received on or before December 31, 1964, and section 35 (relating to partially tax-exempt interest) shall be allowed against the tax computed in accordance with this section. No credit shall be allowed under section 37 in respect of retirement income.

PAR. 27. Paragraph (b) of § 1.1201-1 is amended to read as follows:

§ 1.1201-1 Alternative tax.

* * * * *

(b) *Other taxpayers.* In case the net long-term capital gain of a taxpayer (other than a corporation) exceeds the net short-term capital loss, section 1201(b) imposes an alternative tax in lieu of the tax imposed by sections 1 and 511, if and only if such alternative tax is less than the tax imposed by sections 1 and 511. The alternative tax is not in lieu of any other tax not specifically set forth in section 1201(b). The alternative tax is the sum of—

(1) A partial tax, computed at the rates provided by sections 1 and 511 on the taxable income reduced by an amount equal to 50 percent of the excess of the net long-term capital gain over the net short-term capital loss, plus

(2) 25 percent of the excess of the net long-term capital gain over the net short-term capital loss.

See § 1.1-3 for rule relating to the computation of the limitation on tax under section 1(c) in cases where the alternative tax is imposed. See § 1.34-2(a) for rule relating to the computation of the dividend received credit under section 34 (for dividends received on or before December 31, 1964), and § 1.35-1(a) for rule relating to the computation of credit for partially tax-exempt interest under section 35 in cases where the alternative tax is imposed.

* * * * *

PAR. 28. Section 1.1375 is amended by revising subsection (b) of section 1375 and the historical note. The amended provisions read as follows:

§ 1.1375 Statutory provisions; special rules applicable to distributions of electing small business corporations.

Sec. 1375. *Special rules applicable to distributions of electing small business corporations.* * * *

(b) *Dividends received credit not allowed.* The amount includible in the gross income of a shareholder as dividends from an electing small business corporation during any taxable year of the corporation (including any amount treated as a dividend under section 1373(b)) shall not be considered a dividend for purposes of section 37 or section 116 to the extent that such amount is a distribution of property out of earnings and profits of the taxable year as specified in section 316(a)(2). For purposes of this subsection, the earnings and profits of the taxable year shall be deemed not to exceed the corporation's taxable income (computed as provided in section 1373(d)) for the taxable year.

* * * * *

[Sec. 1375 as added by sec. 64(a), Technical Amendments Act 1958 (72 Stat. 1654); as amended by sec. 201(d)(13), Rev. Act 1964 (78 Stat. 32)]

PAR. 29. Section 1.1375-2 is amended to read as follows:

§ 1.1375-2 Dividends received exclusion and credit not allowed.

(a) *In general.* Under section 1375(b), the amounts includible in the gross income of a shareholder as dividends from an electing small business corporation (including amounts treated as dividends under section 1373(b)) are not considered dividends for purposes of section 34 (dividends received credit for dividends received on or before December 31, 1964), section 37 (retirement income credit), and section 116 (partial dividend exclusion) to the extent that such amounts are distributions out of the earnings and profits of the taxable year. For purposes of the preceding sentence, the earnings and profits of the taxable year are deemed not to exceed the corporation's taxable income (as defined in section 1373(d)). For rules as to the allocation of earnings and profits of the taxable year to distributions made during the year, see paragraphs (d) and (e) of § 1.1373-1.

(b) *Examples.* The following examples illustrate the application of section 1375(b) and paragraph (a) of this section:

Example (1). An electing small business corporation during the taxable year 1962 has taxable income (as defined in section 1373(d)) and earnings and profits of $10,000 for the taxable year and accumulated earnings and profits of $20,000 at the beginning of the taxable year. During the taxable year, the corporation distributes a dividend of $15,000 in money. Of the amount distributed, $10,000 is not entitled to the dividends received exclusion under section 116 or the credits under section 34 or 37, since it is paid out of the earnings and profits of the corporation's taxable year. The $5,000 paid out of accumulated earnings and profits is considered a dividend for purposes of the exclusion and credits.

* * * * *

PAR. 30. Paragraph (b)(1) of § 1.1441-3 is amended to read as follows:

§ 1.1441-3 Exceptions and rules of special application.

* * * * *

(b) *Corporate distributions*—(1) *Nontaxable portion.* The tax shall be withheld at the source under § 1.1441-1 on the gross amount of any distribution made by a corporation other than—

(i) A nontaxable distribution payable in stock or stock rights, and

(ii) A distribution which is treated as a distribution in part or full payment in exchange for stock.

This rule shall apply without regard to any claim that all or a portion of the distribution is not taxable under section 871 or 881. The tax shall be withheld on the gross amount of the distribution even though the payee may be entitled to the benefits of section 34, relating to the credit for dividends received by individuals (for dividends received on or before December 31, 1964), or section 116, relating to partial exclusion of dividends received by individuals. Appropriate adjustment, if any, will be made upon the payee's filing of a claim for refund, together with appropriate supporting evidence, in accordance with paragraph (h) of this section.

* * * * *

PAR. 31. Section 1.6012-1 is amended by revising paragraph (a)(7)(iii)(c) to read as follows:

§ 1.6012-1 Individuals required to make returns of income.

(a) *Individual citizen or resident.* * * *

(7) *Use of form 1040A by certain taxpayers with gross income less than $10,000.* * * *

(iii) *Credits not allowable.* * * *

(c) The credit provided by section 34 (for dividends received on or before December 31, 1964);

* * * * *

PAR. 32. Section 1.6014 is amended by revising subsection (a) of section 6014 and by adding a historical note. The amended and added provisions read as follows:

§ 1.6014 Statutory provisions; income tax return—tax not computed by taxpayer.

Sec. 6014. *Income tax return—tax not computed by taxpayer*—(a) *Election by taxpayer.* An individual entitled to elect to pay the tax imposed by section 3 whose gross income is less than $5,000 and includes no income other than remuneration for services performed by him as an employee, dividends or interest, and whose gross income other than wages, as defined in section 3401(a), does not exceed $100, shall at his election not be required to show on the return the tax imposed by section 1. Such election shall be made by using the form prescribed for purposes of this section and shall constitute an election to pay the tax imposed by section 3. In such case the tax shall be computed by the Secretary or his delegate who shall mail to the taxpayer a notice stating the amount determined as payable. In determining the amount payable, the credit against such tax provided for by section 37 shall not be allowed. In the case of a head of household (as defined in section 1(b) or a surviving spouse (as defined in section 2(b)) electing the benefits of this subsection, the tax shall be computed by the Secretary or his delegate without regard to the taxpayer's status as a head of household or as a surviving spouse.

* * * * *

[Sec. 6014 as amended by sec. 201(d)(14), Rev. Act 1964 (78 Stat. 32)]

PAR. 33. Section 1.6015(c)–1 is amended to read as follows:

§ 1.6015(c)–1 Definition of estimated tax.

In the case of an individual, the term "estimated tax" means the amount which the individual estimates as the amount of the income tax imposed by chapter 1 of the Code for the taxable year, minus the amount which he estimates as the sum of the credits against tax provided by part IV, subchapter A of such chapter. These credits are those provided by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds), section 33 (relating to foreign taxes), section 34 (relating to the credit for dividends received on or before December 31, 1964), section 35 (relating to partially tax-exempt interest), and section 37 (relating to retirement income). An individual who expects to elect to pay the optional tax imposed by section 3, or one who expects to elect to take the standard deduction allowed by section 144, should disregard any credits otherwise allowable under sections 32, 33, and 35 in computing his estimated tax since, if he so elects, these credits are not allowed in computing his tax liability. See section 36.

PAR. 34. Paragraph (b)(2) of § 1.6654–2 is amended to read as follows:

§ 1.6654–2 Exceptions to imposition of the addition to the tax in the case of individuals.

* * * * *

(b) *Meaning of terms.* * * *

(2) The credits against tax allowed by part IV, subchapter A, chapter 1 of the Code, are—

(i) In the case of the exception described in paragraph (a)(1) of this section, the credits shown on the return for the preceding taxable year,

(ii) In the case of the exception described in paragraph (a)(2) of this section, the credits shown on the return for the preceding taxable year, except that if the amount of any such credit would be affected by any change in rates or status with respect to personal exemptions, the credits shall be determined by reference to the rates and status applicable to the current taxable year, and

(iii) In the case of the exceptions described in paragraph (a) (3) and (4) of this section, the credits computed under the law and rates applicable to the current taxable year.

A change in rate may be either a change in the rate of tax, such as a change in the rate of the tax imposed by section 1, or a change in any percentage affecting the computation of the credit, such as a change in the rate of withholding under chapter 3 of the Code or a change in the percentage of dividends received specified in section 34(a) (for dividends received on or before December 31, 1964). The application of the preceding sentence may be illustrated by the following examples:

* * * * *

[F.R. Doc. 64–10517; Filed, Oct. 14, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SO–54]

CONTROL AREA EXTENSIONS, CONTROL ZONES AND TRANSITION AREAS

Proposed Revocation, Alteration, and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke the control area extensions at Kinston and Rocky Mount, North Carolina, alter the control zones at Goldsboro and Rocky Mount, North Carolina and designate transition areas at Kinston, Goldsboro and Rocky Mount, North Carolina.

The Kinston, North Carolina control area extension is presently designated within 9 miles NW and 5 miles SE of the Kinston VOR 047° radial extending from the VOR to 18 miles NE excluding the portion which coincides with R–5307.

The Rocky Mount, North Carolina, control area extension is presently designated within 5 miles either side of the Rocky Mount VOR 083° radial extending from the VOR to 15 miles E.

The Goldsboro, North Carolina, control zone is presently designated within a 5-mile radius of Seymour-Johnson AFB, Goldsboro, North Carolina; within 2 miles either side of the 261° bearing from the AFB extending from the 5-mile radius zone to 2 miles SW of the Seymour-Johnson AFB RBN.

The Rocky Mount, North Carolina, control zone is presently designated within a 5-mile radius of Rocky Mount Airport and within 2 miles either side of the Rocky Mount VOR 263° and 083° radials extending from the 5-mile radius zone to 10 miles E of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Goldsboro, Rocky Mount and Kinston, North Carolina, terminal areas, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace actions hereinafter set forth.

1. The Kinston and Rocky Mount, North Carolina, control area extensions would be revoked.

2. The Rocky Mount, North Carolina, control zone would be redesignated within a 5-mile radius of the Rocky Mount Municipal Airport (latitude 35°58′00″ N, longitude 77°47′30″ W).

3. The Goldsboro, North Carolina, control zone would be redesignated within a 5-mile radius of Seymour Johnson AFB (latitude 35°20′20″ N, longitude 77°57′50″ W); within 2 miles each side of the ILS localizer SW course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the 261° radial of the Seymour Johnson VOR extending from the 5-mile radius zone to 8 miles W of the VOR.

4. The Rocky Mount, North Carolina, transition area would be designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the 263° and 083° radials of the Rocky Mount VOR extending from the 5-mile radius control zone to 8 miles east of the VOR.

5. The Kinston, North Carolina, transition area would be designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the 047° radial of the Kinston VOR extending from the 5-mile radius control zone to 8 miles NE of the VOR.

6. The Goldsboro, North Carolina, transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Seymour Johnson Air Force Base (latitude 35°20′20″ N., longitude 77°57′50″ W.); within 2 miles each side of the ILS localizer SW course extending from the 8-mile radius area to 12 miles SW of the LOM; within 5 miles S and 8 miles N of the 253° radial of the Seymour Johnson VOR extending from the 8-mile radius area to 12 miles SW of the VOR; including that airspace extending upward from 1200 feet above the surface bounded on the N by the arc of a 55-mile radius circle centered at latitude 36°57′-44″ N., longitude 76°24′44″ W.; on the E by a line extending along the W boundary of V–1, until intercepting an arc of a 15-mile radius circle centered at the Kinston VOR, thence clockwise along the 15-mile radius circle to the W boundary of V–1W, thence SW along the W boundary of V–1W and V–213 to the S boundary of V–525; on the S by the S boundary of V–525; on the W by a line extending along longitude 78°30′00″ W. and on the NW by a line extending through latitude 35°30′00″ N., longitude 78°30′00″ W. and latitude 36°38′15″ N., longitude 77°19′15″ W.; including that airspace extending upward from 2700 feet MSL bounded on the N by the S boundary of V–525; on the E by the W

boundary of V–213; on the S by a line extending from latitude 34°17'45" N., longitude 78°25'30" W to latitude 34°18'-30" N., longitude 79°00'00" W.; on the W by a line extending from latitude 34°18'30" N., longitude 79°00'00" W. to the intersection of the S boundary of V–525 and longitude 78°30'00" W.

The proposed control zone alteration at Rocky Mount would delete the existing control zone extension beyond the 5-mile radius zone. This control zone extension would not be required for the protection of prescribed instrument approach and departure procedures since it is proposed to designate a 700-foot transition area within 2 miles each side of the 083° and 263° radials of the Rocky Mount VOR extending from the 5-mile radius control zone to 8 miles east of the VOR.

The proposed control zone alteration and 700-foot transition area designation at Goldsboro are required to protect prescribed instrument approach and departure procedures at Seymour Johnson AFB.

The 1,200-foot above ground level and 2,700-foot above mean sea level transition areas are required for the protection of prescribed instrument approach and departure procedures at Rocky Mount, Kinston and Goldsboro, North Carolina. They are also required for the protection of approved holding patterns and aircraft being radar vectored by Raleigh Approach Control through utilization of remoted radar from the vicinity of Benson, North Carolina.

The floors of airways which traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic 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 Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

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

Issued in East Point, Ga., on September 29, 1964.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 64–10508; Filed, Oct. 14, 1964; 8:48 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SW–120]

CONTROL ZONES, TRANSITION AREAS, AND CONTROL AREA EXTENSION

Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Fort Smith, Ark., terminal area.

The following controlled airspace is presently designated in the Fort Smith, Ark., terminal area:

1. The Fort Smith, Ark., control zone is designated as that airspace within a 5-mile radius of Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'10" W.); within 2 miles either side of the Fort Smith VORTAC 234° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the Fort Smith ILS localizer E course extending from the 5-mile radius zone to the OM.

2. The McAlester, Okla., control zone is designated as that airspace within a 5-mile radius of McAlester Municipal Airport (latitude 34°53'05" N., longitude 95°46'55" W.).

3. The Fort Smith, Ark., control area extension is designated as that airspace within a 25-mile radius of the Fort Smith VORTAC extending clockwise from the W boundary of V–13 S of Fort Smith to the N boundary of V–74 E of Fort Smith.

4. The Tulsa, Okla., control area extension is designated as that airspace within a 25-mile radius of latitude 36°12'55" N., longitude 95°51'31" W.; that airspace SW of Tulsa bounded on the NW by V–14, on the SE by V–15 and on the SW by V–163; that airspace S of Tulsa bounded on the W and NW by V–15, on the E and SE by a line 5 miles E of and parallel to the McAlester, Okla., VORTAC 008° radial extending from the S boundary of V–74 to the McAlester VORTAC, on E and SE by a line 5 miles E of and parallel to a direct line extending between the McAlester VORTAC and the Dallas, Tex., VORTAC, and on the S by the Sherman, Tex., Perrin AFB control area extension.

5. The Sherman, Tex., control area extension is designated as that airspace within a 70-mile radius of Perrin AFB, Sherman, Tex. (latitude 33°42'48" N., longitude 96°40'29" W.), bounded on the S by V–16, and on the W and NW by V–15; the airspace within a 15-mile radius of Cox Field, Paris, Tex., and the airspace NE of Sulphur Springs, Tex., bounded on the N by V–278, on the SE by V–16 N, and on the W by the Perrin 70-mile radius area; including the airspace NE of Sherman bounded on the E by a line 5 miles E of and parallel to a straight line from the Sulphur Springs VOR to the McAlester, Okla., VORTAC, and on the NW by the Tulsa, Okla., control area extension.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Fort Smith, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, proposes the following airspace actions:

1. Redesignate the Fort Smith, Tex., control zone as that airspace within a 5-mile radius of Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.); within 2 miles each side of the Fort Smith VORTAC 233° radial, extending from the 5-mile radius zone to 0.5 mile SW of the VORTAC, and within 2 miles each side of the Fort Smith ILS localizer E course extending from the 5-mile radius zone to 1 mile W of the OM.

2. Redesignate the McAlester, Okla., control zone as that airspace within a 3-mile radius of McAlester Muncipal Airport (latitude 34°53'05" N., longitude 95°46'55" W.).

3. Designate the Davis Field, Muskogee, Okla., control zone as that airspace within a 5-mile radius of Davis Field, Muskogee, Okla., (latitude 35°39'25" N., longitude 95°21'40" W.); within 2 miles each side of the 128° bearing from the Muskogee RBN, extending from the 5-mile radius zone to 8 miles SE of the RBN, from 0900 to 1700 hours, local time, daily.

4. Revoke the Fort Smith, Ark., control area extension.

5. Designate the Fort Smith, Ark., transition area as that airspace extending upward from 700 feet above the surface within a 12-mile radius of the Fort Smith Municipal Airport (latitude 35°-20'10" N., longitude 94°22'04" W.); within 5 miles N and 8 miles S of the Fort Smith VORTAC 053° radial, extending from the 12-mile radius area to 12 miles NE of the VORTAC; and within 8 miles N and 5 miles S of the Fort Smith ILS localizer E course, extending from the 12-mile radius area to 12 miles E of the OM; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at

Latitude 36°12'00" N., longitude 94°28'00" W.; to latitude 35°43'00" N., longitude 94°-20'00" W.; to latitude 35°42'00" N., longitude 94°09'00" W.; to latitude 35°58'00" N., longitude 93°58'30" W.; to latitude 35°23'30" N., longitude 93°29'00" W.; to latitude 35°-14'30" N., longitude 93°31'00" W.; to latitude 34°25'00" N., longitude 94°00'00" W.; to latitude 34°25'00" N., longitude 94°39'30" W.; to latitude 35°11'30" N., longitude 94°-54'00" W.; to latitude 34°33'30" N., longi-

tude 95°37'30" W.; to latitude 34°33'30" N., longitude 95°58'30" W.; to latitude 35°11'-00" N., longitude 95°55'00" W.; to latitude 35°46'00" N., longitude 95°30'00" W.; to latitude 35°46'00" N., longitude 95°06'30" W.; to the point of beginning.

6. Designate the McAlester, Okla., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the McAlester, Okla., Airport (latitude 34°53'-05" N., longitude 95°46'55" W.); within 2 miles each side of the McAlester VOR 176° radial extending from the 5-mile radius area to 8 miles S of the VOR.

7. Designate the Muskogee, Okla., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Davis Field, Muskogee, Okla. (latitude 35°39'-25" N., longitude 95°21'40" W.); and within 8 miles SW and 5 miles NE of the 128° bearing from the Muskogee RBN extending from the 7-mile radius area to 12 miles SE of the RBN.

The floors of the airways and the portions of the Tulsa, Okla., and Sherman, Tex., control area extensions that would traverse the transition areas proposed herein would automatically coincide with the floor of the transition areas.

The proposed control zones for Fort Smith, Ark., McAlester, Okla., and Muskogee, Okla., would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Fort Smith Municipal, the McAlester Municipal, and the Davis Field Airports. The Muskogee control zone would be part-time since communications and weather services are not available on a full-time basis.

The proposed designation of the 1,200 foot floor portion of the Fort Smith transition area and the revocation of the Fort Smith control area extension would raise the floor of the controlled airspace beyond the immediate vicinity of the Fort Smith Municipal, McAlester Municipal, and Davis Field Airports from 700 to 1,200 feet above the surface, yet the transition areas proposed would provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures and turns on airways/routes in the Fort Smith terminal area.

The revocation of the Tulsa, Okla., and Sherman, Tex., control area extensions will be accomplished at a later date as a part of the CAR Amendments 60–21/60–29 program proposed for the terminal areas which adjoin the Fort Smith terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. 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, Air Traffic 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 Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

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

Issued in Fort Worth, Tex., on October 6, 1964.

ARCHIE W. LEAGUE,
Director, Southwest Region.

[F.R. Doc. 64–10509; Filed, Oct. 14, 1964; 8:48 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64–CE–37]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would designate a VOR Federal airway between Rockford, Ill., and Bradford, Ill., via the Polo, Ill., VOR.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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. The proposal contained in this notice may be changed in the light of comments received.

An 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. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The latest Federal Aviation Agency IFR peak day traffic showed 16 aircraft movements between Rockford and Bradford. It is desirable to contain such air traffic within controlled airspace and on an airway. Extreme difficulty has been experienced in routing Rockford air traffic to and from the south via airways over Joliet, Ill., due to its proximity to the heavy traffic in the Chicago, Ill., Metropolitan Area. The proposed route would avoid this complex. Further, the airway would simplify arrivals and departures in the Rockford terminal area by providing independent arrival and departure routes. Southbound traffic would be routed via the proposed airway over the Polo, Ill., VORTAC. The arrival traffic would be routed from the south over the Polo VORTAC to the Rockford LOM via an established transition.

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

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

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–10510; Filed, Oct. 14, 1964; 8:48 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64–CE–60]

TRANSITION AREA, CONTROL ZONE AND CONTROL AREA EXTENSION

Proposed Designation, Redesignation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Eau Claire, Wis., terminal area.

The following controlled airspace is presently designated in the Eau Claire, Wis., terminal area:

1. The Eau Claire, Wis., control zone is designated as that airspace within a 5-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.), and within 2 miles either side of the Eau Cla.re VOR 004° radial, extending from the 5-mile radius zone to 10 miles N. of the Eau Claire VOR.

2. The Eau Claire, Wis., control area extension is designated as that airspace within a 15-mile radius of Eau Claire VOR and within 5 miles either side of the Eau Claire VOR 004° radial extending from the VOR to 20 miles N.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Eau Claire, Wis., terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60–21/60–29, proposes the following airspace actions:

1. Revoke the Eau Claire, Wis., control area extension.

2. Redesignate the Eau Claire, Wis., control zone as that airspace within a 5-mile radius of Eau Claire Municipal Airport (latitude 44°51'47" N., longitude 91°29'13" W.), and within 2 miles each side of the 274° bearing from Eau Claire Municipal Airport, extending from the 5-mile radius zone to 8 miles W of the airport.

3. Designate the Eau Claire, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Eau Claire Municipal Airport (latitude 44°51'47" N., longitude 91°29'13" W.), and within 2 miles each side of the Eau Claire VOR 011° radial, extending from the 7-mile radius area to 8 miles N of the VOR, and within 2 miles each side of the 319° bearing from Eau Claire Municipal Airport, extending from the 7-mile radius to 8 miles NW of the airport; and that airspace extending upward from 1200 feet above the surface within 8 miles W and 5 miles E of the Eau Claire VOR 011° radial, extending from the VOR to 13 miles N, and within 8 miles SW and 5 miles NE of the 319° bearing from Eau Claire . Municipal Airport, extending from the airport to 12 miles NW, and within 8 miles S and 5 miles N of the 274° bearing from Eau Claire Municipal Airport, extending from the airport to 12 miles W.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The replacement of the Eau Claire, Wis., control area extension by the Eau Claire, Wis., transition area will reduce the amount of controlled airspace designated in the Eau Claire, Wis., terminal area and will make additional airspace available for other uses. Sufficient controlled airspace will be retained to provide adequate protection for aircraft executing prescribed holding, arrival, and departure procedures within the Eau Claire terminal area. The proposed control zone modification will eliminate the existing control zone extension which is no longer required. It will also add an extension to the west to provide protection for aircraft executing special ADF instrument approach procedures. The control zone radius will remain the same.

Certain minor revisions to prescribed instrument procedures would be affected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

Specific details of the changes in procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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 Regional Air Traffic Division Chief. 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 public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on October 6, 1964.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 64-10511; Filed, Oct. 14, 1964; 8:48 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-61]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace at Fremont, Mich.

Having completed a comprehensive review of airspace requirements at Fremont, Mich., including studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to establish a transition area at Fremont, Mich.

The proposed Fremont transition area would be designated to comprise that airspace extending upward from 700 feet above the surface within a 4-mile radius of Fremont Airport, Fremont, Mich. (latitude 43°26'30" N., longitude 85°59'-30" W.) and within 2 miles each side of the White Cloud, Mich., VOR 236° radial, extending from the 4-mile radius area to 23 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the White Cloud VOR 236° radial, extending from 5 miles SW of the VOR to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.) excluding the portion within the White Cloud, Mich., transition area.

A public instrument approach procedure will be established at Fremont, Mich., concurrently with the designation of the proposed transition area. The configuration of the proposed transition area is based upon the airspace required for the proposed approach procedure, holding pattern, and random departures for the airport. The proposed transition area would provide protection for aircraft executing prescribed instrument approach and departure procedures at the airport. Communications will be available down to 100 feet above the surface through the Federal Aviation Agency combined Station/Tower at Muskegon, Mich.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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 Regional Air Traffic Division Chief. 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 public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on October 6, 1964.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 64-10512; Filed, Oct. 14, 1964; 8:48 a.m.]

[14 CFR Parts 71, 73 [New]]

[Airspace Docket No. 64-WE-6]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Agency is considering amendments to Parts 71 and 73 [New] of the Federal Aviation Regulations which would designate a restricted area at Tracy, Calif., and alter VOR Federal airway No. 244 south alternate and the Stockton, Calif., transition area to exclude such special use airspace therefrom.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. 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. The proposal contained in this notice may be changed in the light of comments received.

An 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. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Atomic Energy Commission has requested the designation of Restricted Area R–2531 near Tracy, Calif. This area of approximately seven square miles would encompass an established site for the testing of conventional explosives associated with nuclear weapons. The objective of the mission at the test site is to design more powerful, yet less sensitive, conventional explosives. The explosives being tested are contained in metal casings which, when detonated, result in fragmentation. The Atomic Energy Commission has advised that such fragmentation is extremely hazardous to aircraft flying in the area at an altitude of less than 2,700 feet above the detonation points.

If the proposal is adopted, Parts 71 and 73 [New] of the Federal Aviation Regulations would be amended as hereinafter set forth.

1. In § 73.25, the Tracy, California Restricted Area R–2531 would be designated as follows:

Boundaries. Beginning at latitude 37°40'-34'' N., longitude 121°33'42'' W.; to latitude 37°40'45'' N., longitude 121°31'29'' W.; to latitude 37°39'28'' N., longitude 121°30'28'' W.; to latitude 37°38'50'' N., longitude 121°-31'05'' W.; to latitude 37°39'03'' N., longitude 121°34'03'' W.; thence to the point of beginning.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. 1,000 to 1,800, local time, Monday through Friday.

Using Agency. U.S. Atomic Energy Commission, San Francisco Operations Office.

2. In § 71.123, Victor Airway No. 244 would be amended by adding to the text "The airspace within R–2531 is excluded."

3. In § 71.181, Stockton, Calif., would be amended by adding to the text "The airspace within R–2531 is excluded."

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

Issued in Washington, D.C., on October 9, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–10513; Filed, Oct. 14, 1964; 8:48 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63–SO–102]

TEMPORARY RESTRICTED AREA

Proposed Redesignation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations, the substance of which is stated below.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number 63–SO–102 and be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553, for examination by interested persons An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

The Jacksonville West, Florida, Restricted Area R–2903D is presently designated for joint use from the surface to flight level 240 east of longitude 82°02'-00'' and from 1,200 feet AGL to flight level 240 west of longitude 82°02'00''. The Commander, Fleet Air, Jacksonville, NAS Jacksonville, Florida, is the using agency and the Federal Aviation Agency, Jacksonville ARTC Center is the controlling agency. Time of designation is continuous to terminate December 31, 1964.

The Department of Navy now requests the following:

1. That R–2903D be designated a permanent restricted area with subarea R–2903D east.

2. That the effective upper limit altitude of R–2903D and R–2903D east be specified as 1,000 feet below the floor of APC.

3. That the floor of R–2903D be specified as 1,200 AGL.

4. That the floor of R–2903D east be specified as from the surface.

The Federal Aviation Agency analysis of this area indicates the activity presently conducted therein will require special use airspace until local procedures can be developed to safely segregate the activity from non-participating aircraft. It had been anticipated that the appropriate segregating procedures would be developed prior to the expiration of the area, December 31, 1964. However, although many improvements and refinements in traffic handling procedures have been implemented in the Jacksonville terminal area complex, it has been determined that additional measures are required. The area is under continuing study by the Federal Aviation Agency and action is being taken to provide the facilities which will permit the development of the required procedures. After the procedures are developed, the restricted area will be revoked. Therefore, designation of R–2903D on a permanent basis is neither necessary nor in the public interest.

The Navy's proposal to designate that part of R–2903D east of longitude 82°-02'00'' W. as a subarea is valid. The floor of R–2903 east of longitude 82°02'-00'' W. is the surface whereas the floor to the west is 1,200 feet AGL. The present description of the area and the means of depicting the two floors of R–2903D on aeronautical charts has resulted in considerable confusion among civilian pilots. Therefore, redesignation of R–2903D as two separate areas, clearly described on aeronautical charts is desirable to eliminate the confusion.

The proposal that the effective upper limit of each area be established as 1,000 feet below the overlying APC would result in the lowering of the present ceiling, FL 240, by 1,000 feet. This is desirable since it would reduce the amount of airspace presently restricted.

For the reasons stated above the Federal Aviation Agency, upon expiration of the present designation, is therefore proposing the following:

1. That R–2903D be divided into two areas, R–2903D Jacksonville West and R–2903E Jacksonville North, each to be designated on a continuous basis until December 31, 1965.

2. That the areas be described as follows:

a. R–2903D Jacksonville West, Florida.

Boundaries. Beginning at latitude 30°-21'32'' N., longitude 82°02'00'' W.; to latitude 29°56'00'' N., longitude 82°02'00'' W.; counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°53'20'' N., longitude 82°00'25'' W.; to latitude 29°53'30'' N., longitude 82°04'00'' W.; to latitude 30°00'00'' N., longitude 82°-19'30'' W.; to latitude 30°03'00'' N., longitude 82°20'00'' W.; to latitude 30°22'00'' N., longitude 82°20'00'' W. to point of beginning.

Designated altitudes. 1,200 feet AGL to 23,000 feet MSL.

Time of designation. Continuous, terminating December 31, 1965.

Controlling Agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using Agency. Commander Fleet Air, Jacksonville, NAS Jacksonville, Fla.

b. R–2903E Jacksonville North, Fla.

Boundaries. Beginning at latitude 30°-15'30'' N., longitude 81°51'00'' W.; to latitude 30°15'30'' N., longitude 82°02'00'' W.; to latitude 30°21'32'' N., longitude 82°02'00'' W.; to latitude 30°21'20'' N., longitude 81°-55'45'' W., to point of begininng.

Designated altitude. Surface to 23,000 feet feet MSL.

Time of designation. Continuous, terminating December 31, 1965.

Controlling Agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using Agency. Commander Fleet Air, Jacksonville, NAS Jacksonville, Fla.

Issued in Washington, D.C., on October 9, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-10514; Filed, Oct. 14, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 21, 74, 91]

[Docket No. 15586; FCC 64-912]

LICENSING OF MICROWAVE RADIO STATIONS USED TO RELAY TELEVISION SIGNALS TO COMMUNITY ANTENNA TELEVISION SYSTEMS

Extension of Time for Filing Comment

Memorandum opinion and order. 1 The Commission has before it for consideration requests by National Community Television Association, Inc. (NCTA), National Association of Microwave Common Carriers, Inc. (NAMCC), Electronic Industries Association (EIA), and Collins Radio Company (Collins) for extension of the time for filing comments in the above-captioned docket. By order of September 28, 1964, the initial due date of October 1, 1964 was extended pending further order of the Commission to permit full consideration of these requests, some of which are for substantial extension. NCTA and NAMCC seek a six month extension to April 1, 1965 for comments on Parts II, III, and IV of the rule making (concerning frequency allocations and technical standards) in order to conduct a number of fact finding and technical studies, and a three month extension to January 4, 1965 for comments on Part I (common carrier eligibility and showing of public need). EIA seeks a three month extension for unspecified field tests and related studies on the technical proposals; and Collins requests 30 days to complete its comments on technical and equipment matters.

2. Because of the length of the extensions requested by NCTA and NAMCC and the public interest in completing this proceeding without undue delay, we have given careful consideration to the nature of the studies asserted as grounds for extension. While all of the proposed studies may have some merit, it is our judgment that only some of these studies would be sufficiently useful to our resolution of the technical and allocation matters at issue in this Docket to warrant an extension of six months. Such studies are:

(a) Actual tests of microwave system performance in the 6 Gc/s and 11 Gs/c bands;

(b) Actual tests of microwave system performance in the 12 Gc/s band, using bandwidths of 25 Mc/s and the 12.5 Mc/s bandwidth and overlap of side bands alternatively proposed in par. 31 of the notice of proposed rule making;

(c) Studies of AM versus FM for relaying television signals via microwave;

(d) Factual data showing the present costs of radio equipment (transmitters, receivers, antennas), and complete installation, for:

(i) 6 Gc/s and 11 Gc/s systems;

(ii) 12 Gc/s systems operating under present technical standards and under the standards proposed in pars. 31 and 32 of the notice of proposed rule making;

(e) Studies showing the relative costs and relevant performance factors per hop of systems using periscope versus tower mounted antennas in the 6 Gc/s, 11 Gc/s and 12 Gc/s bands;

(f) An estimate of the expected demand upon the microwave spectrum for facilities to serve CATV cable systems, in terms of numbers of systems and numbers of microwave channels.

3. For the purpose of obtaining this information, we have decided to grant an extension of six months for comments on Part II (common carrier allocations) and Part IV (technical standards) of the rule making, upon condition that NCTA and NAMCC concentrate their efforts on the matters designated above and file written reports on the progress of such studies within 90 days. NCTA and NAMCC may, of course, proceed with any other studies they desire, to the extent that this can be done within the allotted time period without precluding full development of information on the specified matters. Since this six month period will more than accommodate the extensions sought by EIA and Collins for unspecified technical studies, their requests are deemed moot.

4. We do not think that the public interest would be served by extending the time for comment on Part I (common carrier eligibility) or Part III (non-common carrier frequency allocation) for the six or three month period requested by NCTA and NAMCC. Our intention to spin-off parts of the rule making for early decision in the event some portions required more lengthy consideration, was indicated in par. 41 of the notice of proposed rule making. Part I is readily severable, since the issue is one of policy and not dependent upon technical matters, and an early resolution is required in the public interest to facilitate the processing of common carrier applications. We also believe it feasible and desirable to determine the appropriate frequency band location of non-carrier CATV operations in advance of determining what technical standards would govern such operations and how much of the band would ultimately be used for this purpose. Interested persons have already had two months for comment on these matters and we cannot find it in the public interest to extend the time for initial comment for more than an additional 45 days.

Accordingly, it is ordered, That the time for filing comments and reply comments on Parts I and III of Docket No. 15586 is extended to November 16, 1964 and December 4, 1964, respectively, and the time for filing comments and reply comments on Parts II and IV of Docket No. 15586 is extended to April 1, 1965 and May 3, 1965, respectively.

Adopted: October 7, 1964.

Released: October 12, 1964.

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

[F.R. Doc. 64-10531; Filed, Oct. 14, 1964; 8:50 a.m.]

Notices

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 489]

LOUISIANA, MISSISSIPPI, AND ALABAMA

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1964, because of the effects of certain disasters, damage resulted to residences and business property located in the States of Louisiana, Mississippi, and Alabama;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid States and areas adjacent thereto; suffered damage or destruction resulting from Hurricane Hilda and accompanying conditions occurring on or about October 3 and 4, 1964.

OFFICES

Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.
Small Business Administration Regional Office, 1025 Elm Street, Dallas, Tex.
Small Business Administration Branch Office, 610 South Street, New Orleans, La.
Small Business Administration Branch Office, Capital and West Streets, Jackson, Miss.
Small Business Administration Branch Office, 2030 First Avenue, North, Birmingham, Ala.

2. Temporary offices will be established as need is indicated and addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1965.

Dated: October 5, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64–10471; Filed, Oct. 14, 1964; 8:45 a.m.]

[Declaration of Disaster Area 490]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1964, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Val Verde in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about September 21 through 23, 1964.

OFFICES

Small Business Administration Regional Office, 1025 Elm Street, Dallas, Tex.
Small Business Administration Branch Office, 434 South Main Avenue, San Antonio, Tex.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1965.

Dated: October 5, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64–10472; Filed, Oct. 14, 1964; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

POLK COUNTY AUCTION CO. ET AL.

Proposed Posting of Stockyards

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

Polk County Auction Co.
Mena, Ark.
Ogden Live Stock Sales
Ogden, Iowa.
Gibson Livestock Co., Inc.
Marion, Ky.
Park Valley Horse Farm
Kansas City, Mo.
College View Live-Stock Commission Co.
Lincoln, Nebr.
Fitzgerald Sales Stables, Inc.
Potsdam, N.Y.
Madill Stockyards
Madill, Okla.
Mercer Livestock Yards
Mercer, Pa.
Valley Stock Yard
Mercedes, Tex.
Wisconsin Dairy Herd Replacement and Livestock Marketing Cooperative, Division of Wisconsin Feeder Pig Marketing Cooperative
Dorchester, Wis.

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

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 9th day of October 1964.

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

[F.R. Doc. 64–10487; Filed, Oct. 14, 1964; 8:46 a.m.]

Agricultural Stabilization and Conservation Service

CERTAIN OFFICERS

Delegation of Authority

General. Pursuant to the authority vested in me by the Processor Wheat Marketing Certificate Regulations (29 F.R. 6271, as amended), I hereby delegate to the individuals designated below the responsibilities which are described below. The authority herein delegated shall be exercised in conformity with the requirements of the Processor Wheat Marketing Certificate Regulations and may not be redelegated .

Delegations—1. *Transition Certificates.* The Director or Acting Director, Procurement and Sales Division, may extend the time within which transition certificates shall be valid under Section 777.6.

2. *Acquisition and Surrender of Certificates.* The Director or Acting Director, Kansas City ASCS Commodity Office may extend the time for the acquisition and surrender of certificates under

Section 777.11 by food processors who have entered into an undertaking with CCC and by food processors who have not entered into an undertaking with CCC.

3. *Undertaking Performance Security.* The Director or Acting Director, Kansas City ASCS Commodity Office may determine whether a food processor who has entered into an undertaking with CCC must submit a bond or letter of credit to secure performance of the food processor's obligation under the regulations, and, if so, the time within which such performance security must be submitted and the form and amount of such performance security.

4. *Food Processing Reports.* The Director or Acting Director, Kansas City ASCS Commodity Office, may in accordance with Section 777.12: (i) change a processing report period; (ii) extend the period within which processing reports must be submitted to the Kansas City ASCS Commodity Office; and (iii) determine the extent to which an error in reporting was due to an honest mistake and was not intentional or the result of gross negligence. The Director or Acting Director, Procurement and Sales Division, may approve a change under Section 777.12 in the basis of reporting by a food processor during a marketing year from the weight of the wheat basis to a conversion factor basis or from a conversion factor basis to the weight of the wheat basis.

5. *Casualty Losses.* The Director or the Acting Director, Kansas City ASCS Commodity Office, may determine under Section 777.16 whether a food product was destroyed or rendered unmarketable for use as a food product as a result of a fire, casualty, or Act of God prior to sale or removal for sale or consumption.

(Secs. 379(a) to 379(j), 52 Stat. 31, as amended; 7 U.S.C. 1379a to 1379j)

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

H. D. GODFREY,
Administrator.

[F.R. Doc. 64-10539; Filed, Oct. 14, 1964; 8:51 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

October 1964 CCC Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during October 1964 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, dry beans, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, and soybeans.

Cottonseed oil and export pricing of flaxseed are being withdrawn from the sales list for October.

With the 1964-crop marketing year beginning on October 1 for corn and soybeans, the CCC Monthly Sales List for October includes formula minimum pricing for these commodities based on the 1964 price support program.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washingon. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for October 1964 are 4 percent for periods up to and including 12 months, and 4½ percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program.

The following commodities are available for programming under Title IV, P.L. 480, private trade agreements: Wheat, corn, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programming. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Cotton, tobacco, wheat, corn, and grain sorghum. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programming.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal,

or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, § 379.10(c) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Barley, bulk	Domestic and export, unrestricted use: Storable: Market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [3] of the applicable 1964 price support rate (published price support loan rate plus 12 cents per bu.) for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown below. Nonstorable: At not less than market price as determined by CCC.

Markups and Agricultural Act of 1949 formula price examples (per bushel).

Markup in cents received by		Examples of in-store [2] formula minimum prices for No. 2 or better barley (ex-rail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
Cents 9½	*Cents* 4½	Minneapolis, Minn.	$1.25½
		Kansas City, Mo.	1.27½

Availability information: For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

Export announcement sales:

(1) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in table above. Sale is made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted in arriving at credit sales prices.

Available: Evanston and Kansas City ASCS offices. Stocks at West Coast seaboard terminals and stocks at Duluth or Minneapolis will be available through the Portland and Minneapolis ASCS grain offices, respectively.

Corn, bulk	Domestic and export—unrestricted use: A. Redemption of domestic payment-in-kind certificates: [1] Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1964 price support loan rate for the class, grade, and quality of the corn, plus the amount shown in C below applicable for the storage point involved. B. General sales: [1] 1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [3] of the applicable 1964 price support rate (published price support loan rate plus 15 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per bushel).

Markup in cents in-store at		Example of in-store [2] formula minimum prices for No. 2 yellow corn (14 percent MT. and 2 percent F.M.) (ex-rail or barge in dollars)	
Production point	Other points	Terminal	General sales price
Cents 0	*Cents* 1½	Minneapolis, Minn. [4]	$1.34¾
		Chicago, Ill. [4]	1.53½

D. Availability information: For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

Export announcement sales:

(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the above announcements. CCC stocks of corn at West Coast seaboard terminals are available for sale under these export announcements, except such corn shall not be eligible for Title I, P.L. 480 purchase authorization or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit and barter sales prices.

Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Cotton, upland	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. Competitive offers under the terms and conditions of Announcement NO-C-26 (Disposition of Upland Cotton—for exchange of PIK certificates or rights in the certificate pool for upland cotton). Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcement CN-EX-25 (Cotton Export Program—Sales—1964-66 Marketing Years) and NO-C-29 (Sale of Upland Cotton—Cotton Export Program—1964-66 Marketing Years). Export, CCC Credit Sales and Barter: Competitive bid under the terms and conditions of Announcement CN-EX-23 (Purchase of Upland Cotton for Export under the Export Credit Sales Program), Announcement CN-EX-24 (Acquisition of Upland Cotton for Export under the Barter Program), and Announcement NO-C-28 (Sale of Upland Cotton—CCC Credit and Barter Programs—1964-66 Marketing Years).
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton); or competitive bid under the terms and conditions of Announcements CN-EX-22 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton).
Available	Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the office.
Dairy products	Sales are in carlots only in-store at storage location of products. Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound. Export: Payment-in-kind under SM-7, as amended. Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any butter offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Monday noon at prices announced by press release from Minneapolis ASCS Commodity Office each Tuesday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any cheese offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Monday noon at prices announced by press release from Minneapolis ASCS Commodity Office each Tuesday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound. Export: Payment-in-kind under SM-8, as amended. Competitive bid, under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office.

See footnotes at end of table.

Commodity	Sales price or method of sale
Dry edible beans (bagged)	Unrestricted use: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and locations adjust by applicable 1964 price support differentials.

Class	Price per cwt.	Area of production
Large Lima	$10.83	California.
Dark Red Kidney	9.11	Michigan.
Pea	7.42	Michigan.
Great Northern	7.49	Denver rate basis.
Pinto	6.72	Denver rate basis.

Commodity	Sales price or method of sale
Flaxseed, bulk	Domestic, unrestricted use: Storable: Market price basis in-store,[2] but not less than the applicable 1964 support price for the class, grade, and quality of the flaxseed plus 14½ cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Unit	Received by		Examples of minimum prices (ex-rail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
Bushel	*Cents* 12½	*Cents* 4½	Minneapolis	No. 1	$3.32

Commodity	Sales price or method of sale
Grain sorghum, bulk	Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office. Available: Through the Minneapolis Grain Merchandising ASCS office. Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of grain sorghum, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1964 price support loan rate for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. B. General sales:[1] 1. Storable: Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [3] of the applicable 1964 price support rate (published price support loan rate plus 23 cents per hundredweight) for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

Commodity	Sales price or method of sale

Grain sorghum, bulk (continued)

Domestic and export, unrestricted use—Continued

C. Markups and Agricultural Act of 1949 formula price examples (per hundredweight).

Markup in cents received by		Examples of in-store [2] formula minimum prices for No. 2 or better grain sorghum (ex-rail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
Cents 18½	*Cents* 7½	Kansas City, Mo	$2.55½

D. Availability information: For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland or Minneapolis ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghum in-store in California terminals are not available for sale under these export announcements. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provision of these export sales announcements of 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Oats, bulk

Domestic and export: [1]
Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [3] of the applicable 1964 price support rate for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point of production to the present point of storage will also be added.

Per bushel markup in-store at		Examples of per bushel formula minimum prices basis in-store		
Production point	Other points	Terminal	Grade and class	Price
Cents 4½	*Cents* 6	Chicago,[5] Ill	No. 2 (or better)	$0.87½
		Minneapolis,[6] Minn		.77¼

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at end of table.
Export announcement sales:
(1) Under Announcement GR-368 (Rev. Aug. 31, 1959) as amended for feed grain export payment-in-kind programs. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and other designated sales. Oats will not be sold for application to Title I, or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

Commodity	Sales price or method of sale

Peanuts, shelled or unshelled (farmers' stock as available).

Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended and supplemented March 3, 1964.
Domestic for unrestricted use 1962-crop shelled Va. type. Competitive bids Peanut Announcement 3 revised. Minimum sales prices reflect not less than 105 percent of the current support price plus reasonable carrying charges. Minimum prices per pound f.o.b. Suffolk and Courtland, Virginia or Severn, North Carolina:
U.S. Extra Large 26.77
U.S. Medium 24.34

Rice, rough

Domestic, unrestricted use: Market price but not less than 1964 loan rate plus 5 percent, plus 19 cents per hundredweight, basis in store.
Export: As milled or brown under Announcement GR-369, Revision II, Rice Export Program—Payment-in-kind, and under GR-379, Revision I, for approved credit sales.

Available

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

Rye, bulk

Domestic and export,[1] unrestricted use:
Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [3] of the applicable 1964 price support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Per bushel markup received by		Examples of per bushel formula minimum price (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 10½	*Cents* 4½	Minneapolis, Minn	No. 2 or better (or No. 3 on TW only).	$1.40½

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table.
Export:
(1) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for approved CCC credit and other designated sales. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit sales prices.
Available: Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.

Soybeans, bulk

Domestic or export: Market price, but not less than the 1963 basic loan rate for No. 2 grade, basis point of production plus 19 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price.
Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City and Minneapolis ASCS offices.

Commodity	Sales price or method of sale
Wheat, bulk	Domestic or export, unrestricted use: A. Storable: The minimum price at which wheat shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such wheat determined by CCC, or, (c) the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1964 price support loan rate for the class, grade, and quality [4] of the wheat plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price. B. Nonstorable: Such dispositions of nonstorable wheat as CCC may designate will be made at not less than market price, as determined by CCC. C. Markups and formula minimum price examples.

Per bushel markup received by		Examples of per bushel formula minimum price basis in-store [2] ex-rail or barge		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 10½	*Cents* 4½	Chicago	No. 1 RW	$1.69½
		Minneapolis	No. 1 DNW	1.76½
		Kansas City	No. 1 HW	1.65½
		Portland	No. 1 SW	1.59½

D. Availability information: For information on CCC wheat sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of wheat from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

Export announcement sales:

(1) Under Announcement GR-345 (Revised July 13, 1962) as amended for export under the wheat export payment-in-kind program except that (a) durum wheat will not be eligible for P.L. 480, Title I sales, and (b) hard winter wheat exports through west coast ports will not be eligible for Title I, P.L. 480 sales, (2) under Announcement GR-261 (Rev. 2, Jan. 9, 1961 as amended) for export as wheat and under Announcement GR-262 (Rev. 2, Jan. 9, 1961) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Hard winter wheat will not be sold through west coast ports under Announcements GR-261 or GR-262.

Available: Evanston, Kansas City, Minneapolis and Portland ASCS grain offices. (See above for limited availability of hard winter wheat through west coast ports.)

[1] Such dispositions shall be for domestic unrestricted use or for export.

[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.

[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.

[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.

[5] Woodford County, Ill., origin.

[6] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0860.

Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: 226-3411.

Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic and Export Sales), Arizona and California (Export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121.

Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529-2411.

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraiser's Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556-6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 407, 63 Stat. 1066; Sec. 105(c), 63 Stat. 1051, as amended by 76 Stat. 612; Secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on October 8, 1964.

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

[F.R. Doc. 64-10454; Filed, Oct. 14, 1964; 8:45 a.m.]

Office of the Secretary

KANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Kansas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Cheyenne. Sherman.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 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 12th day of October 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-10540; Filed, Oct. 14, 1964; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 340]

ARIZONA

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

OCTOBER 7, 1964.

1. Plat of Survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10 a.m., November 12, 1964:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 24 E.,
Sec. 1;
Secs. 3 to 31, inclusive;
Secs. 33 to 35, inclusive.

The areas described aggregate 20,931.57 acres of public land.

2. The soil is rocky and gravelly clay. The southwest three-quarters of the area is rolling land and the northeast one-quarter consists of high mountain land.

3. All rights of the State of Arizona on section 16 have been conveyed to the United States. The area described aggregates 640.00 acres.

4. The lands described in paragraph 1 are opened to petition, application and

selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

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

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

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. on November 12, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

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

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 64-10480; Filed, Oct. 14, 1964; 8:45 a.m.]

NEVADA

Order Providing for Opening of Public Lands

OCTOBER 8, 1964.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

MOUNT DIABLO MERIDIAN, NEVADA

[NEVADA 063240]

T. 29 N., R. 31 E.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15;
Sec. 17, N½NE¼NE¼, SE¼NE¼NE¼, W½E½, W½, E½SE¼;
Secs. 19, 21, 23, 25, 27, 29, 31;
Sec. 33, lots 1, 3, N½NE¼, N½SW¼NE¼, NW¼, W½SW¼, S½NE¼SW¼, N½SE¼SW¼, SW¼SE¼, S½NW¼SE¼;
Sec. 35.
T. 30 N., R. 31 E.,
Secs. 5, 7;
Sec. 9, S½;
Secs. 11, 15, 17, 19, 21, 23, 25;
Sec. 27 NE¼NE¼, NW¼NW¼, S½N½, S½;
Secs. 29, 31, 33, 35.

[NEVADA 063823]

T. 31 N., R. 37 E.,
Sec. 18, E½NE¼;
Sec. 20, NW¼SW¼, SE¼SW¼;
Sec. 28, SW¼NE¼, S½NW¼.
T. 28 N., R. 38 E.,
Sec. 23, SE¼NE¼; SE¼;
Sec. 26, NE¼, NE¼SE¼, E½SE¼SE¼, W½SW¼SE¼;
Sec. 35, NE¼NE¼.
T. 31 N., R. 38 E.,
Sec. 8, NW¼NE¼, NE¼NW¼.

[NEVADA 064859, 063926, 061605]

T. 36 N., R. 41 E.,
Sec. 15, S½NE¼, SE¼.
T. 38 N., R. 41 E.,
Secs. 25, 35.
T. 38 N., R. 42 E.,
Secs. 7, 19.
T. 27 N., R. 44 E.,
Sec. 15, S½NE¼, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 16, SE¼SE¼.

[NEVADA 064866, 064127]

T. 31 N., R. 50 E.,
Secs. 13, 23, 25;
Sec. 27, NE¼, N½SE¼, SE¼SE¼;
Sec. 35.
T. 38 N., R. 54 E.,
Sec. 13, S½.
T. 38 N., R. 55 E.,
Sec. 7.

[NEVADA 064867, 061994, 064210, 064868]

T. 32 N., R. 56 E.,
Sec. 33.
T. 34 N., R. 57 E.,
Sec. 1, E½;
Secs. 3, 9, 17;
Sec. 33, SW¼NE¼, S½NW¼, S½.
T. 35 N., R. 57 E.,
Sec. 21, NE¼;
Sec. 23.
T. 34 N., R. 58 E.,
Sec. 5.

[NEVADA 064869]

T. 6 N., R. 59 E.,
Sec. 17, N½SW¼;
Sec. 23, NW¼SE¼.
T. 6 N., R. 60 E.,
Sec. 13, S½NE¼;
Sec. 30, SW¼.

[NEVADA 062265]

T. 18 S., R. 55 E.,
Sec. 3, SW¼SW¼;
Sec. 4, SE¼SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NW¼.

[NEVADA 061011, 061563]

T. 19 S., R. 60 E.,
Sec. 3, SE¼NW¼, SE¼;
Sec. 4, SE¼NE¼;
Sec. 20, NE¼NE¼;
Sec. 21, SW¼NW¼.
T. 8 S., R. 61 E.,
Sec. 14, W½SW¼SW¼;
Sec. 23, NW¼NW¼;
T. 19 S., R. 61 E.,
Sec. 24, E½NE¼, SW¼NE¼, NE¼SW¼, N½SE¼, SW¼SE¼.

The above described lands aggregate approximately 34,492.80 acres.

2. Minerals were conveyed in the following described lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 29 N., R. 31 E.,
Secs. 1, 3, 5, 7, 9, 11, 13 15;
Sec. 17, N½NE¼NE¼, SE¼NE¼NE¼, W½E½, W½, E½SE¼;
Secs. 19, 21, 23, 25, 27, 29, 31;
Sec. 33 lots 1, 3, N½NE¼, N½SW¼NE¼, NW¼, W½SW¼, S½NE¼SW¼, N½SE¼SW¼, SW¼SE¼, S½NW¼SE¼;
Sec. 35.
T. 30 N., R. 31 E.,
Secs. 5, 7;
Sec. 9, S½;
Secs. 11, 15, 17, 19, 21, 23, 25;
Sec. 27, NE¼NE¼, NW¼NW¼, S½N½, S½;
Secs. 29, 31, 33, 35.
T. 36 N., R. 41 E.,
Sec. 15, S½NE¼, SE¼.
T. 27 N., R. 44 E.,
Sec. 15, S½NE¼, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 16, SE¼SE¼.

3. Minerals were conveyed on the following lands within the Desert Game Range:

MOUNT DIABLO MERIDIAN, NEVADA

T. 18 S., R. 55 E.,
Sec. 3, SW¼SW¼;
Sec. 4, SE¼SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NW¼.

4. Only gas, coal, oil and oil shales were conveyed on the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 31 N., R. 37 E.,
Sec. 18, E½NE¼;
Sec. 20, NW¼SW¼, SE¼SW¼;
Sec. 28, SW¼NE¼, S½NW¼.
T. 31 N., R. 38 E.,
Sec. 8, NE¼NW¼, NW¼NE¼.

5. The minerals in the following described lands have been open to mining location and mineral leasing:

MOUNT DIABLO MERIDIAN, NEVADA

T. 28 N., R. 38 E.,
Sec. 23, SE¼NE¼, SE¼;
Sec. 26, NE¼, NE¼SE¼, E½SE¼SE¼, W½SW¼SE¼;
Sec. 35, NE¼NE¼.

6. The land in Tps. 29 and 30 N., R. 31 E., lies approximately 15 miles north of Lovelock, Nevada. Topography is gently rolling to low foothills.

7. The land in T. 31 N., R. 37 E., is located in Spaulding Canyon in the East Humboldt Range. It is foothill country supporting stands of big sage, cheatgrass and annual forbs.

8. The land in T. 28 N., R. 38 E., is located at the bottom of Grass Valley about 50 miles south of Winnemucca, Nevada. It is nearly level to gently rolling, cut by deep washes.

9. The land in T. 31 N., R. 38 E., is situated on the west side of Grass Valley at the foot of the East Humboldt Range.

10. The land in T. 36 N., R. 41 E., is located approximately 7 miles northeast of Golconda, Nevada, at an elevation of about 4,600 feet. Soils are rocky saline silt loam.

11. The land in T. 38 N., Rs. 41 and 42 E., is located on the top of Osgood Mountains, approximately 5 miles south of Getchell Mine, Nevada. The major portion of the land is moderately steep,

the remaining is mountainous and precipitous.

12. The land in T. 27 N., R. 44 E., lies about 36 miles south of Battle Mountain, Nevada, along Moss Creek at an elevation of 5,800 feet.

13. The land in T. 31 N., R. 50 E., is approximately 12 miles east of Beowawe, Nevada. Soils range from sandy to gravelly clay loam.

14. The land in T. 38 N., Rs 54 and 55 E., is located approximately 40 miles north of Elko, Nevada, at an elevation of from 6,000 to 6,300 feet. Soils are gravelly to sandy clay loam.

15. The land in T. 32 N., R. 56 E., lies 22 miles south of Elko, Nevada. Topography is rolling to slightly rough, cut by many dry washes. Elevation is about 5,400 feet.

16. The land in Tps. 34 and 35 N., Rs. 57 and 58 E., is located north of Lamoille, Nevada, and east of Elko, Nevada. Soils vary from fine sand to clay loam.

17. The land in T. 6 N., Rs. 59 and 60 E., is located west of the Sunnyside Wildlife Management Area in southern White River Valley. It is gently sloping greasewood and sagebrush land to rocky gravelly pinon juniper range land.

18. The land in T. 19 S., Rs. 60 and 61 E., lies approximately 12 miles north of Las Vegas, Nevada, at an elevation of from 2,000 to 2,500 feet. The soils are generally shallow and coarse textured supporting a sparse growth of creosote bush and other annuals.

19. The land in T. 8 S., R. 61 E., is located in Pahranagat Valley. The terrain is rough, rocky and eroded by drainage guillies. Soil is infertile and shallow and supports creosote brush, shadscale, burrow brush and alkali sacaton.

20. Pursuant to the authority delegated to me by Bureau Order 701, section 2.5 dated July 23, 1964, of the Associate Director, Bureau of Land Management, the lands described in paragraph 1 hereof shall become subject to application, petition, and selection generally, but excepting applications under the Homestead, Desert Land or Small Tract Acts, subject to valid existing rights, the provisions of existing withdrawals, and requirements of applicable law, effective 10:00 a.m. on November 13, 1964. All valid applications received at or prior to 10:00 a.m. on November 13, 1964, shall be considered as simultaneously filed at that time.

21. The lands described in paragraph 2 shall be open to mineral leasing and to location under the United States Mining Laws at 10:00 a.m. on November 13, 1964. Any offers received at or prior to this time and date will be considered as simultaneously filed.

22. The lands described in paragraph 3 shall be open to location of metalliferous minerals and mineral leasing at 10:00 a.m. on November 13, 1964. Any offers received at or prior to this time and date shall be considered as simultaneously filed at that time.

23. The lands described in paragraph 4 shall be open to mineral leasing at 10:00 a.m. on November 13, 1964. Any offers received at or prior to this time and date shall be considered as simultaneously filed at that time.

24. Inquiries shall be addressed to Land Office Manager, Bureau of Land Management, Post Office Box 1551, Reno, Nev.

DANIEL P. BAKER,
Manager.

[F.R. Doc. 64-10481; Filed, Oct. 14, 1964; 8:46 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 9, 1964.

The Department of Agriculture has filed an application, Serial Number Idaho 015693 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended. The applicant desires the land for public purposes as five campgrounds and one administrative site within the Nezperce 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, Post Office Box 2237, Boise, Idaho, 83701.

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

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

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:

BOISE MERIDIAN, IDAHO

NEZPERCE NATIONAL FOREST

Fish Creek Meadow Camp and Picnic Site

T. 29 N., R. 3 E.,
Sec. 16, SW¼NE¼NE¼NE¼, S½NW¼NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼NE¼ and NE¼NW¼SE¼NE¼.
Totaling 25 acres.

Bargamin Creek Camp Site

A tract of land within the unsurveyed SE¼, sec. 22, T. 26 N., R. 10 E., more particularly described as:

Beginning on the west bank of Bargamin Creek at the intersection of the highwater line of the Salmon River, thence along the highwater line of said river downstream 375 feet, thence northwesterly 60 feet to the toe of the slope, thence along the toe of the slope in a northeasterly direction 450 feet to the west bank of Bargamin Creek, thence downstream along the west bank of said creek 150 feet to the place of beginning, containing a calculated 0.90 acre.

Big Mallard Creek Campsite

A tract of land within the unsurveyed NE¼ sec. 6, T. 25 N., R. 10 E., more particularly described as:

Beginning on the west bank of Mallard Creek at the intersection of the highwater line of the Salmon River, thence along the highwater line of said river downstream 700 feet, thence northwesterly 100 feet to the toe of the slope, thence along the toe of the slope in a northeasterly direction 625 feet to the west bank of Big Mallard Creek, thence downstream along the west bank of said creek 100 feet to the point of beginning, containing a calculated 1.50 acres.

Indian Creek Campsite

A tract of land within lots 4 and 5 T. 24 N., R. 7 E., more particularly described as:

Beginning on the east bank of Indian Creek at the intersection of the highwater line of the Salmon River, thence along the highwater line of said river upstream 350 feet to the toe of the slope, thence along the toe of the slope in a northwesterly direction 550 feet, crossing Indian Creek approximately 125 feet along this line, thence southerly 75 feet to the highwater line of the Salmon River, thence along said highwater line upstream 450 feet to the place of beginning, containing a calculated 1.20 acres.

Bull Creek Campsite

A tract of land within lots 7 and 8, sec. 4, T. 24 N., R. 6 E., more particularly described as:

Beginning on the east bank of Bull Creek at the intersection of the highwater line of the Salmon River, thence along the highwater line of said river upstream 400 feet, thence northwesterly 150 feet to the toe of the slope, thence along the toe of the slope in a southwesterly direction 450 feet to Bull Creek, thence along the toe of the slope in the same direction 300 feet, thence southeasterly 150 feet to the highwater line of the Salmon River, thence along said highwater line upstream 375 feet to the place of beginning, containing a calculated 3.00 acres.

Bear Creek Administrative Site

A tract of land within the unsurveyed SE¼ sec. 10, T. 25 N., R. 11 E., more particularly described as:

Beginning at the intersection of Bear Creek with the highwater line of the Salmon River, thence N. 68° E. 400 feet upstream along the highwater line of said river, thence N. 36° W. 525 feet to Bear Creek, thence N. 64°40' W. 810 feet, thence S. 35° W. to the highwater line of the Salmon River, thence along the highwater line upstream to the place of beginning, containing a calculated 14.00 acres.

The areas described aggregate 45.60 acres in Idaho County, Idaho.

ORVAL G. HADLEY,
Manager.

[F.R. Doc. 64-10518; Filed, Oct. 14, 1964; 8:49 a.m.]

ALASKA

Alaska Public Sale Classifications Canceled in Their Entirety

1. Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015), dated February 27, 1964, I hereby cancel the following Alaska Public Sale Act Classifications which classified lands under the provisions of the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a–364e):

a. APS Classification No. 1, May 8, 1951.
b. APS Classification No. 2, June 14, 1951, as amended.
c. APS Classification No. 4, February 18, 1952.
d. APS Classification No. 6, date unknown.
e. APS Classification No. 7, December 9, 1952.
f. APS Classification No. 7A, May 25, 1953.
g. APS Classification No. 8, date unknown.
h. APS Classification No. 11, June 17, 1953.
i. APS Classification No. 12, September 23, 1953.
j. APS Classification No. 14, February 25, 1954.
k. APS Classification No. 15, August 10, 1954.
l. APS Classification No. 16, August 13, 1954.
m. APS Classification No. 17, November 19, 1954.
n. APS Classification No. 19, April 19, 1955.
o. APS Classification No. 20, June 9, 1955.
p. APS Classification No. 21, April 6, 1956.
q. APS Classification No. 22, April 17, 1956.
r. APS Classification No. 23, April 27, 1956.
s. APS Classification No. 24, May 8, 1956.
t. APS Classification No. 25, January 7, 1957.
u. APS Classification No. 28, March 18, 1959.
v. APS Classification No. 29, March 18, 1959.

2. Inquiries concerning the status of the lands being released by this order should be addressed to the Manager, Anchorage District and Land Office, 555 Cordova Street, Anchorage, Alaska, 99501.

JAMES W. SCOTT,
Manager, Anchorage District and Land Office.

[F.R. Doc. 64–10529; Filed, Oct. 14, 1964; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–175]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of American Export Isbrandtsen Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act 1936, as amended, 46 U.S.C. 1223, so that its affiliate Isbrandtsen Company, Inc. may own and operate the tanker vessel "Hans Isbrandtsen" in the domestic, intercoastal or coastwise commerce of the United States for the carriage of petroleum and/or petroleum products.

This application may be inspected by interested parties in the Chief Hearing Examiner's Office, Maritime Subsidy Board/Maritime Administration, Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C.

A hearing on the application has been set for October 29, 1964, at 10:00 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on October 23, 1964, notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration, petitions for leave to intervene received after the close of business on October 23, 1964, will not be granted in this proceeding.

Dated: October 12, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64–10519; Filed, Oct. 14, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BRITISH CELLOPHANE, LTD.

Notice of Filing of Petition Regarding Food Additive Cellophane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1496) has been filed by British Cellophane, Limited, Bath Road, Bridgewater, Somerset, England, proposing the amendment of § 121.2507 *Cellophane* to provide for the use of the following optional substance in the manufacture of food-packaging cellophane:

Polyethylene glycol (average molecular weight 200–300), ethylene glycol and diethylene glycol content not to exceed a total of 0.1 percent.

Dated: October 9, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–10522; Filed, Oct. 14, 1964; 8:49 a.m.]

FERGUSON FUMIGANTS, INC.

Notice of Filing of Petition Regarding Food Additives Fumigants

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H1500) has been filed by Ferguson Fumigants, Inc., 93 Ford Lane, Hazelwood, Missouri, 63042, proposing that § 121.1152 *Fumigants for processed grains used in production of fermented malt beverages* be amended to provide for the safe use of a fumigant mixture consisting of ethylene dibromide and methyl bromide.

Dated: October 9, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–10523; Filed, Oct. 14, 1964; 8:49 a.m.]

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide O, O-Diethyl O-(2-Isopropyl-4-Methyl-6-Pyrimidinyl) Phosphorothioate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 362) has been refiled by Geigy Chemical Corporation, P.O. Box 430, Yonkers, New York, proposing the establishment of tolerances for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on raw agricultural commodities as follows:

10 parts per million in or on sugar beet tops. 0.75 part per million in or on blackberries, blueberries, boysenberries, dewberries, grapefruit, loganberries, melons, pineapples, raspberries, and sugar beet roots.

The petition is deficient because of the absence of the completed report of the reproduction study in rats. However, the petitioner has expressed the intention of amending the petition when this study is completed and has requested that the petition be filed as submitted, as provided in § 120.7(d) of Title 21, Chapter I, Code of Federal Regulations.

The analytical methods proposed in the petition for determining residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate are the same as those in the original notice of filing of this petition published in the FEDERAL REGISTER, March 29, 1963 (28 F.R. 3096).

Dated: October 8, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–10524; Filed, Oct. 14, 1964; 8:49 a.m.]

ROHM AND HAAS CO.

Notice of Filing of Petition Regarding Food Additives Emulsifiers and/or Surface-Active Agents

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition

(FAP 5B1517) has been filed by Rohm and Haas Co., 222 West Washington Square, Philadelphia 5, Pa., proposing that paragraph (c) of § 121.2541 *Emulsifiers and/or surface-active agents* be amended by inserting alphabetically the following item:

tert-Octylphenoxypolyethoxyethanol (40 moles) with a hydroxyl number not to exceed 37; if a blend of products is used, hydroxyl number not to exceed 37 for any product that is a component of the blend.

Dated: October 9, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-10525; Filed, Oct. 14, 1964; 8:50 a.m.]

SHERMAN-WILLIAMS CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1495) has been filed by Sherman-Williams Co., 10909 Cottage Grove Avenue, Chicago, Ill., 60628, proposing the amendment of § 121.2526 *Resinous and polymeric coatings for paper and paperboard* and § 121.2571 *Components of paper and paperboard in contact with dry food* by adding the optional substance phenyl acid phosphate for use only as a catalyst at a level not to exceed 2 percent by weight of the coating solids in alkyd coatings modified by melamine-formaldehyde resin, for paper and paperboard intended for use in contact with food.

Dated: October 9, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-10526; Filed, Oct. 14, 1964; 8:50 a.m.]

DONALD SIMPSON

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1578) has been filed by Mr. Donald Simpson, 1000 Connecticut Avenue, Washington 6, D.C., proposing that paragraph (c)(5) of § 121.2520 *Adhesives* and paragraph (b) of § 121.2571 *Components of paper and paperboard in contact with dry food* be amended by inserting in both lists of substances the following new items:

Sodium *n*-dodecylphenoxypolyethoxy (40 moles) sulfate.

Sodium *n*-dodecylpolyethoxy (50 moles) sulfate.

Dated: October 9, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-10527; Filed, Oct. 14, 1964; 8:50 a.m.]

TRANSPARENT PAPER LTD.

Notice of Filing of Petition Regarding Food Additive Cellophane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1377) has been filed by Transparent Paper Limited, Bridge Hall Mills, Bath Road, Bridgwater, Somerset, England, proposing the amendment of § 121.2507 *Cellophane* to provide for the use of the following optional substance in the manufacture of food-packaging cellophane:

Di-*n*-octyltin bis(2-ethylhexyl maleate) for use only as a stabilizer at a level not to exceed 0.55 percent by weight of the coating solids in vinylidene chloride copolymer waterproof coatings prepared from vinylidene chloride copolymers identified in § 121.2507(c) provided that such vinylidene chloride copolymers contain not less than 90 percent by weight of polymer units derived from vinylidene chloride.

Dated: October 9, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-10528; Filed, Oct. 14, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-228]

AEROJET GENERAL NUCLEONICS

Notice of Application for Construction Permit and Facility License

Please take notice that Aerojet-General Nucleonics, San Ramon, Calif., under section 104c of the Atomic Energy Act of 1954, as amended, has filed an application for a license to construct and operate a pool-type nuclear research reactor designed to operate at a maximum thermal power of 250 kilowatts. The proposed reactor, which has been designated by the applicant as the AGN Industrial Reactor (AGNIR), is to be located at the AGN plant near San Ramon, Calif.

A copy of the application is available for public inspection in the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 8th day of October 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-10496; Filed, Oct. 14, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13394 etc.]

FRONTIER-NORTH CENTRAL ROUTE TRANSFER "USE IT OR LOSE IT" INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation is assigned to be heard on November 18, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 12, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-10541; Filed, Oct. 14, 1964; 8:51 a.m.]

[Docket 15468]

HUNTSVILLE-NEW ORLEANS NON-STOP SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on November 9, 1964, at 10:00 a.m. (central standard time) at the City of Huntsville Utilities Auditorium, 112 Gallatin Street, SW., Huntsville, Ala., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served September 4, 1964, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 9, 1964.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 64-10542; Filed, Oct. 14, 1964; 8:51 a.m.]

[Docket 15241]

PAN CONTINENTAL TOURS, INC., ET AL.

Notice of Hearing

Pan Continental Tours, Inc., Cultural Programming Services, Inc., Nathan Greenblatt, individually enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on December 8, 1964, at 10:00 a.m. (e.s.t.) in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., October 9, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-10543; Filed, Oct. 14, 1964; 8:51 a.m.]

[Docket 7984 etc.]

REOPENED SOUTHERN TRANSCONTINENTAL SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard on November 4, 1964, at 10:00 a.m. (e.s.t.) in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 12, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-10544; Filed, Oct. 14, 1964; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15587, 15588; FCC 64M-1000, 58124]

COMMUNITY RADIO OF SARATOGA SPRINGS, NEW YORK, INC., AND A. M. BROADCASTERS OF SARATOGA SPRINGS, INC.

Order Following Prehearing Conference

In re applications of Community Radio of Saratoga Springs, New York, Inc., Saratoga Springs, New York, Docket No. 15587, File No. BP-16127, A. M. Broadcasters of Saratoga Springs, Inc., Saratoga Springs, New York, Docket No. 15588, File No. BP-16185; for construction permits.

A prehearing conference in the above-entitled proceeding having been held this day, and it appearing that certain procedural agreements reached therein should be formalized and publicized in an Order;

Accordingly, it is ordered, This 8th day of October 1964, as follows:

(1) Proposed exhibits of the applicants shall be exchanged by November 2, 1964;

(2) Notification as to those persons connected with an applicant whose presence at the hearing is desired by other parties shall be given to counsel concerned by November 6, 1964; and,

(3) The hearing heretofore scheduled to commence on October 20, 1964, is postponed to November 9, 1964.

It is further ordered, On the Hearing Examiner's own motion, that the applicants and the Broadcast Bureau are relieved from the obligation to exchange their proposed exhibits with counsel for Kenneth H. Freebern and from any obligation to serve upon counsel for Freebern, any pleadings hereafter filed by them in view of the withdrawal of Freebern from further participation in the above-captioned proceeding as reflected in a letter to the Commission's Secretary dated October 6, 1964, and signed by counsel for Freebern.

Released: October 9, 1964.

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

[F.R. Doc. 64-10532; Filed, Oct. 14, 1964; 8:50 a.m.]

[Docket Nos. 15647, 15648; FCC 64-918]

COMMUNITY RADIO OF SARATOGA SPRINGS, NEW YORK, INC., ET AL.

Memorandum Opinion and Order Designating Matters for Oral Argument on Stated Issues

In re matter of request of Community Radio of Saratoga Springs, New York, Inc., for Temporary Operating Authority and Immediate Oral Argument on Proposals of: Sara Radio, Inc. (an associate of Community Radio of Saratoga Springs, New York, Inc.), Docket No. 15647, File No. BPI-6; Channel 900 of Saratoga Springs, New York, Inc. (a subsidiary of AM Broadcasters of Saratoga Springs, Inc.), Docket No. 15648, File No. BPI-7; for interim operation.

1. The Commission has before it for consideration (a) a letter request filed September 25, 1964 by Community Radio of Saratoga Springs, New York, Inc. (WKAJ) for temporary operating authority and immediate oral argument on the question of interim operation on 900 kc/s at Saratoga Springs, New York; (b) an opposition thereto filed September 28, 1964 on behalf of AM Broadcasters of Saratoga Springs, Inc.; the above-captioned proposals for interim operation; and (c) related applications and proceedings.

2. Community Radio has, since March 18, 1964, been operating the facilities abandoned by Spa Broadcasters, Inc., Saratoga Springs, New York (900 kc/s, 250 watts, Class II, daytime-only—formerly Radio Station WSPN) pursuant to temporary authorizations issued by the Commission under Section 309(f) of the Communications Act. This authority was most recently extended on October 2, 1964 (through October 9) to avoid interruption of the existing service prior to our consideration of the above-captioned request. That portion of Community Radio's request seeking temporary authority to operate pending our consideration of its request for oral argument has therefore been rendered moot.

3. Both Community Radio and AM Broadcasting have filed mutually exclusive applications looking toward permanent operation on 900 kc/s at Saratoga Springs. These applications have already been designated for comparative hearing to determine, inter alia, which proposal would better serve the public interest—Memorandum Opinion and Order released August 4, 1964 (Docket Nos. 15587/88; FCC 64-750). Additionally, the principals behind both applicants have filed mutually exclusive proposals for interim operation pending outcome of the comparative proceeding on their formal applications. However, inasmuch as Community Radio has acquired and is using the former Spa Broadcasters transmitting plant, AM Broadcasters would appear to have no way of implementing its proposal for interim operation at an early date.

4. Community Radio's above-captioned request, which is opposed by AM Broadcasters, seeks immediate oral argument on the following issues: (a) whether interim operation should be authorized pending outcome of proceedings in Docket Nos. 15587/88; and (b) if so, to whom.

5. We are of the view that the considerations which originally prompted our grant of temporary authority to Community Radio under Section 309(f) of the Communications Act, including the absence of other broadcast facilities at Saratoga Springs, may well justify the continuance of broadcast operation in that community pending final disposition of relevant applications and other matters now before the Commission—see § 1.592 of the Commission's rules; Community Broadcasting Co. v. FCC, 19 RR 2047, 274 F. (2d) 753 (1960).

6. In any event, we feel that Community Radio's current operating authority should at least be further extended [1] until the matters at issue, including the possibility of joint interim operation by the parties involved, can be considered on a formal record.

In view of the foregoing: *It is ordered,* That pursuant to Sections 5(d) and 309(a) of the Communications Act of 1934, as amended, the above-entitled matters are designated for oral argument before the Review Board in Washington, D.C., at a time to be specified by subsequent Order on the following issues:

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[1] The basis for this extension is a reading of section 309(f) of the Communications Act in conjunction with Section 9(b) of the Administrative Procedure Act. See: Pan-Atlantic Corp. v. Atlantic Coast Line Railroad Co. et al., 353 U.S. 436 (1957). To the extent that this conclusion conflicts with views expressed in our Memorandum Opinion and Order of July 2, 1964 (FCC 64-586), the latter views are hereby modified.

To determine whether interim operation on 900 kc/s at Saratoga Springs, New York (pending outcome of proceedings in Docket Nos. 15587/88) would serve the public interest, convenience and necessity.

If the foregoing issued is decided affirmatively, to determine which (if either) of the above-captioned proposals (as existing or amended) for joint interim operation should be granted, and to determine the terms and conditions of the interim operation.

It is further ordered, That AM Broadcasters of Saratoga Springs, Inc., is made a party to this proceeding.

It is further ordered, That in order to avoid disruption of the only broadcast service currently being rendered at Saratoga Springs by Community Radio, the operating authority granted to Community Radio by Commission telegram of October 2, 1964, is further extended through November 25, 1964.

It is further ordered, That neither the Oral Argument herein ordered nor any decision flowing therefrom shall prejudice or affect in any way Commission consideration of the competing applications now pending for permanent authority to operate on 900 kc/s at Saratoga Springs (Docket Nos. 15587/88), the WSPN renewal application (Docket No. 14617 et al.), or related matters, proposals or proceedings including the unresolved attempts by Joseph Donahue, President of Spa Broadcasters (WSPN) to secure cancellation of the outstanding WSPN station licensee—Memorandum Opinion and Order released August 4, 1964 (FCC 64–753).

It is further ordered, That should the parties to this proceeding agree to a formula for joint operation prior to the holding of Oral Argument, the Review Board shall be empowered to consider and act upon the merits of any such proposal, with due regard to the provisions of Section 1.592 of the Commission's Rules.

It is further ordered, That if the parties fail to agree on the terms of a joint interim operation (as to the amount of their respective initial capital contributions, monthly contributions to operating expenses, and station management), the Review Board is empowered to recommend an equitable formula for joint voluntary operation.

It is further ordered, That AM Broadcasters' "Petition to Deny" filed August 13, 1964 against Sara Radio's proposal for interim operation, is hereby denied.

It is further ordered, That the relief requested by Community Radio is granted to the extent indicated above, and in all other respects is denied.

It is further ordered, That to avail themselves of the opportunity to be heard, the parties hereto, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission an original and 19 copies of a written appearance stating an intention to appear on the date fixed for the Oral Argument and present evidence on the issues specified in this Order, and shall have until 10 days prior to Oral Argument to file briefs or memoranda of law.

It is further ordered, That the above applicants for interim operation shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, cause to be published in a daily newspaper of general circulation in Saratoga Springs, N.Y., a notice of the hearing, either individually or jointly, at least ten (10) days before the date of the hearing ordered herein. Following such publication the applicants shall forthwith file a statement in triplicate setting forth the date of publication and the text thereof. The notice of hearing shall include the names of the applicants, frequency and location of the proposed interim operation, time and place of the Oral Argument and the issues specified in this Order.

Adopted: October 7, 1964.

Released: October 12, 1964.

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

[F.R. Doc. 64–10533; Filed, Oct. 14, 1964; 8:50 a.m.]

[Docket No. 15544; FCC 64M–999]

WHAS, INC.

Order Continuing Hearing

In re application of WHAS, Inc. (WHAS–TV), Louisville, Kentucky, Docket No. 15544, File No. BPCT–3187; for construction permit.

Pursuant to agreement reached at prehearing conference held October 8, 1964;

It is ordered, This 8th day of October 1964, that hearing now scheduled for October 15, 1964, is continued to October 26, 1964.

Released: October 9, 1964.

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

[F.R. Doc. 64–10534; Filed, Oct. 14, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

ISTHMIAN LINES, INC., AND SEATRAIN LINES, INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement 9386 between Isthmian Lines, Inc., and Seatrain Lines, Inc., establishes a through bill of lading arrangement for the transportation of general cargo, exclusive of refrigerated cargo, garlic, and other perishables or semiperishables, from loading ports in France, Italy, North Africa, Spain, and Portugal, to ports in Puerto Rico with transhipment at the port of New York, N.Y., under the terms and conditions set forth in the agreement.

Dated: October 12, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–10491; Filed, Oct. 14, 1964; 8:47 a.m.]

STATES MARINE LINES, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement 9388 between States Marine Lines, Inc., Global Bulk Transport Incorporated (as one member only), and Seatrain Lines, Inc., establishes a through bill of lading arrangement for

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[2] Commissioners Bontlay, Ford and Fox dissenting.

the movement of general cargo, exclusive of refrigerated cargo, garlic and other perishables or semiperishables, from loading ports in France, Italy, North Africa, Spain, and Portugal, to ports in Puerto Rico with transhipment at the port of New York, N.Y., under the terms and conditions set forth in the agreement.

Dated: October 12, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-10492, Filed, Oct. 14, 1964; 8:47 a.m.]

[Docket No. 1206]

SEATRAIN LINES, INC.

Texas/Puerto Rico Rates and Practices; Notice of Investigation and Suspension

OCTOBER 9, 1964.

It appearing, that there has been filed by Seatrain Lines, Inc., to become effective October 5, 1964, 4th Revised Page No. 87 to Tariff FMC-F No. 1 naming, in Note 1 of Item No. 1142, a reduced rate of 95 cents per hundred pounds on "Canned Tomato Paste," when such commodity moves in railroad cars from Texas City, Tex., to Puerto Rico in quantities of not less than 80,000 pounds;

It further appearing, that protests to the said tariff provisions were filed on behalf of the Northern California Ports and Terminals Bureau, Inc., Sea-Land Service, Inc., and Waterman Corporation of Puerto Rico, alleging inter alia that the reduced rate is for the purpose of diverting traffic from its natural route, that the reduced rate would be noncompensatory to Seatrain, that the reduced rate would be discriminatory to shippers of tomato paste using North Atlantic ports, and that there is no shipper demand for reduced rates. Seatrain denies these allegations.

It further appearing, that upon consideration of the said tariff provisions and protests and replies thereto, there is reason to believe that the said tariff provisions if permitted to become effective, would result in rates, charges, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

If further appearing, that the Commission is of the opinion that the proposed tariff provisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It further appearing, that the effective date of the said provisions should be suspended pending such investigation;

Now therefore it is ordered, That, an investigation be, and it is hereby instituted into and concerning the lawfulness of the Note 1 in Item No. 1142 published on 4th Revised Page No. 87 to Tariff FMC-F No. 1, for the purpose of determining whether the rate hereby placed under investigation unlawfully diverts traffic moving thereunder from its natural route, whether the rate is compensatory to Seatrain, whether the rate is unjustly discriminatory to shippers of tomato paste using North Atlantic ports, and for the further purpose of making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That, the said Note 1 in Item No. 1142 be, and it is hereby suspended and that the use thereof be deferred to and including February 4, 1965, unless otherwise authorized by the Commission, and that the rates and/or charges otherwise in effect for shipments of "Canned or Bottled Goods (Foodstuffs NOS)" in Item No. 1142 and which were to be changed by the suspended matter, shall remain in effect for shipments of tomato paste during the period of suspension;

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission;

It is further ordered, That there shall be filed immediately with the Commission by Seatrain Lines, Inc., a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid Note 1 is suspended and may not be used until the 5th day of February 1965, unless otherwise authorized by the Commission; and that the rates otherwise in effect in Item No. 1142 and which were to be changed by the suspended rates, shall remain in effect for shipments of tomato paste during the period of suspension, and neither matter suspended nor matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission;

It is further ordered, That copies of this order shall be filed with the tariff schedule containing the suspended matter in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Seatrain Lines, Inc., be, and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon the said respondent and protestants herein; (IV) the said respondent and protestants be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.73), with copy to respondent.

By the Commission, October 1, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-10493; Filed, Oct. 14, 1964; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-32]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

OCTOBER 7, 1964.

Take notice that on August 5, 1964, Columbia Gulf Transmission Co. (Applicant), 3805 West Alabama Avenue, Houston, Tex., filed in Docket No. CP65-32 an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of approximately 4.8 miles of 16-inch pipeline extending southerly from a point of connection of Applicant's East Lateral System with a point located at Grand Isle, Jefferson Parish, La., together with a measuring station in connection therewith in said parish and the transportation of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for the account of United Fuel Gas Co., natural gas produced by Humble Oil and Refining Co. from the West Delta and Grand Isle areas, offshore Louisiana. Deliveries commencing with 25,000 Mcf daily in 1964, will increase to approximately 100,000 Mcf daily in 1970.

The estimated cost of the proposed facilities is $837,600 and will be defrayed from Applicant's current funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 30, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-10477; Filed, Oct. 14, 1964; 8:45 a.m.]

[Docket No. E-7185]

DUKE POWER CO.

Notice of Application

OCTOBER 8, 1964.

Take notice that on October 1, 1964, application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by the Duke Power Co. (Applicant), a corporation organized under the laws of the State of North Carolina whose principal business is the ownership and operation of an electric system in the States of North Carolina and South Carolina with its principal business office at Charlotte, N.C., seeking an order authorizing it to acquire the electric distribution facilities of Pisgah Mt., Electric Co. (Pisgah) and to consolidate and merge such distribution facilities with those of Duke Power Co.

Applicant is engaged in the generation, purchase, transmission, distribution, and sale of electric energy in the States of North Carolina and South Carolina. Its service area embraces all or parts of 37 counties in North Carolina and 15 counties in South Carolina. It owns and operates local transportation systems in Greensboro and Durham, N.C. and Spartanburg and Anderson, S.C. and operates water supply systems in Rutherfordton and Spindale, N.C., and in Anderson, S.C.

The Pisgah Mt., Electric Co., a corporation organized under the laws of the State of North Carolina, has maintained a distribution system located in southern Lincoln County, N.C., and in northern Gaston County, N.C. It extends along U.S. Highway 321 from the Lincolnton, N.C. main substation of Duke to High Shoals, N.C. and serving approximately 650 customers.

Applicant requests authority to acquire by purchase from Pisgah and to merge or consolidate with its own facilities the entire electric distribution system of Pisgah, including all poles, conductors, transformers, services, meters, and all rights-of-way, if any, for the construction, maintenance, and operation of said system and all material of any other kind and nature owned by Pisgah, used or useful in connection with the maintenance and operation of said system.

The Applicant has agreed to pay Pisgah 4,000 shares of the Applicant's common stock, which were acquired for the purpose of transfer to Pisgah for a price of $63 per share to the Applicant. This stock is traded on the New York Stock Exchange and was quoted on September 15, 1964, for a price of $71 per share.

For the past several years, Pisgah has purchased all of its electric power requirements from Applicant. Applicant represents that Pisgah is now experiencing low voltage in the ends of some of its lines, and that Pisgah's system needs rebuilding to the higher voltage used by Duke. Applicant further represents that Pisgah, with its limited financial resources would have difficulty raising the additional capital necessary to finance this rebuilding. According to the application, this transaction will not affect any contract for the purchase, sale, or interchange of electricity except that Applicant's schedule of rates on file with the North Carolina Utilities Commission will be placed into effect with respect to Pisgah's electric power customers with a resulting decrease in cost of electric power to virtually all such customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-10478; Filed, Oct. 14, 1964; 8:45 a.m.]

[Docket No. RI65-140, etc.]

McALESTER FUEL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

SEPTEMBER 25, 1964.

In the order providing for hearing on and suspension of proposed changes in rates, issued August 18, 1964, and published in the FEDERAL REGISTER August 26, 1964 (F.R. Doc. 64-8614; 29 F.R.-12150); in the chart, after Docket No. RI65-147, Union Oil Company of California (Operator), et al., Rate Schedule No. 54, Supplement No. 7 correct Supplement to read "4" in lieu of 7.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-10479; Filed, Oct. 14, 1964; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF URBAN RENEWAL, REGION I (NEW YORK)

Designation

The officers named, or appointed, to the following listed positions in Region I (New York) are hereby designated to serve as Acting Regional Director of Urban Renewal, Region I, during the absence of the Regional Director of Urban Renewal, with all the powers, functions, and duties delegated or assigned to the Regional Director of Urban Renewal, provided that no officer is authorized to serve as Acting Regional Director of Urban Renewal unless all other officers whose name or titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Urban Renewal.
2. Deputy Regional Administrator.
3. Robert LaPlante, Assistant to the Chief, Operations Branch.
4. Chief, Fiscal Management Branch.

This designation supersedes the designation effective October 20, 1962 (27 F.R. 10308).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 1st day of September 1964.

[SEAL] LESTER EISNER, Jr.,
Regional Administrator,
Region I.

[F.R. Doc. 64-10546; Filed, Oct. 14, 1964; 8:51 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

IMPORTS OF COTTON TEXTILES AND COTTON TEXTILE PRODUCTS FROM PAKISTAN

Withdrawal From Warehouse

OCTOBER 12, 1964.

In furtherance of the objectives of, and under the terms of Article 4 of the Long Term Arrangement Regarding International Trade in cotton textiles, done at Geneva on February 9, 1962, the U.S. Government is currently consulting with the Government of Pakistan over the conclusion of a bilateral cotton textile agreement. During the course of these consultations the U.S. Government will seek to negotiate an arrangement with the Government of Pakistan for the release from embargo of certain cotton textiles and cotton textile products from Pakistan which were imported into the United States in excess of the twelve-month level of restraint designated for their particular category.

The purpose of this notice is to ascertain what quantities of cotton textiles and cotton textile products would be entered for consumption or withdrawn from warehouse for consumption in the event such an arrangement is arrived at. All interested parties are therefore advised to report within fifteen days of the date of publication of this notice to the Office of Textiles, Trade Analysis Division, Department of Commerce, Washington, D.C., 20230, any cotton textiles or cotton textile products in Categories 9 and 22, produced or manufactured in Pakistan, which are in the United States in a bonded warehouse, a

general order warehouse, or a foreign trade zone on the date of publication of this notice. Reports should include the following information: Complete description of goods, category or categories under which classified, quantities involved, location of the goods, and bond number, general order lot number, or foreign trade zone number, and lot number assigned.

Failure to so report within the designated period of time may result in the goods not being eligible for release from embargo.

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

[F.R. Doc. 64-10377; Filed, Oct. 14, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4556]

FOTOCHROME, INC.

Order Suspending Trading

OCTOBER 9, 1964.

The common stock, $1 par value, and the 5½ percent Convertible Subordinated Debentures of Fotochrome, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1964, through October 18, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-10475; Filed, Oct. 14, 1964; 8:45 a.m.]

TARIFF COMMISSION

[TEA-F-4]

NATIONAL TILE & MANUFACTURING CO.

Notice of Discontinuance of Investigation Instituted Upon Petition

The investigation instituted on October 1, 1964, under section 301(c)(1) of the Trade Expansion Act of 1962 upon petition filed by the National Tile & Manufacturing Company of Anderson, Ind., was discontinued, without prejudice, on October 9, 1964, by the U.S. Tariff Commission at the request of the petitioner. Notice of the institution of the investigation was published in the FEDERAL REGISTER for October 7, 1964 (29 F.R. 13849).

Issued: October 12, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 64-10495; Filed, Oct. 14, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Investigation and Suspension Docket No. M-18455]

EASTERN CENTRAL MOTOR CARRIERS ASSOCIATION, INC., ET AL.

Order Regarding LTL COR Rates; East and Territories West

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 29th day of September 1964.

It appearing, that by order dated June 9, 1964, respondents were notified and required, in the discharge of their burden of proof, to submit certain evidence and supporting data as specified therein,

And it further appearing, that by order of July 1, 1964, the prior order of June 9, 1964, was clarified and amplified in certain respects; and,

Upon consideration of the petition by Eastern Central Motor Carriers Association, Inc. filed on behalf of respondents herein with the Commission on August 3, 1964, seeking further modification of the prior orders herein, and of the replies thereto filed on September 14, 1964, by The J. Hungerford Smith Company, the Eastern Industrial Traffic League, Inc., the Associated Industries of New York State, Inc., the National Small Shipments Traffic Conference, Inc., the Drug and Toilet Preparations Traffic Conference, and the National Industrial Traffic League;

And for good cause appearing therefor:

It is ordered, That the prior orders of June 9 and July 1, 1964, insofar as they require respondents to submit actual cost and revenue data related to the traffic and territories involved, are hereby amended and clarified to include a showing of the effect of the proposed increased rates on respondents' revenues:

It is further ordered, That the order of July 1, 1964, insofar as it requires the submission of cost and traffic studies based upon the most recent annual reporting period, is hereby modified to permit such studies to be based upon and reflect the annual reporting period for calendar year 1964:

It is further ordered, That the order of July 1, 1964, particularly paragraph A thereof, and subparagraphs numbered (1) through (8) thereunder, insofar as they require all respondents in these proceedings to report to the Commission the carrier-affiliate relationships and transactions, during the calendar year 1963, be, and are hereby, modified to require such reporting to the Commission of carrier-affiliate relationships and transactions which occurred during the calendar year 1964 by or in connection with affiliates of those carriers named in Appendix A below which individually had transactions with their respective subsidiaries or affiliates which separately or in the aggregate amounted to $2,500 or more during 1964:

It is further ordered, That the detailed information called for by the orders of June 9 and July 1, 1964, as modified herein, with respect to carrier-affiliates shall be in writing and shall be verified by a person or persons having knowledge thereof, and a verified original and two additional copies shall be mailed to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, to reach the Commission on or before April 15, 1965; and in addition, that this information is to be introduced in evidence at the hearing by respondents, but may be in summary form if so desired, cf. Surcharge on Small Shipments Within Central States, 63 M.C.C. 157;

It is further ordered, That:

(1) The respondents and interveners in support thereof shall serve on the parties of record on or before April 15, 1965, their direct evidence in the form of verified statements (with appendixes, if any); and that they also, at the same time, shall mail two copies to this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice; but the original shall be tendered at the hearing;

(2) The protestants and interveners in support thereof shall serve on the parties of record on or before June 15, 1965, their evidence in the form of verified statements (with appendixes, if any); and that they shall comply also with the provisions in the preceding paragraph regarding the mailing and service of statements;

(3) This proceeding be, and it is hereby, assigned to R. J. Mittelbronn for hearing commencing on July 27, 1965, at 9:30 o'clock a.m. U.S. daylight time at the office of the Commission, Washington, D.C., for the purpose of receipt in evidence of the verified statements, cross-examination thereon if requested, and the introduction of rebuttal evidence, and to permit the examiner to close the record;

(4) Parties desiring to cross-examine witnesses who have submitted verified statements must give notice, in writing, of such request to affiant and his counsel, if any, on or before July 11, 1965, a copy of such notice to be filed simultaneously with this Commission. Failure of any witness whose attendance is requested to appear at the hearing for cross-examination shall be considered good cause for the rejection of his verified statement (with appendices, if any);

(5) All underlying data used in the preparation of evidence set forth in the verified statements (with appendices, if any) shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to

do so; and that underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination;

(6) Anyone desiring to become a party of record and to participate in the hearing, and receive and/or serve copies of the evidence to be filed in accordance with the procedure set forth above, must notify the Commission and all the then known parties of record, in writing, on or before February 15, 1965;

(7) Evidence presented which fails to conform to the above outlined procedure will not become a part of the record in this proceeding.

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

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

It is further ordered, That except to the extent modified herein the order of June 9, 1964, and the order of July 1, 1964, shall remain in full force and effect, and the additional modifications thereto sought by petitioner and replicants herein be, and are hereby, denied.

By the Commission, Division 2.

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

ECMCA LOCAL MEMBERS

July 1, 1964

(1) A.C.E.-Freight, Inc., 210 Twinsburg Road, Post Office Box 123, Northfield, Ohio.

(2) Acme Carriers, Inc., 216 Third Street, Brooklyn, N.Y.

(3) The Akron-Chicago Transportation Co., Inc., 1016 Triplett Boulevard, Akron, Ohio, 44306.

(4) All States Freight, Inc., 1250 Kelly Avenue, Post Office Box 7036, South Arlington Station, Akron, Ohio, 44306.

(5) Associated Transport, Inc., 380 Madison Avenue, New York, N.Y., 10017.

(6) B. & D. Transfer, Gerald L. Dinnison, Lawrence E. Black, F. A. Brion, and R. H. Goodall, d/b/a Liberty (Tioga Co.), Pa.

(7) B & P Motor Express, Inc., 51st Street and A.V.R.R., Pittsburgh, Pa., 15201.

(8) Bell Lines, Inc., 6414 McCorkle Avenue SE., Charleston, W. Va., 25304.

(9) Bell Lines, Inc., Operator of The Inter Mont Express, Inc., 6414 McCorkle Avenue SE., Charleston, W. Va., 25304.

(10) Bos Lines, Inc., 408 South 12th Avenue, Marshalltown, Iowa.

(11) W. T. Byrns Motor Express, Inc., 646 Coffeen Street, Watertown, N.Y., 13602.

(12) C.A.B.Y. Transportation Co., 3212 St. Clair Avenue, Cleveland, Ohio, 44114.

(13) Chicago Express, Inc., % McLean Trucking Co., Post Office Box 213, 617 Waughtown Street, Winston-Salem, N.C., 27102.

(14) W. H. Christie & Sons, W. H. Christie, d/b/a, Post Office Box 498, Kane, Pa.

(15) The Cleveland Cartage Co., 1277 East 40th Street, Cleveland 14, Ohio.

(16) Cleveland-Pittsburgh Freight Line, Inc., 3515 Lakeside Avenue, Cleveland, Ohio, 44114.

(17) Consolidated Freightways Corp. of Delaware, Post Office Box 5138, Chicago, Ill., 60680.

(18) Continental Transportation Lines, Inc., Continental Square, Graham Street, McKees Rocks, Pa.

(19) Cook Motor Lines, Inc., 408 Wellington Street, Post Office Box 1391, Akron, Ohio, 44309.

(20) Cooper-Jarrett, Inc., 23 South Essex Avenue, Orange, N.J., 07051.

(21) Cossitt Motor Express, Inc., 63 West Kendrick Avenue, Hamilton, N.Y., 13346.

(22) Daniels Motor Freight, Inc., Post Office Box 2037, Niles Road Extension, Warren, Ohio, 44484.

(23) Denver Chicago Trucking Company, Inc., 45th Avenue at Jackson Street, Denver, Colo., 80216.

(24) ET & WNC Transportation Co., Post Office Box 449, Johnson City, Tenn.

(25) Eastern Express, Inc., 1450 Wabash Avenue, Terre Haute, Ind., 47808.

(26) Eastern Motor Dispatch, Inc., Post Office Box 23296, Point Station, 1215 West Mount Street, Columbus, Ohio, 43223.

(27) Eazor Express, Inc., Eazor Square, Pittsburgh, Pa., 15201.

(28) Ellsworth Freight Lines, Inc., Eagle Grove, Iowa, 50533.

(29) Erie-Pittsburgh Motor Express, Inc., 859 Progress Street, Pittsburgh, Pa., 15212.

(30) Exhibitors Service Co., 85 Helen Street, McKees Rocks, Pa.

(31) Ferguson Transportation Co., Post Office Box 372, Bloomsburg, Pa.

(32) Fischbach Trucking Co., 921 Sherman Street, Akron, Ohio, 44311.

(33) Fleet Highway Freight Lines, Inc., Post Office Box 1037, Parkersburg, W. Va., 26101.

(34) General Expressways, Inc., c/o Navajo Freight Lines, Inc., 1205 South Platte River Drive, Denver, Colo., 80223.

(35) Greenleaf Motor Express, Inc., Box 43, 4606 State Avenue, Ashtabula, Ohio, 44004.

(36) Hall's Motor Transit Co., Fifth and Vine Streets, Sunbury, Pa., 17801.

(37) O. K. Heilman, Inc., 4th Avenue and 14th Streets, Ford City, Pa., 16226.

(38) Helm's Express, Inc., Post Office Box 268, Pittsburgh, Pa., 15230.

(39) Hennis Freight Lines, Inc., Box 612, Paterson Avenue Extended, Highway 52, Winston-Salem, N.C., 27102.

(40) Hennis Freight Lines, Inc., Operator of Hancock-Trucking, Inc., Box 612, Paterson Avenue Extended, Highway 52, Winston-Salem, N.C., 27102.

(41) Herriott Trucking Co., Inc., Alice and Sumner Streets, East Palestine, Ohio, 44413.

(42) Hixson Truck Line, S. W. Hixson, d/b/a 395 Baird Street, Post Office Box 2771, Akron, Ohio, 44301.

(43) Hogan Storage & Transfer Co., Post Office Box 377, Williamson, W. Va.

(44) Houff Transfer, Inc., Post Office Box 91, Weyers Cave, Va., 24486.

(45) Huber & Huber Motor Express, Inc., 970 South 8th Street, Louisville, Ky., 40201.

(46) I L & C Corp., 2500 West Taylor Street, Chicago, Ill., 60612.

(47) Indianapolis-Kansas City Motor Express Co., 3537 Broadway, Kansas City, Mo., 64111.

(48) Interstate Motor Freight System, 134 Grandville Avenue SW., Grand Rapids, Mich., 49502.

(49) Interstate Truck Service, Inc., 605-611 South First Street, Martins Ferry, Ohio.

(50) Jones Motor Co., Inc., Bridge Street and Schuylkill Road, Spring City, Pa., 19475.

(51) Keystone-Lawrence Transfer and Storage Co., 21 West South Street, New Castle, Pa., 16103.

(52) Kramer-Consolidated Freight Lines, Inc., 4195 Central Avenue, Detroit, Mich., 48210.

(53) The Lake Shore Motor Freight Co., 1200 South State Street, Girard, Ohio.

(54) Lee Way Motor Freight, Inc., Post Office Box 82488, 3000 West Reno, Oklahoma City, Okla., 73108.

(55) Lightning Express, Inc., 2701 Railroad Street, Pittsburgh 22, Pa.

(56) Arnold Ligon Truck Line, Inc., Post Office Box 666, Lebanon, Ky., 40033.

(57) Long Transportation Co., 3755 Central Avenue, Detroit, Mich., 48232.

(58) Lyons Transportation Lines, Inc., 1701 Parade Street, Erie, Pa., 16512.

(59) The Mason & Dixon Lines, Inc., Post Office Box 969, Eastman Road, Kingsport, Tenn., 37662.

(60) McLean Trucking Co., Post Office Box 213, 617 Waughtown Street, Winston-Salem, N.C., 27102.

(61) W. L. Mead, Inc., Post Office Box 31, Cleveland Road, Norwalk, Ohio, 44857.

(62) Miami Transportation Co., Inc. of Indiana, 1220 Harrison Avenue, Cincinnati, Ohio, 45214.

(63) Michigan Express, Inc., 1122 Freeman Avenue SW., Grand Rapids, Mich., 49502.

(64) Middle Atlantic Transportation Co., Inc., 976 West Main Street, Post Office Box No. 1296, New Britain, Conn., 06050.

(65) Midwest Emery Freight System, Inc., 7000 South Pulaski Road, Chicago, Ill., 60629.

(66) Midwest Freight Forwarding Co., Inc., 3220 South Wolcott Avenue, Chicago, Ill., 60608.

(67) J. E. Miller Transfer & Storage Co., 1508-14 McColloch Street, Post Office Box 368, Wheeling, W. Va., 26004.

(68) Modern Transfer Co., Inc., 1300 Hanover Avenue, Allentown, Pa., 18105.

(69) Morrison Motor Freight, Inc., 1100 East Jenkins Boulevard, Akron, Ohio, 44306.

(70) Motor Express, Inc., 410 Lincoln Building, Cleveland, Ohio, 44114.

(71) National Freight, Inc., 57 West Park Avenue, Vineland, N.J., 08360.

(72) National Freight, Inc., Operator of Pittsburgh-Wheeling Express, Inc., 57 West Park Avenue, Vineland, N.J., 08360.

(73) Newsom Trucking Company, Inc., Box 509, Columbus, Ind., 47201.

(74) Noerr Motor Freight, Inc., 1000 South Main Street, Lewistown, Pa., 17044.

(75) Norwalk Truck Lines, Inc., Post Office Box 320, 180 Milan Avenue, Norwalk, Ohio, 44857.

(76) Norwalk Truck Lines, Inc. of Delaware, Post Office Box 1479, Manheim Pike, Lancaster, Pa.

(77) The O. K. Trucking Co., 1810 South Street, Cincinnati, Ohio, 45204.

(78) Ohio Fast Freight, Inc., Post Office Box 808, Warren, Ohio, 44485.

(79) Pittsburgh & New England Trucking Co., 211 Washington Avenue, Dravosburg, Pa., 15034.

(80) Point Express, Inc., Post Office Box 10185, Station C, 3535 Seventh Avenue, Charleston, W. Va.

(81) Ramus Trucking Line, Inc., 3832 Ridge Road, Cleveland 9, Ohio.

(82) Renner Motor Lines, Inc., 622 West Waterloo Road, Akron 14, Ohio.

(83) Riss & Company, Inc., Post Office Box 2739, Bijou & Cascade, Colorado Springs, Colo., 80901.

(84) Roadway Express, Inc., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309.

(85) Russell Transfer, Inc., 444 Glenmore Drive, Salem, Va.

(86) Ryder Truck Lines, Inc., Post Office Box 2408, Jacksonville, Fla., 32203.

(87) Safeway Truck Lines, Inc., 4625 West 55th Street, Chicago 32, Ill.

(88) Schreiber Trucking Co., Inc., 1315–1399 Washington Boulevard, Pittsburgh 6, Pa.

(89) Smith's Transfer Corp. of Staunton, Va., Post Office Box 1000, Staunton, Va., 24401.

(90) Snyder Brothers Motor Freight, Inc., 363 Stanton Avenue, Akron, Ohio, 44301.

(91) Spector Freight System, Inc., 3100 South Wolcott Avenue, Chicago, Ill., 60608.

(92) Strickland Motor Freight Lines, Inc., Post Office Box 5689, 3011 Gulden Avenue, Dallas, Tex., 75222.

(93) Superior Trucking Company, Inc., 520 Bedford Place NE., Atlanta, Ga., 30308.

(94) Suwak Trucking Co., 1105 Fayette Street, Washington, Pa., 15301.

(95) H. W. Taynton Co., Inc., 40 Main Street, Wellsboro, Pa., 16901.

(96) T.I.M.E. Freight, Inc., 2604 Texas Avenue, Lubbock, Tex.

(97) Transamerican Freight Lines, Inc., 1700 North Waterman Avenue, Detroit, Mich., 48209.

(98) Transport Motor Express, Inc., Post Office Box 958, Meyer Road, Fort Wayne, Ind., 46801.

(99) Travelers Motor Freight, Inc., 1149 Kenmore Boulevard, Post Office Box 1332, Akron, Ohio, 41309.

(100) United Dispatch, Inc., 113 Ann Street, Parkersburg, W. Va., 26101.

(101) Valley Freight Lines, Inc., Post Office Box 231, Rural Delivery No. 2, New Castle, Pa., 16103.

(102) Wenham Transportation, Inc., 3200 East 79th Street, Post Office Box 6931, Cleveland 1, Ohio.

(103) The Western Express Co., 1277 East 40th Street, Cleveland 14, Ohio.

(104) Wilson Freight Forwarding Co., 3636 Follett Avenue, Cincinnati 23, Ohio.

(105) Yankee Lines, Inc., 1400 East Archwood Avenue, Akron 6, Ohio.

(106) T. M. Zimmerman Co., Post Office Box 380, 227 West Commerce Street, Chambersburg, Pa., 17210.

[F.R. Doc. 64–10447; Filed, Oct. 14, 1964; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 12, 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. 39323: *Seatrain Lines—Synthetic plastics from points in Louisiana.* Filed by Seatrain Lines, Inc. (No. 31), for itself and interested carriers. Rates on synthetic plastics, liquid or other than liquid, noibn, also sheet scrap and scrap, noibn, loaded in containers and transported over joint routes of applicant motor carriers and Seatrain Lines, Inc., from Baton Rouge, North Baton Rouge, Plaquemine, Lockport, and Lake Charles, La., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

Grounds for relief: Truck-water-truck competition.

Tariff: Supplement 15 to Seatrain Lines, Inc., tariff I.C.C. 199.

By the Commission.

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

[F.R. Doc. 64–10489; Filed, Oct. 14, 1964; 8:46 a.m.]

[Notice 1061]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 12, 1964.

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

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

No. MC–FC 67081. By order of October 8, 1964, the Transfer Board approved the transfer to King's of America Van & Storage, Inc., doing business as Russell-North American Transfer & Storage, Joplin, Mo., of the operating rights issued March 9, 1964, under Certificate No. MC 29723, to Robert Dale King and Marvin Rector, a partnership, doing business as Russell-North American Transfer & Storage, Joplin, Mo., authorizing the transportation of household goods over irregular routes, between Joplin, Mo., and points in Missouri within 25 miles thereof, on the one hand, and, on the other, points in Kansas. George C. Balridge, 225 Miners Bank Building, Joplin, Mo., attorney for applicants.

No. MC–FC 67173. By order of October 8, 1964, the Transfer Board approved the transfer to Ward J. Tucker and Thelma M. Tucker, a Partnership, Maysville, Mo., of the operating rights in Certificate of Registration No. MC 99976 Sub 1, issued by the Commission December 19, 1963, to Raymond C. Souther and Ward J. Tucker, a partnership, doing business as Zip Truck Line, Maysville, Mo., corresponding to the grant of intrastate authority to transferor, pursuant to Common Carrier Certificate No. T–547, issued February 8, 1957, by the Public Service Commission of the State of Missouri, authorizing the transportation of property, over regular routes, between St. Joseph and Maysville; between Winston, Altamont, Gallatin, Jameson and all intermediate points, and between all of the said points, on the one hand, and St. Joseph and Maysville, on the other hand; between St. Joseph, Clarksdale, Oak, Amity, Fairport, Santa Rosa, Weatherby, and Coffey and applicants' previously authorized routes; and over irregular routes, between Maysville and all points within 10 miles of Maysville, on the one hand, and all points in the counties of De Kalb, Daviess, Clinton, Andrew and Buchanan, on the other hand.

No. MC–FC 66255. By order of October 7, 1964, the Transfer Board approved the transfer to Hudson River Warehouse & Trucking Corp., Jersey City, N.J., of Certificate in No. MC 2028, issued August 20, 1957, to Gray Fleet Trucking Co., Inc., Jersey City, N.J., authorizing the transportation of: Heavy industrial chemicals, and empty chemical containers used as receptacles of heavy industrial chemicals, between New York, N.Y., on the one hand, and, on the other, New Brunswick, N.J., and points in Bergen, Essex, Hudson, Morris, Somerset, Union, and Passaic Counties, N.J., and those in a specified part of Middlesex County, N.J. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y., attorney for applicants.

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

[F.R. Doc. 64–10490; Filed, Oct. 14, 1964; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 88th Congress, Second Session.

Approved October 13, 1964

S. 646 ..... Public Law 88–659
An Act to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia.

S. 1147 ..... Public Law 88–657
An Act to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes.

S. 1593 ..... Public Law 88–660
An Act to amend section 14 of the Federal-Aid Highway Act of 1954, concerning the interstate planning and coordination of the Great River Road.

S. 2180 ..... Public Law 88–654
An Act to amend title VII of the Public Health Service Act so as to extend to qualified school of optometry and students of optometry those provisions thereof relating to student loan programs.

S. 2460 ..... Public Law 88–642
An Act to amend the Act of July 13, 1959, so as to extend the period of time within which certain construction may be undertaken by the State of Missouri on lands conveyed to such State by the United States.

S. 2649 ..... Public Law 88–646
An Act to designate as the Graham Burke Pumping Plant the pumping plant being constructed in the State of Arkansas as part of the White River backwater unit of the Lower Mississippi River flood control project.

S. 2654 ..... Public Law BB–648
An Act to change the name of the Canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, to Point Pleasant Canal.

S. 2968 ..... Public Law 88–658
An Act to amend subsection 120(f) of title 23, United States Code.

S. 3035 ..... Public Law 88–663
An Act to provide for the disposition of judgment funds now on deposit to the credit of the Red Lake Band of Chippewa Indians.

S. 3143 ..... Public Law 88–662
An Act to designate as Clair Engle Lake the reservoir created by the Trinity Dam, Central Valley project, California.

S. 3162 ..... Public Law 88–656
An Act to amend section 105(a) of the Legislative Branch Appropriation Act, 1965, with respect to the disclosure in reports required thereunder of the names of persons who have appeared as witnesses before committees sitting in executive session.

S. 3174 ..... Public Law 88–661
An Act to amend section 5 of the Employment Act of 1946.

H.J. Res. 1192 ..... Public Law 88–649
Joint Resolution fixing the time of assembly of the Eighty-ninth Congress.

H.R. 1096 ..... Public Law 88–655
An Act to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes.

H.R. 2434 ..... Public Law 88–651
An Act to amend section 560 of title 38, United States Code, to permit the payment of special pension to holders of the Congressional Medal of Honor awarded such medal for actions not involving conflict with an enemy, and for other purposes.

H.R. 4649 ..... Public Law 88–653
An Act to amend the Internal Revenue Code of 1954 to authorize the use of certain volatile fruit-flavor concentrates in the cellar treatment of wine, and for other purposes.

H.R. 5871 ..... Public Law 88–644
District of Columbia Judges Retirement Act of 1964.

H.R. 6218 ..... Public Law 88–645
An Act to amend the Act of June 29, 1960, to authorize additional extensions of time for final proof by certain entrymen under the desert land laws and to make such additional extensions available to the successors in interest of such entrymen.

H.R. 8427 ..... Public Law 88–643
An Act to provide for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, and for other purposes.

H.R. 9124 ..... Public Law 88–647
An Act to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes.

H.R. 9393 ..... Public Law 88–650
An Act to amend title II of the Social Security Act to provide full retroactivity for disability determinations, to extend the period within which ministers may elect coverage, and to validate wages erroneously reported for certain engineering aides employed by soil and water conservation districts in Oklahoma, and for other purposes.

H.R. 10473 ..... Public Law 88–641
An Act to extend the period during which Federal payments may be made for foster care in child-care institutions under the program of aid to families with dependent children under title IV of the Social Security Act, and for other purposes.

H.R. 12318 ..... Public Law 88–652
An Act to provide an equitable system for the classification of certain positions under the House of Representatives, and for other purposes.

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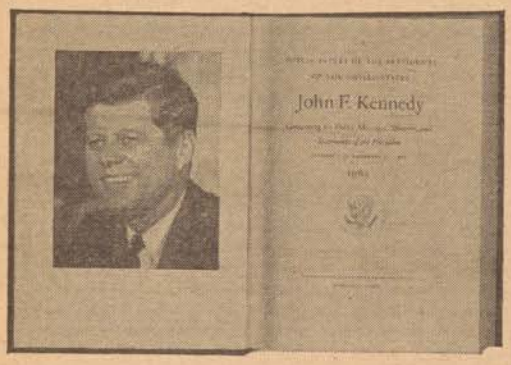

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