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Contents

AGRICULTURE DEPARTMENT

Notices

- Agricultural Credit Insurance Fund; Farmers Home Administration; assignment and reservation of functions..... 2433
- Colorado and North Dakota; designation of areas for emergency loans..... 2433

ARMY DEPARTMENT

See Engineers Corps.

CIVIL AERONAUTICS BOARD

Notices

- IATA joint conference; agreement regarding specific commodity rates..... 2433

COAST GUARD

Proposed Rule Making

- Midsummer seasonal load lines for Great Lakes; public hearings on spring extension..... 2426

COMPTROLLER OF THE CURRENCY

Rules and Regulations

Investment securities:

- General State Authority of the Commonwealth of Pennsylvania Serial Bonds, 19th Series..... 2419
- State of Israel Bonds..... 2419

ENGINEERS CORPS

Rules and Regulations

- John Redmond Reservoir Area et al.; public use..... 2422

FEDERAL AVIATION AGENCY

Rules and Regulations

- Control zone and transition areas: Alteration..... 2419
- Alteration and designation..... 2419
- Control zone, transition area, and control area extension; alteration, revocation, and designation; correction..... 2420

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

- Table of assignments, FM broadcast stations; Pascagoula, Miss..... 2428

Notices

- U.S. Coast Guard Auxiliary Division XX; show cause order..... 2433
- Hearings, etc.:
Hamilton, Charles L., Sr., and Mildred B. Hamilton (KBAB)..... 2434
- KWEN Broadcasting Co. and Woodland Broadcasting Co., Inc..... 2434
- Lake Valley Broadcasters, Inc..... 2436
- Marietta Broadcasting Co., Inc. (WBIE) and Cobb County Broadcasting Co..... 2436
- Middlesex Broadcasting Co. (WCNX)..... 2437
- Pepino Broadcasters, Inc..... 2437

FEDERAL HOUSING ADMINISTRATION

Rules and Regulations

- Housing and mortgage insurance; miscellaneous amendments..... 2421

FEDERAL POWER COMMISSION

Notices

- Hearings, etc.:
Carr, W. P., et al..... 2438
- Cities Service Gas Co..... 2441
- Mississippi River Transmission Corp. and Mississippi River Fuel Corp..... 2438
- Pacific Gas and Electric Co..... 2438
- Panhandle Eastern Pipe Line Co..... 2440
- Skelly Oil Co. et al..... 2440

FEDERAL TRADE COMMISSION

Proposed Rule Making

- Phonograph record industry; hearing and opportunity to present views..... 2428
- Textile fiber products identification..... 2429

FISH AND WILDLIFE SERVICE

Rules and Regulations

- Sport fishing in wildlife refuge areas:
Florida; St. Marks..... 2424
- Oregon:
Cold Springs..... 2424
- McKay Creek..... 2425

Notices

- Golden eagles; orders permitting taking to seasonally protect livestock in certain:
South Dakota counties..... 2431
- Wyoming counties..... 2431

HOUSING AND HOME FINANCE AGENCY

See Federal Housing Administration

INDIAN AFFAIRS BUREAU

Proposed Rule Making

- Vocational training program for adult Indians; administration..... 2426

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.

Notices

- Statements of changes in financial interests:
Hall, Glenn J..... 2432
- Lengnick, Lewis W..... 2432
- Negroni, Julio A..... 2432
- Ramirez, Rafael R..... 2432
- Rend, Robert R..... 2432
- Schultz, LeRoy J..... 2432
- Selander, Raymond V..... 2432
- Williams, Carl H..... 2432

INTERNATIONAL DEVELOPMENT AGENCY

Notices

- Assistant Administrator for Development Finance and Private Enterprise; authority delegation regarding investment surveys..... 2430

(Continued on next page)

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief.....	2441
Lehigh Valley Railroad; rerouting of traffic.....	2442

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land orders:

Alaska:	
Withdrawal of lands for protection of public recreation values.....	2423
Withdrawal of public recreation sites.....	2423
Utah; partial revocation of public water reserves.....	2423
Washington; modification of previous order and powersite classification.....	2424

Proposed Rule Making

Grazing District Advisory Board; authorization for establishment, number of members, and qualifications.....	2427
--	------

Notices

Alaska; termination of proposed withdrawal and reservation of lands.....	2430
Arizona; small tract classification.....	2430
Federal Range Code for Grazing Districts; grazing fees, 1964.....	2431

NATIONAL PARK SERVICE

Proposed Rule Making

Fort Jefferson National Monument, Florida; fishing and anchoring.....	2427
---	------

POST OFFICE DEPARTMENT

Notices

Uniform Quality Control Program; agreement with U.S. Army Natick Laboratories, Natick, Mass.....	2430
--	------

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations

Incorporation by reference.....	2420
---------------------------------	------

Notices

Sherwin-Williams Co. and G. D. Searle & Co.; hearing, etc.....	2443
--	------

STATE DEPARTMENT

See International Development Agency.	
---------------------------------------	--

TREASURY DEPARTMENT

See Coast Guard; Comptroller of the Currency.	
---	--

Codification Guide

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

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

3 CFR

EXECUTIVE ORDERS:

Nov. 26, 1921 (See PLO 3326).....	2423
April 4, 1922 (See PLO 3326).....	2423
April 17, 1926 (See PLO 3326).....	2423

12 CFR

1 (2 documents).....	2419
----------------------	------

14 CFR

71 [New] (3 documents).....	2419, 2420
-----------------------------	------------

16 CFR

PROPOSED RULES:

67.....	2428
303.....	2429

17 CFR

230.....	2420
240.....	2420
250.....	2420
260.....	2420
270.....	2420

24 CFR

207.....	2422
213.....	2422
221.....	2422

25 CFR

PROPOSED RULES:

34.....	2426
---------	------

36 CFR

311.....	2422
PROPOSED RULES:	
7.....	2427

43 CFR

PUBLIC LAND ORDERS:

3324.....	2423
3325.....	2423
3326.....	2423
3327.....	2424

PROPOSED RULES:

161.....	2427
----------	------

46 CFR

PROPOSED RULES:

45.....	2426
---------	------

47 CFR

PROPOSED RULES:

73.....	2428
---------	------

50 CFR

33 (3 documents).....	2424, 2425
-----------------------	------------

Volume 76

UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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Rules and Regulations

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

General State Authority of Commonwealth of Pennsylvania Serial Bonds, 19th Series

§ 1.132 General State Authority of the Commonwealth of Pennsylvania Serial Bonds, 19th Series.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the \$50,000,000 General State Authority of the Commonwealth of Pennsylvania Serial Bonds, 19th Series, are eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks under the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Ruling.* Following the principles applied in our decision of July 3, 1963, 12 CFR 1.125, that the Eighteenth Series of these bonds were eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks, it is our conclusion that the Bonds of the General State Authority of the Commonwealth of Pennsylvania, Nineteenth Series, are eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks.

Dated: February 6, 1964.

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

[F.R. Doc. 64-1402; Filed, Feb. 12, 1964; 8:45 a.m.]

PART 1—INVESTMENT SECURITIES REGULATION

State of Israel Bonds

§ 1.133 State of Israel Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the 4 percent Dollar Bonds of the State of Israel, Second Development Issue, are eligible for investment by National Banks under the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* Israel's economic development and its record of payments are sufficient to support a determination by a bank that the State of Israel is and will be able to perform its obligations. Such a determination must, however, be based to a substantial extent upon estimates believed to be reliable. For this reason and because of the limitations on the transfer and marketability of the bonds, holdings will be subject to the limitations of § 1.6(b).

(c) *Ruling.* It is our conclusion that the 4 percent Dollar Bonds of the State of Israel, Second Development Issue, are

eligible for purchase by National Banks within the limitations of Paragraph Seventh of 12 U.S.C. 24 and of § 1.6(b). Accordingly, a bank's holdings of these bonds and of other securities subject to the limitations of § 1.6(b) may not exceed in the aggregate five percent of the bank's capital and surplus.

Dated: February 6, 1964.

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

[F.R. Doc. 64-1401; Filed, Feb. 12, 1964; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE (NEW)

[Airspace Docket No. 63-AL-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS (NEW)

Alteration of Control Zone and Transition Area

On October 11, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10924) stating that the Federal Aviation Agency proposed to alter the Northway, Alaska, control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments, but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

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

Northway, Alaska.

Within a 5-mile radius of Northway Airport (latitude 62°57' N., longitude 141°55' W.), and within 2 miles each side of Northway RR NW course, extending from the 5-mile radius zone to 8 miles NW of the RR.

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

Northway, Alaska.

That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the 307° and 127° bearings from the Northway RR, extending from 8 miles SE to 12 miles NW of the RR; and that airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Northway RR, extending from 22 miles SE to 42 miles NW of the RR.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

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

Issued in Washington, D.C., on February 7, 1964.

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

[F.R. Doc. 64-1403; Filed, Feb. 12, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS (NEW)

Alteration of Control Zones and Designation of Transition Areas

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12938) stating that the Federal Aviation Agency (FAA) proposed to alter the Wilmington, Del., Willow Grove, Pa., North Philadelphia, Pa., and Trenton, N.J., control zones, and to designate three transition areas in the vicinity of Philadelphia, Pa.

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 amendments having been published, and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the following actions are taken:

a. The Wilmington, Del., control zone is amended to read:

Within a 5-mile radius of the Greater Wilmington Airport (latitude 39°40'40" N., longitude 75°36'25" W.); within 2 miles each side of the Greater Wilmington Airport ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 5-mile radius zone to 7 miles SW of the VORTAC.

b. The Willow Grove, Pa., control zone is amended to read:

Within a 5-mile radius of Willow Grove NAS (latitude 40°12'00" N., longitude 75°08'55" W.); within a 5-mile radius of Johnsville NAS (latitude 40°11'55" N., longitude 75°04'00" W.); within 2 miles each side of the 325° bearing from the Willow Grove RBN, extending from the RBN to 7 miles NW of the RBN; within 2 miles each side of the Johnsville NAS TACAN 274° radial, extending from the TACAN to 9 miles W of the TACAN; within 2 miles each side of the Johnsville NAS TACAN 082° radial, extending from the TACAN to 6.5 miles E of the TACAN; within 2 miles each side of the Yardley, Pa., VOR 245° radial, extending from the VOR to the Willow Grove NAS, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone centered on Johnsville NAS with the North Philadelphia, Pa., control zone.

c. The North Philadelphia, Pa., control zone is amended to read:

Within a 5-mile radius of North Philadelphia Airport (latitude 40°04'45" N.,

longitude 75°00'35" W.); within 2 miles each side of the North Philadelphia VOR 039° radial, extending from the 5-mile radius zone to 6 miles NE of the VOR; within 2 miles each side of the 048° bearing from the North Philadelphia RBN, extending from the 5-mile radius zone to 6 miles NE of the RBN, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Willow Grove, Pa., control zone.

d. The Trenton, N.J., control zone is amended to read:

Within a 5-mile radius of Mercer County Airport, Trenton, N.J. (latitude 40°16'33" N., longitude 74°48'55" W.); within 2.5 miles N and 2 miles S of the Yardley, Pa., VOR 071° and 065° radials, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1-mile radius of the Morrisville, Pa., Airport (latitude 40°12'00" N., longitude 74°48'55" W.), and excluding the portion within the Willow Grove, Pa., control zone.

2. a. Section 71.181 (29 F.R. 1160) is amended by adding the following transition areas:

Philadelphia, Pa.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Philadelphia International Airport (latitude 39°52'30" N., longitude 75°14'20" W.); within 2 miles each side of the Philadelphia International Airport ILS localizer W course, extending from the OM to 8 miles W of the OM; within a 5-mile radius of the Bridgeport, N.J., Airport (latitude 39°47'40" N., longitude 75°20'25" W.); within 2 miles each side of the 329° bearing from the Philadelphia ILS OM, extending from the OM to 8 miles NW of the OM; within 2 miles each side of the Woodstown, N.J., VOR 350° radial, extending from the VOR to 10 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 40°30'00" N., longitude 75°20'30" W., to latitude 40°30'00" N., longitude 75°00'00" W., to latitude 40°24'20" N., longitude 74°45'40" W., to latitude 40°16'10" N., longitude 74°39'20" W., to latitude 40°00'35" N., longitude 74°54'35" W., to latitude 39°53'00" N., longitude 74°48'00" W., to latitude 39°43'00" N., longitude 74°48'00" W., to latitude 39°18'20" N., longitude 75°36'40" W., to latitude 39°50'00" N., longitude 76°19'40" W., to latitude 39°50'00" N., longitude 75°44'00" W., to latitude 40°05'00" N., longitude 75°44'00" W., to latitude 40°05'00" N., longitude 75°25'40" W., to latitude 40°07'00" N., longitude 75°22'00" W., to point of beginning excluding the portion within 8 miles W and 5 miles E of the 328° bearing from latitude 39°25'02" N., longitude 75°08'07" W., extending from latitude 39°25'02" N., longitude 75°08'07" W., to 12 miles NW.

b. North Philadelphia, Pa.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 234° bearing from the Wings Field, Philadelphia, Pa., RBN (latitude 40°07'33" N., longitude 75°17'08" W.), extending from the RBN to 8 miles SW of the RBN, within a 7-mile radius of the North Philadelphia Airport (latitude 40°04'45" N., longitude 75°00'35" W.); within a 7-mile radius of Mercer County Airport, Trenton, N.J. (latitude 40°16'33" N., longitude 74°48'55" W.), and including that airspace beginning at latitude 40°17'40" N., longitude 75°21'15" W., to latitude 40°24'10" N., longitude 75°09'20" W., to latitude 40°18'10" N., longitude 75°03'50" W., to latitude 40°22'05" N., longitude 74°52'00" W., to latitude 40°10'30" N., longitude 74°48'00" W., to latitude 40°07'30" N., longitude 74°53'30" W., to latitude 40°02'40" N., longitude 75°08'00" W., to latitude 40°04'30" N., longitude 75°18'50" W., to

latitude 40°07'00" N., longitude 75°22'00" W., to point of beginning.

c. Wilmington, Del.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Greater Wilmington, Del., Airport (latitude 39°40'40" N., longitude 75°36'25" W.); within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 7-mile radius area to 8 miles SW of the VORTAC.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

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

Issued in Washington, D.C., on February 7, 1964.

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

[F.R. Doc. 64-1404; Filed, Feb. 12, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-48]

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

Alteration of Control Zone, Designation of Transition Area, and Revocation of Control Area Extension

Correction

In F.R. Doc. 64-1215, appearing in the issue for Friday, February 7, 1964, at page 1843 make the following change in line 13 of the description for Bakersfield, California, in § 71.181: The reference to "latitude 35°50'00" should read "latitude 35°05'00".

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4665, etc.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

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

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Miscellaneous Amendments

The Securities and Exchange Commission has adopted a number of rule changes to clarify and bring up to date its incorporation by reference rules under the Securities Act of 1933, the Securities Exchange Act of 1934, the Holding

Company Act of 1935, the Trust Indenture Act of 1939, and the Investment Company Act of 1940.

Incorporation by reference in general in filing with the Commission is governed by Rule 24 (17 CFR 201.24) of the revised rules of practice, adopted in 1960, particularly paragraph (a) thereof. Rule 24 when effective was intended to, and did supersede any provisions of any rules then in effect inconsistent with the limitations and policy expressed by Rule 24. Paragraph (a) of Rule 24 reads as follows:

(a) *Requirements.* Where rules, regulations, or instructions to forms permit incorporation by reference, a document may be so incorporated only by reference to the specific document and to the prior filing in which it was physically filed, not to another file which incorporates it by reference. No document which has been on file with the Commission for a period of more than 10 years may be incorporated by reference in a current filing except basic documents as designated under paragraph (b) of this rule.

The rule changes now adopted by the Commission clarify the relationship between the rules under the various Acts and Rule 24 of the rules of practice. The text of the Commission's action follows:

I. Section 230.412 (Rule 412 under the Securities Act of 1933) is amended by inserting after the word "reference" the words "shall be subject to the limitations of § 201.24 of this chapter and".

II. Section 230.447 (Rule 447 under the Securities Act of 1933) is amended by inserting after the word "may" in paragraph (a) a comma and the words, "subject to the limitations of § 201.24 of this chapter."

III. Section 240.12b-32 (Rule 12b-32 under the Securities Exchange Act of 1934) is amended by inserting after the word "may" in the first sentence of paragraph (a) a comma and the words, "subject to the limitations of § 201.24 of this chapter."

IV. Section 240.12b-35 (Rule 12b-35 under the Securities Exchange Act of 1934) is amended by inserting after the word "shall" in the first sentence of paragraph (e) a comma and the words, "subject to the limitations of § 201.24 of this chapter."

V. Section 250.22 (Rule 22 under the Public Utility Holding Company Act of 1935) is amended by inserting in the first sentence of paragraph (b), after the word "may", a comma and the words "subject to the limitations of § 201.24 of this chapter."

VI. Section 260.7a-29 (Rule 7a-29 under the Trust Indenture Act of 1939) is amended by inserting after the word "may" in the first sentence of paragraph (a) a comma and the words "subject to the limitations of § 201.24 of this chapter."

VII. Section 270.0-4 (Rule 0-4 under the Investment Company Act of 1940) is amended by inserting after the word "may" in the first sentence of paragraph (a) a comma and the words "subject to the limitations of § 201.24 of this chapter."

VIII. Section 270.0-4 is further amended by inserting after the word

"may" in the first sentence of paragraph (b) a comma and the words "subject to the limitations of § 201.24 of this chapter."

IX. Section 270.8b-32 (Rule 8b-32 under the Investment Company Act of 1940) is amended by inserting after the word "may" in the first sentence of paragraph (a) a comma and the words "subject to the limitations of § 201.24 of this chapter."

As so amended, the sections read as follows:

§ 230.412 Form of and limitation upon incorporation by reference.

Material incorporated by reference shall be subject to the limitations of § 201.24 of this chapter and shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the registration statement where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

§ 230.447 Incorporation of exhibits by reference.

(a) Any document or part thereof filed with the Commission pursuant to any Act administered by the Commission may, subject to the limitations of § 201.24 of this chapter, be incorporated by reference as an exhibit to any registration statement.

§ 240.12b-32 Incorporation of exhibits by reference.

(a) Any document or part thereof filed with the Commission pursuant to any Act administered by the Commission, may, subject to the limitations of § 201.24 of this chapter, be incorporated by reference as an exhibit to any application or report filed with the Commission by the same or any other person. Any document or part thereof filed with an exchange pursuant to the Act may be incorporated by reference as an exhibit to any application or report filed with the exchange by the same or any other person.

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

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

filed as a part of, or incorporated by reference in, applications for registration filed pursuant to this rule.

§ 250.22 Applications and declarations.

(b) *Incorporation by reference.* If any information required to be filed in any application or declaration is contained in any document previously or concurrently filed with the Commission pursuant to any Act administered by it, the application or declaration may, subject to the limitations of § 201.24 of this chapter, incorporate such information by exact and specific reference to the filing in which it was physically filed. The Commission may refuse to permit incorporation by reference in any instance where, in its opinion, such incorporation is confusing, misleading or inadequate.

§ 260.7a-29 Incorporation of exhibits as such.

(a) Any exhibit or part thereof previously or concurrently filed with the Commission pursuant to any Act administered by the Commission, may, subject to the limitations of § 201.24 of this chapter, be incorporated by reference as an exhibit to any application, statement or report filed with the Commission by the same or any other person. Any exhibit or part thereof so filed with a trustee pursuant to the Trust Indenture Act of 1939 may be incorporated by reference as an exhibit to any report filed with such trustee pursuant to section 314(a) of that Act by the same or any other person.

§ 270.0-4 Incorporation by reference.

(a) A registered investment company may, subject to the limitations of § 201.24 of this chapter, incorporate by reference as an exhibit, in any registration statement, application or report filed with the Commission, any document or part thereof previously or concurrently filed with the Commission pursuant to any act administered by the Commission. The incorporation may be made whether the matter incorporated was filed by such registered company or any other person. If any modification has occurred in the text of any such document since the filing thereof, the company shall file with the reference a statement containing the text of any such modification and the date thereof. If the number of copies of any document previously or concurrently filed with the Commission is less than the number required to be filed with the registration statement, application or report which incorporates such document, the company shall file therewith as many additional copies of the document as may be necessary to meet the requirements of the registration statement, application or report.

(b) A registered investment company may, subject to the limitations of § 201.24 of this chapter, incorporate by reference, in any registration statement, ap-

plication or report filed with the Commission, any financial statement or part thereof previously or concurrently filed with the Commission pursuant to any act administered by the Commission, if it substantially conforms to the requirements of the form on which such registration statement, application or report is filed. The incorporation may be made whether the matter incorporated was filed by such registered company or any other person. If a certificate of an independent public accountant or accountants is required to accompany a financial statement in any registration statement, application or report, the incorporation by reference of a certificate previously or concurrently filed will not be deemed a compliance with such requirements unless the written consent of the accountant or accountants to such incorporation is filed with the registration statement, application or report.

§ 270.8b-32 Incorporation of exhibits by reference.

(a) Any document or part thereof filed with the Commission pursuant to any Act administered by the Commission may, subject to the limitations of § 201.24 of this chapter, be incorporated by reference as an exhibit to any registration statement or report filed with the Commission by the same or any other person.

(Sec. 19(a), 48 Stat. 85, as amended, 15 U.S.C. 77s; secs. 13, 15(d) and 23(a), 48 Stat. 894, 895, 901, as amended, 15 U.S.C. 78m, 78o and 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; secs. 305, 307, 314 and 319, 53 Stat. 1154, 1156, 1167, and 1173, as amended, 15 U.S.C. 77ddd, 77ggg, 77nnn, and 77sss, and secs. 38 and 39, 54 Stat. 841, 15 U.S.C. 80a-37 and 80a-38)

The Commission finds that the foregoing action merely clarifies existing rules of the Commission, and their application imposes no new substantive requirements upon any member of the public. Accordingly, the rule-making notice and public comment procedures specified by section 4 of the Administrative Procedure Act are deemed unnecessary.

The Commission's action is effective immediately.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

FEBRUARY 7, 1964.

[F.R. Doc. 64-1405; Filed, Feb. 12, 1964; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

**SUBCHAPTER D—RENTAL HOUSING
INSURANCE**

**PART 207—MULTIFAMILY HOUSING
MORTGAGE INSURANCE**

Subpart A—Eligibility Requirements

Section 207.32 is amended to read as follows:

§ 207.32 Eligibility of refinancing transactions.

Notwithstanding the eligibility requirements of this subpart, a mortgage given to refinance an existing mortgage insured under sections 220, 221, 608 or 908 of the Act may be insured under this subpart pursuant to section 223(a)(7) of the Act. The new mortgage shall be limited in amount and in term as follows:

(a) The principal of the new mortgage shall not exceed the lowest of these amounts:

(1) The original principal amount of the existing insured mortgage.

(2) The unpaid principal amount of the existing insured mortgage, to which may be added—

(i) The outstanding indebtedness incurred in connection with capital improvements made to the property which are acceptable to the Commissioner.

(ii) The costs, as determined by the Commissioner, of capital improvements, upgrading or additions required to be made to the property.

(iii) Loan closing charges.

(3) 90 percent of the Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property.

(b) The term of the new mortgage shall not exceed the unexpired term of the existing mortgage, except that it may have a term of not more than 12 years in excess of the unexpired term of the existing mortgage in any case in which the Commissioner determines that the insurance of the mortgage for an additional term will inure to the benefit of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

**SUBCHAPTER E—COOPERATIVE HOUSING
INSURANCE**

**PART 213—COOPERATIVE HOUSING
MORTGAGE INSURANCE**

Subpart A—Eligibility Requirements—Projects

In § 213.45 paragraph (d) is amended to read as follows:

§ 213.45 Eligibility of miscellaneous type mortgages.

(d) Notwithstanding the eligibility requirements of this subpart, a mortgage given to refinance an existing mortgage insured under section 220, 221, 608, or 908 of the Act may be insured under this subpart pursuant to section 223(a)(7) of the Act. The new mortgage shall be limited in amount and in term as follows:

(1) The principal of the new mortgage shall not exceed the lowest of these amounts:

(i) The original principal amount of the existing insured mortgage.

(ii) The unpaid principal amount of the existing insured mortgage, to which may be added—

(a) The outstanding indebtedness incurred in connection with capital improvements made to the property which are acceptable to the Commissioner.

(b) The costs, as determined by the Commissioner, of capital improvements, upgrading or additions required to be made to the property.

(c) Loan closing charges.

(iii) 90 percent of the Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property.

(2) The term of the new mortgage shall not exceed the unexpired term of the existing mortgage, except that it may have a term of not more than 12 years in excess of the unexpired term of the existing mortgage in any case in which the Commissioner determines that the insurance of the mortgage for an additional term will inure to the benefit of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

**SUBCHAPTER G—HOUSING FOR MODERATE
INCOME AND DISPLACED FAMILIES**

**PART 221—LOW COST AND MODERATE
INCOME MORTGAGE INSURANCE**

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.535 paragraph (a) is amended to read as follows:

§ 221.535 Supervision applicable to investor sponsor mortgagors.

(a) *Investor sponsor equity.* The builder's and sponsor's profit and risk allowance or builder's fee and such further amount as the Commissioner may determine, shall be held by the mortgagee in an escrow and shall not be paid to the investor sponsor unless the project is transferred to a cooperative mortgagor within two years from the date of completion. In the event of default or failure to transfer the project to a cooperative mortgagor within the two-year period, the escrow shall be applied against the mortgage or in such other manner as the Commissioner may direct. The amount of the escrow, together with any other equity of the investor sponsor mortgagor approved by the Commissioner, shall be deemed to be the equity of the investor sponsor mortgagor for purposes of determining its operations as a limited dividend corporation.

In § 221.560 paragraph (a) is amended to read as follows:

§ 221.560 Eligibility of refinanced mortgages.

(a) Notwithstanding the eligibility requirements of this subpart, a mortgage given to refinance an existing mortgage insured under section 220, 221, 608, or 908 of the Act may be insured under this subpart pursuant to section 223(a)(7) of the Act. The new mortgage shall be limited in amount and in term as follows:

(1) The principal of the new mortgage shall not exceed the lowest of these amounts:

(i) The original principal amount of the existing insured mortgage.

(ii) The unpaid principal amount of the existing insured mortgage, to which may be added—

(a) The outstanding indebtedness incurred in connection with capital improvements made to the property which are acceptable to the Commissioner.

(b) The costs, as determined by the Commissioner, of improvements, upgrading or additions required to be made to the property.

(c) Loan closing charges.

(iii) The Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property, except for general or limited dividend corporation mortgagors when the amount shall not exceed 90 percent of the Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property.

(2) The term of the new mortgage shall not exceed the unexpired term of the existing mortgage, except that it may have a term of not more than 12 years in excess of the unexpired term of the existing mortgage in any case in which the Commissioner determines that the insurance of the mortgage for an additional term will inure to the benefit of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715i)

Issued at Washington, D.C., February 7, 1964.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 64-1438; Filed, Feb. 12, 1964; 8:48 a.m.]

**Title 36—PARKS, FORESTS,
AND MEMORIALS**

**Chapter III—Corps of Engineers,
Department of the Army**

**PART 311—PUBLIC USE OF CERTAIN
RESERVOIR AREAS**

John Redmond, Albeni Falls, Alvin R. Bush and Chief Joseph Reservoir Areas

The Secretary of the Army having determined that the use of John Redmond Reservoir Area, Grand (Neosho)

River, Kansas; Albeni Falls Reservoir Area, Pend Oreille River, Idaho; Alvin R. Bush Reservoir Area, Kettle Creek, Pennsylvania; and Chief Joseph Reservoir Area, Columbia River, Washington, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944, as amended (76 Stat. 1195).

1. Reservoir areas are added to § 311.1, as follows:

§ 311.1 Areas covered.

KANSAS

John Redmond Reservoir Area, Grand (Neosho) River.

IDAHO

Albeni Falls Reservoir Area, Pend Oreille River.

PENNSYLVANIA

Alvin R. Bush Reservoir Area, Kettle Creek.

WASHINGTON

Chief Joseph Reservoir Area, Columbia River.

2. Paragraph (b) of § 311.3 is revised to read as follows:

§ 311.3 Boats and other vessels, private.

(b) A permit shall be obtained from the District Engineer or his authorized representative for placing and operating a boat or other vessel on the reservoir for any one period longer than three days except for the reservoirs listed in this paragraph. No charge will be made for this permit. The permit shall be kept aboard the vessel at all times that the vessel is in operation on the reservoir. The District Engineer in charge of the area or his authorized representative shall have authority to revoke the permit and to require removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

IDAHO

Albeni Falls Reservoir Area, Pend Oreille River.

WASHINGTON

Chief Joseph Reservoir Area, Columbia River.

3. Reservoir areas are added to § 311.6 (b), as follows:

§ 311.6 Hunting and Fishing.

PENNSYLVANIA

Alvin R. Bush Reservoir Area, Kettle Creek.

[Regs., 29 January 1964, ENG CW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

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

[F.R. Doc. 64-1407; Filed, Feb. 12, 1964; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3324]

[Anchorage 043400]

ALASKA

Withdrawing Lands Under Jurisdiction of Bureau of Land Management for Protection of Public Recreation Values

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

Subject to existing valid rights, the following-described public lands are hereby withdrawn under jurisdiction of the Bureau of Land Management, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, and reserved for use as public recreation areas and for preservation of public recreation values:

LAKE GEORGE AREA

Beginning at Point No. 1, common with M.C. Corner No. 4, U.S. Survey No. 3290, Tract B, thence South 7 chains to Corner No. 3, U.S. Survey No. 3290, Tract B, thence continuing South 13 chains to Point No. 2, the point of beginning; thence;

Southeasterly 15 miles, approximately, parallel with the South Bank of the Knik River (a strip 1/4 mile wide) to a point opposite foot of Knik Glacier;

Southerly 7 miles, approximately, continuing in a southerly direction paralleling the river drainage from Lake George (continuing a strip 1/4 mile wide) to a point opposite outlet of Lake George;

Southwesterly 8 miles, approximately, paralleling west side of Lake George (continuing a strip 1/4 mile wide) to southwest inlet of Lake George.

Containing approximately 4,800 acres.

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

FEBRUARY 7, 1964.

[F.R. Doc. 64-1408; Filed, Feb. 12, 1964; 8:45 a.m.]

[Public Land Order 3325]

ALASKA

Withdrawal of Public Recreation Sites

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

Subject to existing valid rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, and reserved under jurisdiction of the Bureau of Land Management for the preservation of public recreation values:

[Anchorage 042637]

Hanagita Lake-Chitina Area

Beginning at a point on north shore of outlet of Hanagita Lake located approximately latitude 61°16'30" N., longitude 143°47' W. (10" DBH W. Spruce, yellow tagged); thence N. 45°00' E., 4 chains to Corner No. 1; N. 45°00' W., 10 chains to Corner No. 2; S. 45°00' W., 5 chains to N. side of Hanagita Creek; continuing crossing creek S. 45°00' W., 4.75 chains to Corner No. 3; S. 45°00' E., 10 chains to Corner No. 4 located on shore of lake; N. 45°00' E., approximately 5 chains along shore of lake to creek; continuing N. 45°00' E. 1 chain to point of beginning.

Containing approximately 10 acres.

[Anchorage 037066]

[Anchorage 041391]

COPPER RIVER MERIDIAN

Miles Lake-Copper River Area

T. 14 S., R. 4 E. (Unsurveyed)

Sec. 7. That portion of the SW 1/4 and the SE 1/4 lying south of the Copper River; Sec. 8. That portion of the SW 1/4 lying south of the Copper River;

Sec. 17, NW 1/4;

Sec. 18, NE 1/4, SW 1/4, E 1/2 NW 1/4 and that portion of the E 1/2 W 1/2 NW 1/4 lying east of the Copper River.

The same area can be described by metes and bounds as follows:

The point of beginning is located in the center of the Copper River Highway on the south bank of the Copper River at the point where the Copper River Highway crosses the Copper River; thence approximately 9,900 feet in a southwesterly direction along the mean high water line of the left bank of the Copper River to Corner 2;

East approximately 1980' to Corner 3; North approximately 2640' to Corner 4; East approximately 5280' to Corner 5; North approximately 1584' to Corner 6; located on the shoreline of Miles Lake; Northwesterly, following the shoreline of Miles Lake and the Copper River approximately 4,818' to the point of beginning.

Containing approximately 765 acres.

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

FEBRUARY 7, 1964.

[F.R. Doc. 64-1409; Filed, Feb. 12, 1964; 8:45 a.m.]

[Public Land Order 3326]

[Utah 88617]

UTAH

Partly Revoking Public Water Reserves Nos. 81, 82 and 107

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (35 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of November 26, 1921, creating Public Water Reserve No. 81, as construed by Interpretation No. 16 of February 28, 1925, the Executive Order of April 4, 1922, creating Public Water Reserve No. 82 and the Executive Order of April 17, 1926, creating Public Water Reserve No. 107, are hereby revoked so far as they affect the following described lands:

SALT LAKE MERIDIAN

PUBLIC WATER RESERVE NO. 81

T. 16 S., R. 23 E.,
Sec. 6, lot 1.

Containing approximately 40 acres.

PUBLIC WATER RESERVE NO. 82

T. 17 S., R. 21 E.,

Sec. 15, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 22, N $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 25, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing approximately 280 acres.

PUBLIC WATER RESERVE NO. 107

T. 16 S., R. 22 E.,

Sec. 23, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing approximately 40 acres.

The areas described aggregate approximately 360 acres.

2. Until 10:00 a.m. on August 7, 1964 the State of Utah shall have a preferred right of application to select the lands as provided by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). On and after that date and hour the lands shall become subject to application, petition, location, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference rights applications from the State, received at or prior to 10:00 a.m. on August 7, 1964, shall be considered as simultaneously filed at that time.

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

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

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

FEBRUARY 7, 1964.

[F.R. Doc. 64-1410; Filed, Feb. 12, 1964;
8:46 a.m.]

[Public Land Order 3327]

[Washington 04937]

WASHINGTON

Modification of Public Land Order No. 3012 and Power Site Classification No. 378

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), it is ordered as follows:

Public Land Order No. 3012 of April 8, 1963, which withdrew lands for use of the Army in connection with the John Day Lock and Dam Project, and the order of the Geological Survey of February 10, 1948, creating Power Site

Classification No. 378, are hereby modified to the extent necessary to permit safety requirements are permitted. mit the granting of a right-of-way under section 2477, United States Revised Statutes (43 U.S.C. 932), to the State of Washington Highway Commission as to the portions of the following-described land delineated on a map filed by the Highway Commission in the Bureau of Land Management in Washington 04937, subject to the conditions prescribed by the Federal Power Commission in DA-194-Washington, issued December 30, 1963.

WILLAMETTE MERIDIAN

T. 4 N., R. 22 E.,

Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Containing 40 acres.

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

FEBRUARY 7, 1964.

[F.R. Doc. 64-1411; Filed, Feb. 12, 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 33—SPORT FISHING

St. Marks National Wildlife Refuge, Florida

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks National Wildlife Refuge, Florida, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 44,000 acres or 80 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, bream, pickerel, and other minor species permitted by State regulations.

(b) Open season: St. Marks and Wakulla Units—May 1, 1964, through October 15, 1964. Certain described areas of the Panacea Unit north and south of State Highway 372—March 1, through October 15, 1964. The Panacea Unit area south of State Highway 372, to remain open through December 31, 1964. One hour before sunrise to one hour after sunset.

(c) Daily creel limits: Largemouth bass—10, pickerel—15, bream—35, and other creel limits for minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Rowboats, canoes, other floating devices without motors which meet State Boats must be removed from the refuge at the close of each day's legal fishing hours.

(3) Trot lines as permitted by the State for sport fishing are allowed, except that lines shall be taken up prior to closing hour of fishing daily.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) No fires are permitted by fishermen except at designated areas.

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

(4) The provisions of this special regulation are effective to January 1, 1965.

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

FEBRUARY 5, 1964.

[F.R. Doc. 64-1413; Filed, Feb. 12, 1964;
8:46 a.m.]

PART 33—SPORT FISHING

Cold Springs National Wildlife Refuge, Oregon

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

COLD SPRINGS NATIONAL WILDLIFE REFUGE

Sport fishing on the Cold Springs National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,550 acres, is delineated on maps available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Washington, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 20, 1964, through April 19, 1965, except closed from September 15, 1964, to the next day following the closing date of the migratory waterfowl hunting season or until December 31, 1964, whichever shall be the later date.

(2) Boats without motors only may be used for fishing.

The provisions of this special regulation supplement the regulations which

govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to April 20, 1965.

RICHARD E. GRIFFITH,
*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

FEBRUARY 3, 1964.

[F.R. Doc. 64-1414; Filed, Feb. 12, 1964;
8:46 a.m.]

PART 33—SPORT FISHING

McKay Creek National Wildlife Refuge, Oregon

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

MCKAY CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the McKay Creek National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to fishing. This open area, comprising 660 acres, is delineated on

maps available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Washington, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge is as follows: Waters above dam—Open entire year except closed during migratory waterfowl hunting season. Waters below dam—April 1 through October 31, 1964.

(2) Boats with motors may be used for fishing from April 1 through September 30, 1964, only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 31, 1965.

RICHARD E. GRIFFITH,
*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

FEBRUARY 3, 1964.

[F.R. Doc. 64-1415; Filed, Feb. 12, 1964;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[46 CFR Part 45]

[CGFR 64-11]

MIDSUMMER SEASONAL LOAD LINES FOR GREAT LAKES

Public Hearing on Spring Extension

1. The Merchant Marine Council will hold a public hearing on Monday, March 23, 1964, commencing at 9:30 a.m., in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views, and data on the proposed changes in the navigation and vessel inspection rules and regulations. The first 14 items containing these proposals are described in detail in the Merchant Marine Council Public Hearing Agenda (CG-249), dated March 23, 1964, and generally described in a notice of proposed rulemaking published in the FEDERAL REGISTER of January 30, 1964, 29 F.R. 1572. The 15th item is described in detail in a notice of proposed rule-making published in the FEDERAL REGISTER of February 1, 1964, 29 F.R. 1646.

2. This document contains another proposal which will be considered by the Merchant Marine Council at the public hearing on March 23, 1964, and is identified as "Item XVI—Midsummer Seasonal Load Lines for Great Lakes." Initial oceanographic studies now available, which are a part of an extensive study program on factors affecting the safe design and loading of Great Lakes ships, as well as previous operating experience, taken together, are considered to support the proposed extension of the present midsummer season so that it may begin on May 1st instead of on May 16th. Accordingly, it is proposed to amend § 45.01-75(a) by changing the date from "May 16" to "May 1" in the last sentence, and § 45.01-75(c) by changing the date from "May 15" to "April 30" in the last sentence. It is also proposed to make these amendments effective on May 1, 1964.

3. Each person or organization who desires to submit comments, data or views in connection with the proposed amendments set forth in this document should submit them in duplicate so that they will be received by the Commandant (CMC), United States Coast Guard Headquarters, Washington, D.C., 20226, prior to March 20, 1964. Comments, data or views may be presented orally or in writing at the public hearing before the Merchant Marine Council on March 23, 1964. In order to insure consideration of comments and to facilitate checking and recording, it is preferred that each comment regarding a section or paragraph of the proposed regulations be submitted on Coast Guard Form CG-

3287, copies of which were attached to the Agenda (CG-249) and may be reproduced or copies may be obtained from the Coast Guard. However, each comment should show the subject, the section or paragraph number, the proposed change, the reason or basis, and the name, business firm or organization (if any), and the address of the submitter.

ITEM XVI—MIDSUMMER SEASONAL LOAD LINES FOR GREAT LAKES

4. It is proposed to change the beginning date of the midsummer seasonal load lines to "May 1" by amending § 45.01-75 (a) and (c) to read as follows:

SUBCHAPTER E—LOAD LINES

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

Subpart 45.01—Administration

§ 45.01-75 Seasonal load lines.

(a) For load line purposes there is hereby established for the Great Lakes a winter, intermediate, summer, and for tankers and cargo vessels (see §§ 45.01-15 and 45.01-17) a midsummer season, and load lines applicable to each season are established by the regulations in this part. The winter season shall be that period from November 1 through April 15 of the next year, the intermediate seasons from April 16 through April 30, and from October 1 through October 31, and the summer season from May 1 through September 30. The midsummer season shall be the portion of the summer season from May 1 through September 15 which shall be applicable only in those cases where midsummer season load lines are permitted. (All dates are inclusive.)

(c) When engaged on voyages between the limits of Toledo Harbor and Port Huron, Michigan, cargo and tank vessels above 300 feet in length may load to their intermediate marks between October 1 and April 30, inclusive. Such vessels above 400 feet in length may load to their summer marks between September 16 and April 30, inclusive.

5. The authority to prescribe regulations governing load lines for merchant vessels on the Great Lakes is in the Coastwise Load Line Act of 1935, as amended (sec. 2, 49 Stat. 888, as amended, 46 U.S.C. 88a). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167-48, October 19, 1962, 27 F.R. 10504.

Dated: February 7, 1964.

[SEAL]

E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64-1444; Filed, Feb. 12, 1964;
8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 34]

ADMINISTRATION OF PROGRAM OF VOCATIONAL TRAINING FOR ADULT INDIANS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 3, 1956 (70 Stat. 986; 25 U.S.C. 309), it is proposed to amend 25 CFR Part 34 as set forth below. The purpose of these amendments is to incorporate in the Code of Federal Regulations the amendments to Public Law 959 as provided by Public Law 88-230, 88th Congress, S. 1868 (77 Stat. 471), approved December 23, 1963.

The amendment to Public Law 959 by Public Law 88-230 enables Indian students to enroll in a nurses' training program in accredited schools for a thirty-six month period. All other vocational training programs will continue to be limited to twenty-four months as approved in the present Public Law 959. The purpose in extending the time for the training of nurses is to allow Indian students sufficient time to earn certificates as registered nurses.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 34.1 is amended to read as follows:

§ 34.1 Scope of the vocational training program.

The vocational training program provides for vocational counseling or guidance, institutional training in any vocational or trade school, as provided in § 34.5, apprenticeship and on-the-job training, for a period not exceeding twenty-four months, and for nurses' training, for periods that do not exceed thirty-six months.

Section 34.5 is amended to read as follows:

§ 34.5 Approval of courses for vocational training at institutions.

A course of vocational training at any institution, public or private, offering vocational training, or with any school of nursing offering a three-year course of study leading to a diploma in nursing which is accredited by a recognized body or bodies approved for such purpose by the Secretary, except sectarian schools

restricted by the act of March 2, 1917 (25 U.S.C. 278), may be approved; *Provided*:

(a) The institution is accredited by a recognized national or regional accrediting association; or,

(b) The institution is approved for training by a State agency authorized to make such approvals; and,

(c) It is determined that there is reasonable certainty of employment for graduates of the institution in their respective fields of training.

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

FEBRUARY 7, 1964.

[P.R. Doc. 64-1434; Filed, Feb. 12, 1964;
8:48 a.m.]

National Park Service

[36 CFR Part 7]

FORT JEFFERSON NATIONAL MONUMENT, FLORIDA

Fishing and Anchoring; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Southeast Region, Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend § 7.27 of Title 36, Code of Federal Regulations, as is set forth below. The purpose of this amendment is to enlarge the area wherein commercial fishing is prohibited and designate the area by more visible markers, and to control boat anchorage in the harbor at Fort Jefferson.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraphs (a) (4) and (b) of § 7.27 are amended to read as follows:

§ 7.27 Fort Jefferson National Monument.

(a) Fishing. * * *

(4) Commercial fishing or shrimping or the taking of fish for the purpose of sale is prohibited in the area of the National Monument described as follows:

Beginning at Pulaski Shoal Light at latitude 24°41'36" N., longitude 82°46'23" W., thence on a straight line to a point at latitude 24°38'00" N., longitude 82°48'00" W.; thence on a straight line to buoy "N2" at latitude 24°37'23" N., longitude 82°49'48" W.; thence in a straight line to a buoy "C1" at latitude 24°35'35" N., longitude 82°52'19" W.; thence in a straight line to buoy "N8" at latitude 24°35'07" N., longitude 82°54'07" W.; thence in a straight line to a buoy "N2" at latitude 24°35'06" N., longitude 82°55'53" W.; thence in a straight line to a buoy "N10" at latitude 24°36'39" N., longitude 82°52'27" W.

W.; thence in a straight line to a point at latitude 24°40'57" N., longitude 82°54'16" W.; thence in a straight line to a point at latitude 24°41'50" N., longitude 82°53'10" W.; thence in a straight line to a point at latitude 24°42'22" N., longitude 82°51'50" W.; thence in a straight line to a point at latitude 24°42'53" N., longitude 82°49'34" W.; thence in a straight line to a point at latitude 24°42'44" N., longitude 82°48'20" W.; and thence in a straight line to the point of beginning at Pulaski Shoal Light.

(b) *Designated anchorage.* All vessels entering Tortugas Harbor in the vicinity of Garden Key shall anchor only in the designated anchorage area of Bird Key Harbor southwest of Garden Key, which is designated Anchorage Area 202.190 on U.S. Coast and Geodetic Survey Chart No. 585, except that passenger-carrying vessels and yachts carrying visitors to historic Fort Jefferson may discharge passengers at the main docking area of Garden Key and may moor to the piers and anchor in the channel, harbor, or lagoons in the vicinity of Garden Key for not more than an eight hour period between sunrise and sunset by permission from the Superintendent or his representative.

STANLEY C. JOSEPH,
Superintendent,
Fort Jefferson National Monument.

[P.R. Doc. 64-1437; Filed, Feb. 12, 1964;
8:48 a.m.]

Bureau of Land Management

[43 CFR Part 161]

GRAZING DISTRICT ADVISORY BOARDS

Authorization for Establishment; Number of Members; Qualifica- tions; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act of June 28, 1934, as amended July 14, 1939 (48 Stat. 1270, 53 Stat. 1002; 43 U.S.C. 3150-1), it is proposed to amend paragraphs (a), (b), and (c) of 43 CFR 161.13 as set forth below. The purpose of these amendments is to provide for greater continuity and flexibility of advisory board membership and to remove the fiscal year provision for term of appointment which is no longer required by Presidential Directive.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (a), (b), and (c) of § 161.13 are amended to read as follows:

§ 161.13 Grazing District Advisory Boards.

(a) *Authorization for establishment; number of members; qualifications.* The

State Director shall fix the number of members to be recommended by election for appointment to the advisory board in each district, such number to be not less than five nor more than twelve, exclusive of a wildlife representative who will not be recommended by election but shall be selected directly by the State Director. The State Director may fix the number of district advisers to be recommended by election as representatives of each class of stockmen, according to the kind of livestock owned, or may fix the number to be recommended by election from each voting precinct, or both, provided that the free-use licensees in each district shall be entitled to recommend one representative who shall be a free-use licensee. All district advisers, except the wildlife representative, shall be electors qualified to vote in the particular election. If a district is divided into precincts an adviser representing a precinct shall qualify in the precinct in the same manner as in the district.

(b) *Election; time and place; the general procedures.* All district advisers, except wildlife representatives, shall be recommended by election in the manner provided in this section, and in the General Procedures for Grazing District Advisory Board Elections as approved by the Director, Bureau of Land Management, and published in the FEDERAL REGISTER. An election to recommend district advisers for appointments for each grazing district will be held within 90 days after the publication in the FEDERAL REGISTER of the order establishing the grazing district. Persons recommended by election for appointment at the first election after establishment of a grazing district or at the first election during the 1964 calendar year may be recommended for appointment and annual reappointment for a maximum period of three consecutive years, or the District Manager may divide the group, by lot, as evenly as possible into three groups to be considered as being recommended for appointment or reappointment for one year, two consecutive years, or three consecutive years respectively. Thereafter, elections will be held annually, for each group whose term of recommendation for appointment has expired, in accordance with the options set forth in the General Procedures for Grazing District Advisory Board Elections.

(c) *Appointment; term of office; removal; vacancies.* A person recommended by election for appointment as district adviser shall assume office only after he has been appointed by the State Director and has taken the oath of office. The State Director may, in his discretion, appoint those in group 1 for a period not to exceed 365 days; those in group 2 for an initial period of 365 days and thereafter a subsequent like period; and those in group 3 for an initial period of 365 days and thereafter two successive like periods. The State Director may remove any district adviser from office because of failure to discharge his duties, loss of any of his qualifications to hold the office, or in the public interest. Upon a vacancy occurring in the office of the district adviser other than a wildlife representative by

reason of resignation, removal, disqualification, or otherwise, the board shall recommend the name of a person to fill the vacancy and such recommendation, together with that of the District Manager, shall be transmitted to the State Director for consideration. A person selected to fill a vacancy shall be appointed for the remainder of the unexpired 365-day period, after which a person shall be recommended by election for the balance of the period of recommendation at the next regular election.

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

FEBRUARY 7, 1964.

[F.R. Doc. 64-1412; Filed, Feb. 12, 1964;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15330; FCC 64-101]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Pascagoula, Miss.; Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Pascagoula, Mississippi); Docket No. 15330, RM-539.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition requesting rule making filed on November 26, 1963, by Crest Broadcasting Co., Inc., licensee of Station WPMP (AM). The petitioner requests the assignment of FM Channel 255 to Pascagoula, Mississippi.

3. Pascagoula, Mississippi, with a population of 17,155, is located in Jackson County. That county's population according to the 1960 U.S. Census is 55,522. Pascagoula presently has only petitioner's station WPMP (AM) (1 kw daytime only) licensed in it. A construction permit has been granted for the use of FM Channel 285A, assigned to Pascagoula, at Moss Point, Mississippi (BPH-4149).

4. In support of petitioner's request for a Class C FM assignment to serve the Pascagoula area of Mississippi, petitioner points out that the area is presently without either AM or FM local nighttime service.¹ It states that the station it desires to put on the air (a wide coverage unlimited hour operation) would not only provide a normal information service to the area at nighttime and early morning hours but that in addition the station would be able to provide the strategic service, throughout the day and night, of broadcasting vital Civil Defense and storm bulletins. There are a number of vital defense construction projects in the area. Pascagoula is located in the tropical storm belt which means that it is subject to frequent and

sudden disastrous hurricanes and storms. Petitioner indicates that if the channel in question is assigned to Pascagoula and it is granted a license to operate the station the FM facility will to some degree have individual programming and not be used merely to duplicate the programming of its present AM outlet in Pascagoula (WPMP). It is maintained that the proposed assignment can be made in full conformance with the Commission's minimum mileage separation requirements without deleting any other assignments.

5. The Commission is of the view that it is in the public interest that rule making proceedings should be instituted in respect to the proposal so as to permit all interested parties to submit their views and other relevant data.

Channel No.	
City	Present Proposed
Pascagoula, Miss.-----	285A 255, 285A

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

7. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested persons may file comments on or before March 6, 1964, and reply comments on or before March 16, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: February 5, 1964.

Released: February 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1445; Filed, Feb. 12, 1964;
8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 67]

PHONOGRAPH RECORD INDUSTRY

Notice of Hearing and of Opportunity To Present Views, Suggestions, and Other Pertinent Comment in a Proceeding for Promulgation of Trade Practice Rules

A trade practice conference proceeding for the Phonograph Record Industry has been authorized by the Federal Trade Commission, to be held under the gen-

eral supervision of the Honorable Sigurd Anderson, Federal Trade Commissioner.

A hearing will be held at 10 a.m., e.s.t., on Friday, March 13, 1964, in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW, Washington D.C., 20580, to afford to all persons, firms, corporations, organizations, or other parties who may be affected by or have an interest in the establishment of trade practice rules for this industry the opportunity to present to the Commission their views, including such information, suggestions or comment as they may desire to submit. Written comment may be submitted by letter, memorandum, brief or other communication filed with the Commission not later than March 13, 1964.

Copies of proposed rules, consisting of rules suggested by industry members and rules which Commission staff feel should be considered, have been made available and may be obtained upon request to the Commission. Interested parties may suggest additional rules for consideration, either before or during the hearing.

After due consideration of all matters presented, in writing or orally, it is contemplated that the Commission will proceed to final action with respect to promulgation of trade practice rules for this industry.

The industry is composed of persons, firms, corporations, and organizations engaged in the manufacture, processing, sale or distribution of phonograph records, magnetic tapes, and similar devices upon which sound is recorded and accessories therefor such as phonograph needles.

This proceeding is directed to the elimination and prevention of acts and practices deemed violative of statutes administered by the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and provisions of Part 1, Subpart F, of the Commission's procedure and rules of practice, 28 F.R. 7083-84 (July 11, 1963).

The rules presented for written comment and for discussion at the hearing are concerned with the following subjects:

SECTION I

- 1—Prohibited Discriminatory Prices, Rebates, Discounts, etc.
- 2—Prohibited Advertising or Promotional Allowances, or Services or Facilities.
- 3—Inducing or Receiving an Illegal Discrimination in Price, Advertising or Promotional Allowances, or Services or Facilities.
- 4—Prohibited Brokerage and Commissions.

SECTION II

- 5—Prohibited Forms of Trade Restraints (Unlawful Price Fixing, etc.).
- 6—Tie-In Sales: Coercing Purchase of One Product as a Prerequisite to the Purchase of Other Products.
- 7—Exclusive Dealing.
- 8—Lifting of Stocks.
- 9—Inducing Breach of Contract.
- 10—Unlawful Interference with Competitors' Purchases or Sales.
- 11—Defamation of Competitors or False Disparagement of Their Products.
- 12—Push Money.
- 13—Commercial Bribery.
- 14—Prohibited Sales Below Cost.

¹ The community does receive a degree of nighttime service from WWL located in New Orleans, Louisiana, 104 miles distant.

- 15—Consignment Distribution, "Guaranteed Sales," and Extended "Dating" Distribution (Unauthorized Shipment).
16—Aiding or Abetting Use of Unfair Trade Practices.

SECTION III

- 17—Misuse of "Stereo" and "Stereophonic," etc.
18—Deception as to Performing Artist.
19—Deception as to Contents of Recording.
20—Deception Involving Re-Issues, New Titles and Date of Origination.
21—Cancellation of Membership in Commercial Club or Membership Organizations.
22—Composition and Playing Life of Phonograph Needles.
23—Foreign Origin Deception.
24—Misrepresenting Products as Conforming to Standard.
25—Misrepresentation as to Character of Business.
26—Deceptive Use of Trade or Corporate Names, Trade-Marks, etc.
27—Passing Off Through Imitation or Simulation of Trade-Marks, Trade Names, etc.
28—False Invoicing.
29—Substitution of Products.
30—Guarantees, Warranties, etc.
31—Use of the Word "Free."
32—Misuse of Terms "Close-Outs," "Discontinued Lines," "Special Bargains," etc.
33—Fictitious or Deceptive Pricing.
34—Misbranding, Misrepresentation, and Deceptive Selling Methods.

Issued: February 12, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1441; Filed, Feb. 12, 1964;
8:49 a.m.]

[16 CFR Part 303]

TEXTILE FIBER PRODUCTS
IDENTIFICATION

Notice of Proposed Rule Making

Pursuant to the provisions of section 4 of the Administrative Procedure Act, and in consideration of an application filed by Rohn & Haas Company, Philadelphia, Pennsylvania, for a generic name for its manufactured fiber "Orofil", which application is a matter of the public record in this proceeding, notice is hereby given

all interested parties that the Federal Trade Commission will on the 7th day of April 1964, at 10 o'clock a.m., e.s.t., at Room 532, Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., in the City of Washington, District of Columbia, give consideration to an amendment of § 303.7 of Part 303 of the rules and regulations under the Textile Fiber Products Identification Act.

Interested parties may participate by submitting in writing on or before such date, their views, arguments, or other pertinent data to the Federal Trade Commission, Washington, D.C., 20580 or they may be given orally at such time. Any party wishing to submit further views, arguments, or data in response to that submitted as a result of this notice or at the hearing may do so in writing at any time within thirty days after such hearing is closed.

Such action is taken pursuant to the authority given to the Federal Trade Commission under section 7(c) of the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70) "to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement."

The matters to be considered are a reexamination of the definition of the manufactured fiber "rubber", as contained in paragraph (j) of § 303.7 of Part 303, rules and regulations under the Textile Fiber Products Identification Act, for the purpose of further defining and identifying various categories of manufactured fibers falling within the aforesaid definition and with the purpose of determining whether or not separate generic names should be established for any of the manufactured fibers falling within the aforesaid definition of "rubber" and the establishment of separate names for any manufactured fibers presently falling within the aforesaid definition if it is determined that such separate generic names should be established for such fibers in pursuance of the provisions of section 7(c) of the Textile Fiber Products Identification Act.

Such hearing will include consideration of hydrocarbon, nitrile and chloro-

prene fibers which the Commission is tentatively advised fall within the present definition of "rubber" and which the Commission has been advised may be referred to or described as follows:

1. Hydrocarbon—a manufactured fiber in which the fiber-forming substance is a hydrocarbon rubber such as natural rubber, polyisoprene, polybutadiene, copolymers of dienes with hydrocarbons, or copolymers of olefins in which less than 85 percent by weight is derived from a single olefin unit.

2. Nitrile—a manufactured fiber in which the fiber-forming substance is a copolymer of acrylonitrile and a diene (such as butadiene) composed of not more than 50 percent but at least 10 percent by weight of acrylonitrile units ($-\text{CH}_2-\text{CH}-$).

CN

3. Chloroprene—a manufactured fiber in which the fiber-forming substance is a polychloroprene or a copolymer of chloroprene in which at least 35 percent by weight of the fiber-forming substance is composed of chloroprene units ($-\text{CH}_2-\text{C}=\text{CH}_2-$).

Cl

Such hearing will also include a reexamination of the definitions of the various manufactured fibers as contained in § 303.7 of Part 303, rules and regulations under the Textile Fiber Products Identification Act, for the purpose of ascertaining whether or not any of such fibers fall within the present definition of "rubber" as contained in said § 303.7 or within any revised definitions for fibers presently falling within such definitions as may be established pursuant to this hearing. Such hearing will further encompass any necessary amendment to the definitions of any of the various manufactured fibers defined in said § 303.7 as may be necessary to delineate the proper categories of such fibers.

Issued: February 12, 1964.

By direction of the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1433; Filed, Feb. 12, 1964;
8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 33]

ASSISTANT ADMINISTRATOR FOR DEVELOPMENT FINANCE AND PRIVATE ENTERPRISE

Delegation of Authority Regarding Investment Surveys

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 F.R. 10608), I hereby delegate to the Assistant Administrator for Development Finance and Private Enterprise the authority contained in section 231 of the Foreign Assistance Act of 1961, to:

1. Participate in financing surveys of investment opportunities, and
2. Make the determinations and exercise the functions provided for by the cited section.

The authority delegated herein may be redelegated and shall be exercised in accordance with agency policies, regulations and procedures.

Reference herein to any Act shall be deemed to be references to such Act as amended from time to time.

Delegation of Authority No. 20 from the Administrator of A.I.D. dated October 31, 1962 is hereby revoked.

This Delegation of Authority shall be effective immediately.

Dated: February 3, 1964.

DAVID E. BELL,
Administrator.

[F.R. Doc. 64-1443; Filed, Feb. 12, 1964;
8:49 a.m.]

POST OFFICE DEPARTMENT

UNIFORM QUALITY CONTROL PROGRAM

Notice of Agreement With U.S. Army Natick Laboratories, Natick, Mass.

As part of the Post Office Department's efforts to improve the quality of uniforms for postal employees, an agreement has been entered into with the U.S. Army Natick Laboratories, Natick, Massachusetts, December 27, 1963, for the establishment of a Post Office Uniform Quality Control Program.

The purpose of this program is to improve the appearance and quality of postal uniforms and to assure that the items purchased and worn by uniform personnel are equal to or better than the minimum requirements of the Department's applicable specifications.

Eventually all postal uniforms items sold to Post Office personnel will have

affixed to them a certificate label indicating that the items were produced from certified materials and manufactured under a Certificate issued by the Post Office Department.

The Army Uniform Quality Control Office, acting on behalf of the Post Office Department, will perform the following functions for the textile and garment industries supplying fabric and uniform items to postal personnel:

a. Prepare specifications for all materials used in items of Post Office uniforms, and for each Post Office uniform item.

b. Conduct a technical evaluation of fabrics and items of the Post Office uniform which are to be supplied by textile manufacturers, custom tailors, uniform tailors, and others serving as suppliers to Post Office Department personnel.

c. Based upon this technical evaluation, notify the Post Office Department that the particular material or item conforms to the minimum requirements of the appropriate specification and has been approved.

d. Provide guidance and information to interested manufacturers regarding specifications for Post Office uniforms and additions or changes to any Post Office uniform items by publishing periodic bulletins to the textile and garment industries.

e. Make periodic liaison visits to certified firms to insure that items of Post Office uniform being manufactured are equal in quality to the samples for which certification was originally granted.

f. Furnish upon request copies of specifications, purchase descriptions, patterns, or other information pertaining to the various uniform items.

The Compensation Division, Bureau of Personnel, has been designated by the Postmaster General to conduct the program and establish pointers for accomplishment of design, development and specifications for uniform quality control.

The general requirements and procedures for certification testing, and placement on a qualified manufacturer's list will be published in the FEDERAL REGISTER at a later date after proper specifications and standards for uniform items are established.

In the meantime, further information regarding the procedures for obtaining certificates under the Post Office uniform quality program may be obtained from the Uniform Quality Control Office, U.S. Army Natick Laboratories, Natick, Massachusetts.

(R.S. 161, as amended; 38 Stat. 1084, as amended, 68 Stat. 1114, as amended, 5 U.S.C. 22, 2131-2133, 31 U.S.C. 686, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-1493; Filed, Feb. 12, 1964;
9:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order No. 87]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described public lands, totaling approximately 126.28 acres in Yavapai County, Arizona, as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 6 W.,
Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, Lot 1.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. There are no preference right applications as provided for by 43 CFR 257.5.

5. This order revokes that part of Classification Order No. 20 of August 8, 1950 (15 F.R. 5410) which reserved the N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 10 N., Range 6 W., Gila and Salt River Meridian, as an administrative stock driveway.

Dated: February 6, 1964.

FRED J. WEILER,
State Director.

[F.R. Doc. 64-1416; Filed, Feb. 12, 1964;
8:47 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 5, 1964.

Notice of an application Serial No. Anchorage 042637, for withdrawal and reservation of lands was published as F.R. Doc. No. 59-8674, on page 8384-8385 of the issue for October 15, 1959. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m., on March 15, 1964, relieved of the segre-

gative effect of the above mentioned application.

The lands involved in this notice of termination are:

TALKEETNA AREA

T. 26 N., R. 5 W., Seward Meridian (unsurveyed).

Sec. 26, that land above mean high water of the Susitna River and attached to the mainland which, when surveyed will be: SE $\frac{1}{4}$ NE $\frac{1}{4}$ E $\frac{1}{2}$ SE $\frac{1}{4}$.

Containing approximately 25 acres.

CHINA POOT LAKE-KACHEMAK BAY AREA

From the point where the south fork of the major tributary stream enters China Poot Lake at approximate latitude 59°32'12" N., longitude 151°11'10" W., as determined from the U.S.G.S. Seldovia (C-4) Quadrangle; thence southerly along the shore line about 30 feet to the point of beginning, thence 330 feet N., 45° E., 1,320 feet N., 45° W.; 330 feet, about S. 45° W., to a point on the shore line; 1,320 feet, approximately, southeasterly along the shore line to point of beginning.

Containing approximately 10 acres.

CROOKED LAKE

T. 17 N., R. 14 W., Seward Meridian
Sec. 32, lots 47 and 48.

Containing 13.53 acres.

EAST PAPOOSE LAKE

T. 17 N., R. 4 W., Seward Meridian
Sec. 30, lot 19.

Containing 21.77 acres.

WEST PAPOOSE LAKE

T. 17 N., R. 4 W., Seward Meridian
Sec. 30, lots 28 and 29.

Containing 10.72 acres.

The areas described aggregate approximately 81.00 acres.

JAMES W. SCOTT,
District Manager.

[F.R. Doc. 64-1435; Filed, Feb. 12, 1964;
8:48 a.m.]

FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Schedule of Grazing Fees, 1964

Notice is hereby given, in accordance with Departmental regulations (43 CFR 161.8), of the schedule of fees for the grazing year beginning March 1, 1964, and ending February 28, 1965, for grazing use of the Federal range, including LU (Land Utilization) land within grazing districts, authorized pursuant to section 3 of the Taylor Grazing Act.

The fees for range use are the equivalent of a specified percentage of the average prices paid per pound of beef and lamb in the Western markets for calendar year 1963, rounded to the nearest whole cent. It is determined that such average price is 20 cents based on marketing data furnished by the U.S. Department of Agriculture.

For use of the Federal range including all LU land, except as otherwise herein provided, the fees for the 1964-65 grazing year shall be the equivalent of 150 percent of the average prices of beef and lamb (20 cents) or 30 cents per animal unit month of forage of which 20 cents is the grazing fee and 10 cents is the

range improvement fee which shall be credited to the range improvement fund.

Exceptions to the above rates are herein provided for certain LU land in order to continue the basis of fees that has heretofore been established under the provisions of the Bankhead-Jones Farm Tenant Act of July 22, 1937. Such exceptions, together with the applicable schedule, are as follows:

Arizona. For the Clenega Area (865 acres) transferred to the Department of the Interior by E.O. 10322, the fees are equivalent to 495 percent of the average prices of beef and lamb (20 cents) or 99 cents per animal unit month of forage of which 20 cents is the grazing fee and 79 cents is the range improvement fee which shall be credited to the range improvement fund.

Colorado. For the Great Divide Project transferred to the Department of the Interior by E.O. 10046, the fees are equivalent to 245 percent of the average prices of beef and lamb (20 cents) or 49 cents per animal unit month of forage of which 20 cents is the grazing fee and 29 cents is the range improvement fee which shall be credited to the range improvement fund.

Montana. For all LU land within the State of Montana transferred to the Department of the Interior by E. O. 10787, the fees are the equivalent to 260 percent of the average prices of beef and lamb (20 cents) or 52 cents per animal unit month of forage of which 20 cents is the grazing fee and 32 cents is the range improvement fee which shall be credited to the range improvement fund. Twenty-five percent of the grazing fee shall be paid to the counties within which the fee was collected pursuant to the requirements of E.O. 10787.

New Mexico. For the Hope Project transferred to the Department of the Interior by E.O. 10787, the fees are equivalent to 205 percent of the average prices of beef and lamb (20 cents) or 41 cents per animal unit month of forage of which 20 cents is the grazing fee and 21 cents is the range improvement fee which shall be credited to the range improvement fund. Twenty-five percent of the grazing fee shall be paid to the counties within which the fee was collected pursuant to the requirements of E.O. 10787.

No fees will be charged for livestock under 6 months of age.

For the purpose of establishing charges for grazing use, one animal unit month shall be considered equivalent to grazing use by one cow, 5 sheep, or 0.5 of one horse for one month (one horse for one month equals 2 AUM's).

A minimum charge of \$10 will be made on all regular licenses and permits, and on non-renewable licenses.

Billings shall be issued in accordance with the rates prescribed in this notice.

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

FEBRUARY 7, 1964.

[F.R. Doc. 64-1436; Filed, Feb. 12, 1964;
8:48 a.m.]

Fish and Wildlife Service

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking to Seasonally Protect Domestic Livestock in Cer- tain South Dakota Counties

Pursuant to authority in section 2 of the Act of June 8, 1940 (54 Stat. 250; 16 U.S.C. 668-668d), as amended, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from February 7, 1964, through May 31, 1964, in South Dakota subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the counties of Butte and Harding.

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

DANIEL H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

FEBRUARY 10, 1964.

[F.R. Doc. 64-1439; Filed, Feb. 12, 1964;
8:48 a.m.]

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking to Seasonally Protect Domestic Livestock in Cer- tain Wyoming Counties

Pursuant to authority in section 2 of the Act of June 8, 1940 (54 Stat. 250; 16 U.S.C. 668-668d), as amended, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from February 7, 1964, through June 30, 1964, in Wyoming subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the counties of Campbell, Carbon, Crook, Weston, Natrona, and Big Horn.

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

DANIEL H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

FEBRUARY 10, 1964.

[F.R. Doc. 64-1440; Filed, Feb. 12, 1964;
8:49 a.m.]

Office of the Secretary

GLENN J. HALL

Statement of Changes in Financial Interests

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

- (1) None.
- (2) FMC Corp., Howe Sound Co., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., West Coast Airlines, Pacific Power & Light Co., Utah Power & Light Co.
- (3) None.
- (4) None.

This statement is made as of February 3, 1964.

Dated: February 3, 1964.

GLENN J. HALL.

[F.R. Doc. 64-1417; Filed, Feb. 12, 1964;
8:47 a.m.]

LEWIS W. LENGNICK

Statement of Changes in Financial Interests

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

- (1) No change.
- (2) Sold Eli Lilly, sold Long's Drugs.
- (3) No change.
- (4) No change.

This statement is made as of January 29, 1964.

Dated: January 29, 1964.

LEWIS W. LENGNICK.

[F.R. Doc. 64-1418; Filed, Feb. 12, 1964;
8:47 a.m.]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

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

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

This statement is made as of to date.

Dated: January 21, 1964.

JULIO A. NEGRONI.

[F.R. Doc. 64-1419; Filed, Feb. 12, 1964;
8:47 a.m.]

RAFAEL R. RAMÍREZ

Statement of Changes in Financial Interests

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

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This amendment is made as of January 24, 1964.

Dated: January 24, 1964.

RAFAEL R. RAMÍREZ.

[F.R. Doc. 64-1420; Filed, Feb. 12, 1964;
8:47 a.m.]

ROBERT R. REND

Statement of Changes in Financial Interests

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

- (1) None.
- (2) The Montana Power Co., American Telephone & Telegraph Co., Investors Mutual Inc., General Motors, E. I. Dupont Co.
- (3) None.
- (4) None.

This statement is made as of January 1, 1964.

Dated: January 20, 1964.

ROBERT R. REND.

[F.R. Doc. 64-1421; Filed, Feb. 12, 1964;
8:48 a.m.]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

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

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

This statement is made as of January 28, 1964.

Dated: January 28, 1964.

LEROY J. SCHULTZ.

[F.R. Doc. 64-1422; Filed, Feb. 12, 1964;
8:48 a.m.]

RAYMOND V. SELANDER

Statement of Changes in Financial Interests

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

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

This statement is made as of January 28, 1964.

Dated: January 28, 1964.

RAYMOND V. SELANDER.

[F.R. Doc. 64-1423; Filed, Feb. 12, 1964;
8:48 a.m.]

CARL H. WILLIAMS

Statement of Changes in Financial Interests

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

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 20, 1964.

Dated: January 21, 1964.

CARL H. WILLIAMS.

[F.R. Doc. 64-1424; Filed, Feb. 12, 1964;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

AGRICULTURAL CREDIT INSURANCE
FUND; FARMERS HOME ADMINISTRATIONAssignment and Reservation of
Functions

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, paragraph (a) in section 1401 of the Secretary's Order dated August 27, 1963 (28 F.R. 9676), hereby is amended to increase the authority of the Farmers Home Administration to issue notes to the Secretary of the Treasury in order to obtain cash for the Agricultural Credit Insurance Fund, and to read as follows:

Sec. 1401. *Reservations.* (a) Making and issuing notes to the Secretary of the Treasury for the purposes of the Agricultural Credit Insurance Fund as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929), and Title V of the Housing Act of 1949 (42 U.S.C. 1484, 1485 (b)), and requesting advances of funds evidenced by said notes and any similar notes executed under prior authorities (including 7 U.S.C. 1005b(j), 1005c(b), 1006e(a), 16 U.S.C. 590x-3(d)); where such notes or requests for advances thereunder would cause the aggregate outstanding unpaid principal balances thereon to exceed \$135,000,000, or to exceed \$25,000,000 thereof for domestic farm labor housing, or \$10,000,000 thereof for rental housing for elderly persons and families.

Done at Washington, D.C., this 6th day of February 1964.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 64-1429; Filed, Feb. 12, 1964;
8:48 a.m.]

COLORADO AND NORTH DAKOTA

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 States of Colorado and North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Alamosa. Rlo Grande.
Conejos. Saguache.
Costilla.

NORTH DAKOTA

McKenzie.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after De-

cember 31, 1964, 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 7th day of February 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-1430; Filed, Feb. 12, 1964;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-20459]

JOINT CONFERENCE OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific
Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of February 1964.

An agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17022, R-10.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590a—Specific Commodity Rates.

The agreement, adopted pursuant to unopposed notices to the carriers, names an additional specific commodity rate as follows:

Item 2102—Cloth exclusively in bales, bolts or pieces not further processed or manufactured.

Rate: 152 cents per kilogram, minimum weight 500 kilograms, from Bombay, Calcutta, Delhi, and Madras to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17022, R-10, is approved: Provided, That such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the

Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1442; Filed, Feb. 12, 1964;
8:49 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[Docket No. 15331]

U.S. COAST GUARD AUXILIARY
DIVISION XX

Order To Show Cause

In the matter of U.S. Coast Guard Auxiliary Division XX Denver, Colorado, Docket No. 15331; order to show cause why there should not be revoked the license for Radio Station 15W2126 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated April 3, May 29, and June 27, 1963, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.76 (now § 1.89) of the Commission's rules;

It is ordered, This 7th day of February 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at the address of record at Room 100, Old Customs House, Denver, Colorado.

Released: February 10, 1964.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1453; Filed, Feb. 12, 1964;
8:50 a.m.]

[Docket No. 15317; FCC 64-85]

**CHARLES L. HAMILTON, SR., AND
MILDRED B. HAMILTON (KBAB)****Order Designating Application for
Hearing on Stated Issues**

In re application of Charles L. Hamilton, Sr. and Mildred B. Hamilton (KBAB) Indianola, Iowa, Docket No. 15317, File No. BMP-10047; has 1490 kc, 100 w, U, Class IV, requests 1490 kc, 250 w, 500 w-LS, U, Class IV, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of February 1964;

The Commission having under consideration the above-captioned and described application; a petition to deny the application, filed by Western Broadcasting Company, Inc., licensee of standard broadcast station KRIB, Mason City, Iowa; and other documents subsequent and related thereto;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. According to data submitted by the applicant, its proposal would cause daytime interference within the service area of Station KLEE, Ottumwa, Iowa, involving 2,091 persons, and would cause interference within the daytime service area of Station KRIB, Mason City, Iowa, involving 5,652 persons. On August 24, 1963, Western Broadcasting Company, Inc., licensee of Station KRIB, filed a Petition to Deny this application on the basis that the loss of service due to the indicated interference would not be in the public interest.

2. The amount of population lost due to interference received daytime raises a question as to whether KBAB is adequately separated from co-channel stations for operation with increased nighttime power as proposed. The intent of our rules is that this question be resolved on the basis of whether the degree of interference received daytime would be excessive pursuant to § 73.28(d)(3) assuming that Station KBAB and all co-channel stations operate daytime with power not exceeding 250 watts and utilize nondirectional antennas. Issue No. 3, infra, is to be construed in light of the foregoing conditions.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and

place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KBAB and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Station KBAB would cause objectionable daytime interference to Stations KLEE, Ottumwa, Iowa and KRIB, Mason City, Iowa, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from existing stations would affect more than 10 percent of the population within the normally protected daytime primary service area (250w) in contravention of § 73.28(d)(3) of the rules, and, if so, whether circumstances exist which would warrant a waiver of this section to permit the proposed increase in nighttime power.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, with respect to all of the issues set forth above, the burden of proceeding with the introduction of evidence and the burden of proof shall be on the applicant.

It is further ordered, That, the Petition to Deny filed by Western Broadcasting Company, Inc., as amended is granted to the extent indicated herein and is denied in all other respects.

It is further ordered, That, WPFA Radio, Inc., and Western Broadcasting Company, Inc., licensees of Stations KLEE and KRIB, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition:

Permittee shall accept such interference as may be imposed by other existing 100 or 250 watt Class IV stations in the event they are subsequently authorized to increase power, respectively, to 500 watts or 1 kilowatt.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule and shall

advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: February 10, 1964.

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

[F.R. Doc. 64-1447; Filed, Feb. 12, 1964;
8:49 a.m.]

[Docket Nos. 14597, 15203; FCC 64R-64]

**KWEN BROADCASTING CO. AND
WOODLAND BROADCASTING CO.,
INC.****Memorandum Opinion and Order
Amending Issues**

In re applications of Felix Joynt and James Joynt, d/b as KWEN Broadcasting Company, Port Arthur, Texas, Docket No. 14597, File No. BP-13627; Woodland Broadcasting Company, Inc., Vidor, Texas, Docket No. 15203, File No. BP-15973; for construction permits.

1. The Board has before it a petition to delete an issue and a petition for enlargement of issues, both filed on November 21, 1963, by KWEN Broadcasting Company (KWEN); a petition to delete an issue, filed on the same date by Woodland Broadcasting Company, Inc. (Woodland); and other related pleadings timely filed.

KWEN's petition to delete an issue. 2. KWEN requests deletion of the following issue:

2. To determine whether a grant of the instant proposal of KWEN Broadcasting Company would be in contravention of § 73.35(a) of the Commission's rules with respect to multiple ownership of standard broadcast stations.

In support of its request, which is unopposed, KWEN points out that originally its application was designated for consolidated hearing with that of Vidor Broadcasting Co., Inc.¹ Because Felix and James Joynt, co-owners of KWEN, owned Station KWLD, Liberty, Texas, and a grant of the KWEN application would have involved an overlap of the 0.5 mv/m contours, a § 73.35(a) issue was included. Thereafter, the Vidor application was dismissed,² and the KWEN application designated for hearing with the Woodland application, filed pursuant to § 1.525(b)(4) of the rules.³ The overlap issue was carried forward notwithstanding the fact that in March 1962, KWEN amended its original application to show that the Joynts had disposed of their interest in Station KWLD.⁴ Thus, the Commission inadvertently designated this issue on the basis of a misapprehension of the current facts. The issue will therefore be deleted.

¹ Memorandum Opinion and Order, released April 12, 1962 (FCC 62-393).

² Memorandum Opinion and Order released August 30, 1963 (FCC 63R-403).

³ Memorandum Opinion and Order released October 29, 1963 (FCC 63-985).

⁴ See application BAL-4449, granted March 15, 1962.

KWEN's petition to enlarge issues. 3. KWEN seeks the addition of the following issues:

1. To determine whether the operation proposed by Woodland Broadcasting Company is in violation of §§ 73.24(h) and 73.187 of the Commission's rules.

2. To determine whether Woodland Broadcasting Company is financially qualified to construct and operate the station proposed.

3. To determine whether adequate revenues are available to Woodland to support its proposed station economically.

The request for Issue 1, supra, is based on a calculation of maximum permissible radiation of signal from Vidor, Texas, toward Station WLAC at Nashville, Tennessee. According to petitioner, Woodland may radiate a signal of 181.7 mv/m on the azimuth of 46°; whereas Woodland proposes to radiate a signal of 182.5 mv/m. Petitioner thus argues that Woodland would violate the Commission's rules. The Bureau in its opposition points out that the magnitude of the violation is a fraction of one millivolt and is marginal, and that if the strength of the signal were to be reduced to 180 mv/m, coverage of Woodland would be virtually unaffected. Woodland in its opposition does not dispute petitioner's contention but urges that in the event of a grant of its application, a conditional clause be appended to the construction permit.

4. The Board is of the view that no useful purpose would be served to include the requested issue concerning the violation of the provisions of §§ 73.24(h) and 73.187 of the rules. Thus, the request to add this issue will be denied. However, in the event the Woodland application is approved, a conditional clause will be incorporated into the construction permit limiting the signal to be radiated by Woodland to 180 mv/m at one mile.

5. Issue 2, supra, seeks a determination of Woodland's financial qualifications. Woodland relies on available funds of \$41,956 to cover the cost of construction and initial operation. KWEN questions three of the sources of these funds: \$1,000 of existing capital; \$5,000 of new capital; and \$25,000 of loans from banks or others.² First, KWEN alleges that Woodland's balance sheet (Exhibit 3A) does not show \$1,000 of current assets over current liabilities; that Woodland is now operating at a loss; and that this information was concealed by showing the net income of Woodland's stockholders in Exhibit 3B instead of the net income of Woodland itself as the application requires. Second, KWEN asserts that Jerry Johnson and Gerald R. Proctor have each subscribed to purchase 250 shares of stock at \$10 per share; that this is the \$5,000 of new capital Woodland relies on; and that the financial statements of Johnson and Proctor do not show how they can meet their respective \$2,500 commitments. Third, KWEN states that the \$25,000 loan is rep-

resented by a letter from the American National Bank of Beaumont (Exhibit 4); that the letter says the obligation must be personally endorsed by Johnson and Proctor and secured by stocks; that the value of both men's stock is only \$19,000; and that the application nowhere shows whether Johnson knows or has agreed to endorse the note and pledge his stocks. Woodland and the Broadcast Bureau oppose the addition of this issue. Woodland's sole substantive rebuttal is that \$1,000 was paid to its Washington attorneys in August, 1963. The Bureau disagrees with KWEN's interpretation of the existing facts and asserts that no new facts have been alleged.

6. As far as the \$1,000 existing capital is concerned, Woodland's balance sheet does not show the ready availability of \$1,000, but Woodland has already produced this sum, although the source of the money is not shown. The \$5,000 commitment from Johnson and Proctor is in some doubt. Johnson is fully capable of paying his \$2,500, but Proctor's financial condition is not shown to be liquid enough. His current liabilities are greater than his cash by \$714 and the only other current asset is \$3,100 of notes receivable which are not identified or shown to be liquid. Lastly, KWEN's assertion that Johnson and Proctor do not have enough stocks to secure the \$25,000 bank loan is merely an indulgence in supposition. The bank only requests the loan to be "secured to this bank's satisfaction." The possibility of insufficient security, standing alone, does not form a basis for doubting the source.³ Thus, of Woodland's proposed \$41,956 of funds, a maximum of \$3,500 is put in doubt by KWEN. In view of the fact that Woodland's cost of construction and initial operation is \$35,389.35, which is more than \$5,500 less than available funds, KWEN's request for a financial qualifications issue will be denied.

7. KWEN's last request is to add an issue to inquire into the adequacy of revenues available to Woodland. The basis for this allegation is that Woodland's designated community, Vidor, Texas, is a small unincorporated area for which no wholesale and retail data has been published; that Woodland has no business experience in Vidor "that would lend credence" to its estimate of \$50,000 of revenue in the first year of operation; and that Woodland should therefore have to show that its estimate is realistic.

8. As the Broadcast Bureau points out, KWEN has put forward no factual allegations to support its assertion. The Commission has accepted Woodland's estimate, and KWEN has shown no reason to rule otherwise. Therefore, the issue will not be added.

Woodland's petition to delete an issue. 9. Woodland seeks deletion of the following issue:

3. To determine the manner in which the application of the Woodland Broadcasting Company was prepared, whether information and exhibits therein are accurate and wheth-

er the method employed in the preparation of the application reflects adversely on the qualifications of the Woodland Broadcasting Company or any of its principals.

10. The issue was designated initially by the Commission on the basis of a letter from J. G. Rountree, the engineer for Vidor Broadcasting Co., Inc., the dismissed applicant, supra.⁴ Woodland asserts that the issue should not have been included, contending essentially that Rountree has no legal standing since as a result of the dismissal of the Vidor application, he can claim neither an interference nor an economic interest sufficient to constitute him a party in interest; that he did not comply with the Commission requirements in order to be so designated; that in any event, his complaint is merely in the form of a signed letter not verified in accordance with the Commission requirements as set forth in § 1.52 of the rules; and that in the final analysis, the fact that Woodland may have used Rountree's exhibits does not violate any law or rule, and any such use should not reflect on Woodland's qualifications as a licensee.

11. As is evident from Woodland's allegations, which are summarized in the preceding paragraph, Woodland does not contend that the issue in question was designated as a consequence of a mistake of fact. Instead, it argues legal and policy considerations. Such considerations do not support a request for the deletion of a hearing issue.

Accordingly, it is ordered, This 6th day of February 1964, That the petition to delete an issue, filed November 21, 1963, by KWEN Broadcasting Company, is granted; and that Issue No. 2 in the Order of Designation (FCC 63-985 is deleted; and

It is further ordered, That the petition to enlarge issues, filed November 21, 1963, by KWEN Broadcasting Company is denied; however, in the event of a grant of the application of Woodland Broadcasting Company, Inc., the construction permit shall contain a condition that the signal to be radiated from the station authorized under the said permit shall not exceed 180 mv/m at one mile; and

It is further ordered, That the petition to delete an issue, filed November 21, 1963,

² "It further appearing, That, by letter of July 18, 1963, J. G. Rountree, consulting engineer of Austin, Texas, who prepared the engineering portion of the application of the Vidor Broadcasting Company, Inc., alleged that Gerald R. Proctor, president and principal stockholder of the Woodland Broadcasting Company, has plagiarized certain exhibits prepared by Rountree for the Vidor application and used said exhibits in support of the Woodland application, and challenges the accuracy of certain exhibits; that Woodland has not denied the allegations of Rountree; that therefore, an issue will be included to permit a determination in the hearing ordered below of the manner in which the application of the Woodland Broadcasting Company was prepared, whether information and exhibits therein are accurate, and whether the method employed in the preparation of the application reflects adversely on the qualifications of the Woodland Broadcasting Company or any of its principals;"

³ Veterans Broadcasting Co., Inc., FCC 62-131, 22 RR 949 (1962).

² Woodland's other \$10,956 will come from credit and deferred payments.

³ See United Electronics Laboratories, Inc., FCC 60-484, 20 RR 21 (1960).

by Woodland Broadcasting Company, Inc., is denied.

Released: February 7, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F. R. Doc. 64-1448; Filed, Feb. 12, 1964;
8:49 a.m.]

[Docket No. 15193; FCC 64M-109]

LAKE VALLEY BROADCASTERS, INC.

Order Regarding Procedural Dates

In re application of Lake Valley Broadcasters, Inc., Crystal Lake, Illinois, Docket No. 15193, File No. BP-15509; for construction permit.

On the basis of discussions held at the hearing conference today: *It is ordered*, This 7th day of February 1964, that further hearing will be held in this proceeding beginning March 25, 1964, in Washington, D.C., and that the following dates shall govern the preparation for hearing: February 21 for the exchange of applicants' written material; March 16, for the exchange of rebuttal written material. *It is further ordered*, That additional signal strength measurements, to be useable by any party for any purpose in this proceeding, will have to be taken and exchanged with the other parties no later than March 16.

Released: February 10, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1449; Filed, Feb. 12, 1964;
8:49 a.m.]

[Docket Nos. 15319, 15320; FCC 64-87]

MARIETTA BROADCASTING CO., INC. (WBIE) AND COBB COUNTY BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Marietta Broadcasting Company, Inc. (WBIE), Marietta, Georgia, Docket No. 15319, File No. BP-15405, has 1050 kc, 500 w, Day, Class II, requests 1080 kc, 10 kw, DA-Day, Class II; Sheridan W. Pruett and Charles M. Erhard, Jr., d/b as Cobb County Broadcasting Company, Marietta, Georgia, Docket No. 15320, File No. BP-15443, requests 1090 kc, 1 kw, Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of February 1964.

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate as proposed; that Marietta Broadcasting Company, Inc., is financially qualified, but that it cannot be determined whether Cobb County Broad-

casting Company is financially qualified; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals are mutually exclusive.

2. It cannot be determined whether Sheridan W. Pruett and Charles M. Erhard, Jr., will have sufficient funds available to construct and meet initial operating expenses (for a three-month period) of the proposed facility. Commission records disclose that Pruett and Erhard have commitments in addition to the subject application which will require cash expenditures. One commitment is to expend \$20,250 for the construction of a new standard broadcast facility at Sutton, West Virginia (BP-15201). (Granted July 24, 1963.) The other is to spend \$13,250 for a power increase of Station WPME, Punxsutawney, Pennsylvania (BP-14022, Docket No. 14634, granted April 11, 1963). If these commitments are fulfilled, it would appear that Pruett's and Erhard's cash resources will be reduced to an amount insufficient to meet the needs of their proposed operation. Under these circumstances, it cannot be determined that Cobb County Broadcasting Company is financially qualified.

3. The aerial site photograph submitted with the Cobb County Broadcasting Company proposal is not sufficiently clear and does not show sufficient detail to permit a determination as to whether the proposed site is satisfactory.

It further appearing, that, Cobb County Broadcasting Company indicates that on the basis of a soil conductivity value of 2 mmhos/m, as indicated by Figure M-3 of the rules, the proposed 25 mv/m contour will cover the business district of Marietta, Georgia; but, that, no field intensity measurement data have been submitted to establish that the conductivity over the relatively short path involved is essentially the same as indicated by Figure M-3; and, that, Commission study indicates 25 mv/m coverage of the business area as required by § 73.188(b) (1) of the rules would not be achieved if the conductivity should be only slightly lower than the Figure M-3 value of 2 mmhos/m; and

It further appearing that a substantial question exists as to whether the proposal of Marietta Broadcasting Company, Inc., is designed to serve principally Atlanta, Georgia and its urbanized area, rather than Marietta, Georgia, and that this should be explored under Issue No. 6; and

It further appearing, that, in the event of a grant of the proposal of the Cobb County Broadcasting Company, the construction permit shall be conditioned on acceptance of interference that may result from a subsequent grant of the application of the Carroll Broadcasting Company (BP-12545), Carrollton, Georgia; and

It further appearing, that, in the event of a grant of the proposal of the Marietta Broadcasting Company, Inc., the construction permit shall be conditioned on acceptance of interference that may result from a subsequent grant of the ap-

plication of WFLI, Inc. (BMP-8439), Lookout Mountain, Tennessee; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Cobb County Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WBIE and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Cobb County Broadcasting Company will provide coverage of the city sought to be served as required by § 73.188(b) (1) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether Sheridan W. Pruett and Charles M. Erhard, Jr. are financially qualified to construct and operate their proposed station.

5. To determine whether the transmitter site proposed by Cobb County Broadcasting Company is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed stations.

(c) The programming services proposed in each of the applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, any grant of the proposals in this proceeding, prior

to a final decision in Docket No. 14419, will be conditioned as follows:

Pending a final Decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of the application of Cobb County Broadcasting Company, the construction permit shall contain a condition that the permittee shall accept any interference that may result in the event of a subsequent grant of the Carroll Broadcasting Company application (BP-12545), Carrollton, Georgia.

It is further ordered, That, in the event of a grant of the application of the Marietta Broadcasting Company, Inc., the construction permit shall contain a condition that the permittee shall accept any interference that may result in the event of a subsequent grant of the application of WFLI, Inc. (BMP-8439), Lookout Mountain, Tennessee.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually, or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 10, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1450; Filed, Feb. 12, 1964;
8:49 a.m.]

[Docket No. 15318; FCC 64-86]

MIDDLESEX BROADCASTING CO. (WCNX)

Order Designating Application for Hearing on Stated Issues

In re application of The Middlesex
Broadcasting Company (WCNX), Mid-

dletown, Connecticut, Docket No. 15318, File No. BP-14055, has 1150 kc, 500 w, Day, requests 1150 kc, 1 kw, Day, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of February 1964;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate Station WCNX as proposed but that the proposed operation of WCNX would cause interference to Station WCOP, Boston, Massachusetts (1150 kc, 5 kw, DA-2, U); and

It further appearing, that, by letter of October 24, 1960, the licensee of Station WCOP requested that the WCNX application be designated for hearing; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below;

It is ordered, That, pursuant to section 309(c) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WCNX and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WCNX would cause objectionable interference to Station WCOP, Boston, Massachusetts, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the Plough Broadcasting Company, Inc., licensee of Station WCOP, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respond-

ent herein, pursuant to § 1.221(c) and (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further order, That the applicant herein, shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner specified in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: February 10, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1451; Filed, Feb. 12, 1964;
8:50 a.m.]

[Docket No. 15321; FCC 64-92]

PEPINO BROADCASTERS, INC.

Order Designating Application for Hearing on Stated Issues

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 5th day of February 1964;

In re application of Pepino Broadcasters, Inc., San Sebastian, Puerto Rico, Docket No. 15321, File No. BP-14253, requests 1460kc, 500w, U, for construction permit.

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate the proposed station but that Felix Bonnet Velez, an officer, director and 25 percent stockholder of the applicant corporation, also has a one-third interest in the licensee of standard broadcast Station WNIK, Arecibo, Puerto Rico; and that the proposed station would serve a portion of the service area of WNIK which appears to be substantial within the meaning of § 73.35(a) of the Commission's rules on multiple ownership; and

It further appearing that the Commission is unable, on the basis of the information before it, to determine that a grant of the instant application would serve the public interest, convenience and necessity and is of the opinion that the application must be designated for hearing to determine whether a grant of the application would be in contravention of § 73.35(a) of the Commission's rules and that in reaching this

¹ Dissenting Statement of Robert T. Bartley filed as part of original document.

determination it is appropriate to consider the size, extent and location of (e) of the Commission's rules, in person or by an attorney, shall, within twenty the areas served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will or will not be in contravention of § 73.35(a) of the Commission's rules.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the instant proposal would be in contravention of the provisions of § 73.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section

311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Released: February 10, 1964.

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

[F.R. Doc. 64-1452; Filed, Feb. 12, 1964;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. CP63-12, CP63-13]

MISSISSIPPI RIVER TRANSMISSION CORP. AND MISSISSIPPI RIVER FUEL CORP.

Notice of Date of Hearing

FEBRUARY 7, 1964.

On November 16, 1962, the Commission issued a notice consolidating the above-captioned applications and setting a date for formal hearing. On March 12, 1963, upon request of the Applicants, the Commission issued a notice of continuance of the date for formal hearing until further notice.

Take notice that a hearing will be held on March 2, 1964, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1426; Filed, Feb. 12, 1964;
8:48 a.m.]

[Project No. 2105]

PACIFIC GAS AND ELECTRIC CO.

Order Postponing Hearing

FEBRUARY 6, 1964.

Pursuant to the Commission's order issued December 27, 1963, a prehearing

conference was held in San Francisco, California, in the above-entitled proceedings. The Presiding Hearing Examiner's report issued January 17, 1964, states that he had ordered the following schedule over the objection of the parties who requested a longer extension of time:

1. Service of the prepared direct testimony of each of the parties to be served on or before March 16, 1964.

2. Commencement of the hearing on March 31, 1964.

3. All motions to strike and objection to the testimony to be filed in writing with the Presiding Examiner on or before March 25, 1964.

The Presiding Examiner also reported that progress was made toward resolution of the issues by agreement. By allowing more than 30 days extension of time the parties are given the opportunity to further explore ways and means of coming to an agreement, which would avoid the necessity of a hearing.

The Commission finds. It is in the public interest to postpone the hearing to March 31, 1964.

The Commission orders. The action of the Presiding Examiner postponing the hearing to March 31, 1964, in this proceeding is approved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1427; Filed, Feb. 12, 1964;
8:48 a.m.]

[Docket No. RI64-587 etc.]

W. P. CARR ET AL.

Order Accepting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates¹

FEBRUARY 5, 1964.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI64-587...	W. P. Carr, 6700 Forest Lane, Dallas 30, Tex.	2	12	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	\$1,930	1-13-64	2-13-64	7-13-64	13.2295	14.2486	RI-64-382
RI64-588...	International Oil & Gas Corp., 825 Petroleum Club Building, Denver, Colo., 80202.	1	4	El Paso Natural Gas Co. (Artec and South Blanco Pictured Cliffs, Blanco Mesa Verde and Basin Dakota Fields, San Juan County, N. Mex.) (San Juan Basin Area).	572	1-6-64	2-6-64	-----	11.0	12.0495	-----
RI64-589...	Do	59	11	do	409	1-6-64	2-6-64	7-6-64	13.0	14.0	-----
	Do			do	555	1-6-64	2-6-64	7-6-64	13.0	14.0	-----
	Do			do	5,700	1-13-64	2-13-64	7-13-64	10.7008	11.7199	-----
	Phillips Petroleum Co., Bartlesville, Okla. Attn: Mr. W. B. Gaul.			Northern Natural Gas Co. (Jal Field, Lea County, N. Mex.) (Permian Basin Area).							

¹ Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-474...	H. H. Phillips, et al., Milam Building, San Antonio, Tex.	1	1 to 3	El Paso Natural Gas Co. (Allison Unit, San Juan County, N. Mex.) (San Juan Basin Area and La Plata and Archuleta Coun- ties, Colo.).	\$27	1-13-64	2-13-64	11 6- 2-64	\$ 12.0	\$ 14.0	
RI64-590...	Schermerhorn Oil Corp. (Operator), et al., P.O. Box 287 Tulsa, Okla.	6	2	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	284	1-16-64	12 2-16-64	7-16-64	\$ 10.5	\$ 14 11.7118	
RI64-591...	Standard Oil Co. of Texas, a Division of California Oil Co., P.O. Box 1249, Houston, Tex., 77001. Attn: Mr. C. W. Procter.	37	3	El Paso Natural Gas Co. (Bisti Lower Gallup Field, East Bisti Unit, San Juan County, N. Mex.) (San Juan Basin Area).	1,852	1-13-64	12 2-13-64	7-13-64	\$ 13.2486	\$ 14.2678	RI64-60
	Standard Oil Co. of Texas, a Division of California Oil Company.	45	2	Valley Gas Transmission, Inc. (East Alta Mesa Field, Brooks County, Tex.) (R.R. Dis. No. 4).	1,347	1-13-64	12 2-13-64	7-13-64	\$ 14.0	\$ 14 15.0	
RI-64-592...	Nor-Mac-Burns Co. P.O. Box 266, Tor- rance, Calif.	1	3	Colorado Interstate Gas Co. (Keyes Field, Cimarron County, Okla.) (Oklahoma- Panhandle Area).	17 135	1-20-64	12 3- 1-64	8- 1-64	\$ 16.0	\$ 14 17.0	G-17293
RI64-593...	MacDonald, Burns and Norris No. 2, P.O. Box 266, Tor- rance, Calif.	1	3	do	17 2,259	1-20-64	12 3- 1-64	8- 1-64	\$ 16.0	\$ 14 17.0	G-17292
RI64-594...	Northern Pump Co., Agent (Operator), et al., Columbia Heights Post Office, Minneapolis 21, Minn.	36	3	Colorado Interstate Gas Co. (Hugoton Field, Finney County, Kans.).	474	1-16-64	12 2-16-64	7-16-64	\$ 11.0	\$ 14 13.5	
RI64-595...	John B. Hawley, Jr., c/o Northern Pump Co., Columbia Heights Post Office, Minneapolis 21, Minn.	3	4	Colorado Interstate Gas Co. (Hugoton Field, Grant County, Kans.).	2,114	1-15-64	12 2-15-64	7-15-64	\$ 12.5	\$ 14 13.5	G-18101
RI64-596...	G. A. Kane, c/o North- ern Pump Co., Co- lumbia Heights Post Office, Minne- apolis 21, Minn.	2	4	Colorado Interstate Gas Co. (Hugoton Field, Haskell and Seward Counties, Kans.).	142	1-15-64	12 2-15-64	7-15-64	\$ 12.5	\$ 14 13.5	G-18105
RI64-597...	Sunray DX Oil Co., P.O. Box 2039, Tul- sa 2, Okla.	177	1	Colorado Interstate Gas Co. (Hugoton Field, Kearney County, Kans.).	45	1-17-64	12 2-17-64	7-17-64	\$ 12.5	\$ 14 13.5	
RI64-598...	Helmreich & Payne, Inc. (Operator), et al., Utica at 21st Street, Tulsa, Okla.	19	16	Colorado Interstate Gas Co. (Hugoton Field, Kans.).	93,660	1-20-64	12 2-20-64	7-20-64	\$ 11.5	\$ 14 13.5	
RI64-599...	Humble Oil & Refin- ing Co., P.O. Box 2180, Houston, Tex., 77001.	170	2	Transcontinental Gas Pipe Line Corp. (San Miguel Creek and Dilworth Fields, McMullen County, Tex.) (E.R. Dist. No. 1).	32,365	1-13-64	12 3-10-64	8-10-64	\$ 14.1890	\$ 14 15.2025	
RI64-600...	The Atlantic Refin- ing Co., P.O. Box 2819, Dallas, Tex., 75221.	32	8	Tennessee Gas Transmission Co. (South Hyatt Field, Tyler County, Tex.) (R.R. Dist. No. 3).	4,969	1-20-64	12 2-20-64	7-20-64	\$ 16.16947	\$ 14 19.33333	G-17121
	The Atlantic Refin- ing Co.	124	5	Tennessee Gas Transmission Co. (Magnet-Withers Field, Wharton County, Tex.) (R.R. Dist. No. 3).	17,505	1-20-64	12 2-20-64	7-20-64	\$ 16.16947	\$ 14 19.33333	G-17291
	The Atlantic Refin- ing Co.	152	3	Tennessee Gas Transmission Co. (Cologne Field, Victo- ria County, Tex.) (R.R. Dist. No. 2).	1,948	1-20-64	12 2-20-64	7-20-64	\$ 15.33333	\$ 14 18.0	G-17365

¹ The stated effective date is the first day after expiration of the required statutory notice.

² Periodic rate increase.

³ Pressure base is 15,025 psia.

⁴ Includes partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.

⁵ Includes 1.0 cent per Mcf minimum guarantee for liquids.

⁶ Includes partial reimbursement for 0.55 percent increase in New Mexico Oil and Gas Emergency School Tax.

⁷ For gas produced from Pictured Cliffs Formation.

⁸ For gas produced from Mesa Verde Formation.

⁹ For gas produced from Dakota Formation.

¹⁰ Termination date of suspension period in Docket No. RI64-474.

¹¹ Adds remaining "et al" party to previous Notice of Change (Supplement No. 3).

¹² Effective date requested by Respondent.

¹³ Pressure base is 14.65 psia.

¹⁴ Subject to reduction of 0.4875 cent per Mcf for compression of low pressure gas (below 600 psig).

¹⁵ Subject to downward Btu adjustment below 1,000 Btu's.

¹⁶ As shown by filing.

¹⁷ Renegotiated rate increase.

¹⁸ Subject to upward and downward Btu adjustment based on 1,000 Btu's (net rate is 12.592 cents per Mcf before increase and 13.379 cents per Mcf after increase for 787 Btu gas, shown in filing).

¹⁹ Subject to upward and downward Btu adjustment based on 1,000 Btu (net rate is 12.704 cents per Mcf before increase and 13.498 cents per Mcf after increase for 794 Btu gas, shown in filing).

²⁰ Subject to downward Btu adjustment based on 950 Btu (net rate is 9.10105 cents per Mcf before increase and 11.16947 cents per Mcf after increase for 786 Btu gas, shown in filing).

²¹ Two-step periodic rate increase.

²² Subject to downward Btu adjustment.

²³ Subject to downward Btu adjustment based on 950 Btu (net rate is 10.5263 cents per Mcf before increase and 11.3684 cents per Mcf after increase for 800 Btu gas, shown in filing).

²⁴ Favored-nation rate increase.

²⁵ Subject to upward and downward Btu adjustment based on 1,000 Btu (net rate is 11.247 cents per Mcf before increase and 13.203 cents per Mcf after increase based on 978 Btu gas, shown in filing).

²⁶ Redetermined rate increase.

²⁷ Rates subject to deduction of buyer's system-wide charge of 0.21931 cent per Mcf for non-dehydrated gas.

²⁸ Non-dehydrated gas delivered by buyer.

²⁹ Rate includes a dehydration allowance of 0.21931 cent paid by buyer for dehydrated gas delivered by seller.

retroactive effective date of December 1, 1963, for their proposed rate filings. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The proposed rate increases of Carr and the Standard Oil Company of Texas, a Division of California Oil Company (Standard) (Supplement No. 3 to Standard's FPC Gas Rate Schedule No. 37), reflect partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was in-

W. P. Carr (Carr), H. H. Phillips, et al., Sunray DX Oil Company and The Atlantic Refining Company request an effective date of January 1, 1964, for their proposed rate increases. International Oil & Gas Corporation requests an effective date of February 1, 1964, and Phillips Petroleum Company requests a

creased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Company (El Paso), has protested these producers' rate filings. El Paso questions the right of Carr and Standard under their tax reimbursement clauses to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein with respect to Carr and Standard's rate filings shall concern themselves with the contractual basis of the proposed rate increases.

With respect to the rate increases filed by Phillips Petroleum Company and Schermerhorn Oil Corporation (Operator), et al., the gas is sour and must be processed for removal of excess sulphur. The proposed rates already exceed the Permian Basin Area ceiling for increased rates and the addition of the sweetening costs amounts to a further excess over the ceiling price.

The rate filing of H. H. Phillips, et al. (Phillips), was submitted to replace a previous filing which did not include the interests of the "et al." parties. The instant filing includes such interests. The previous filing submitted on December 2, 1963, was suspended by the Commission's order issued December 26, 1963, in Docket No. RI64-474 until June 2, 1964. We believe it to be in the public interest to permit Phillips to substitute the instant rate filing of January 13, 1964, for the rate filing of December 2, 1963, now under suspension in Docket No. RI64-474. Under the circumstances, the suspension period for Phillips' rate filing may be shortened to terminate concurrently with the suspension period (June 2, 1964) in said docket.

International Oil & Gas Corporation's (International) proposed rate increase, from 11.0 cents per Mcf to 12.0495 cents, for gas produced from the Pictured Cliffs Formation is below the ceiling for increased rates in the San Juan Basin Area and should be accepted for filing as hereinafter ordered to be effective as of February 6, 1964.

With the exception of the increased rate filed by International for gas produced from the Pictured Cliffs Formation, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the 12.0495 cents per Mcf rate contained in Supplement No. 4 to International's

FPC Gas Rate Schedule No. 1 should be accepted for filing and permitted to become effective as of February 6, 1964, the date of expiration of the required statutory notice.

(2) Except for the increased rate set forth in (1) above, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis of Carr and Standard's proposed rate filings which El Paso has protested, as set forth above, as well as the statutory lawfulness of all of the producers' rate filings, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 12.0495 cents per Mcf rate contained in Supplement No. 4 to International's FPC Gas Rate Schedule No. 1 is hereby accepted for filing and permitted to become effective as of February 6, 1964.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filings of Carr and Standard (Supplement No. 3 to Standard's FPC Gas Rate Schedule No. 37) which El Paso has protested, and the statutory lawfulness of the producers' proposed increased rates and charges contained in the above-designated supplements, with the exception of the increased rate set forth in paragraph (A) above.

(C) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(D) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(E) Notices of intervention 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 and 1.37(f)) on or before March 25, 1964.

By the Commission. Commissioner Woodward not participating in the suspension of the filings in Docket No. RI64-588, International Oil & Gas Corporation and in Docket No. RI64-474, H. H. Phillips, et al.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1358; Filed, Feb. 12, 1964;
8:45 a.m.]

[Docket No. CP64-18]

PANHANDLE EASTERN PIPE LINE CO.

Notice Fixing Date of Hearing

FEBRUARY 6, 1964.

Take notice that the hearing in the above-entitled proceeding scheduled by notice issued September 4, 1963, and published in the FEDERAL REGISTER on September 11, 1963 (28 F.R. 9891), to be held in Washington, D.C., on October 3, 1963, and postponed to a date to be later fixed by notice issued September 30, 1963, and published in the FEDERAL REGISTER on October 5, 1963 (28 F.R. 10760), is hereby scheduled to commence in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on March 17, 1964, at 10:00 a.m., e.s.t.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1428; Filed, Feb. 12, 1964;
8:48 a.m.]

[Docket No. G-10995 etc.]

SKELLY OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

FEBRUARY 4, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 2, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-10995 C 1-23-64	Skelly Oil Co.	El Paso Natural Gas Co., Anderson "B" Unit, Rio Arriba County, N. Mex.	13.0	15.025
G-17383 E 1-23-64	George L. Buckles (successor to A. R. Eppenauer, Operator).	El Paso Natural Gas Co., acreage in Southeast Lea County, N. Mex.	6.5	14.65
C161-894 E 1-23-64	Piggott Oil & Gas Co. (successor to Wayne No. 1).	Equitable Gas Co., Central Dist., Doddridge County, W. Va.	25.0	15.325
C161-1102 C 1-29-64	Sun Oil Co. (Mid-Continent Division).	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	15.0	14.65
C162-1554 11-26-63	Moran Bros., Inc. (Operator), et al. (formerly Frank Storm Associates (Operator), et al.).	El Paso Natural Gas Co., acreage in Gray County, Tex.	12.0	14.65
C164-91 C 1-29-64	Petroleum Promotions, Inc.	Hope Natural Gas Co., Freemans Creek Dist., Lewis County, W. Va.	25.0	15.325
C164-302 C 1-23-64	Joseph E. Seagram & Sons, Inc. (Operator), et al.	Phillips Petroleum Co., South King Mountain Field, Upton County, Tex.	12.0	14.65
C164-831 A 1-23-64	Tarpon Management Co. (Operator).	Trunkline Gas Co., acreage in Hidalgo County, Tex.	12.000	14.65
C164-832 B 1-23-64	Associated Oil & Gas Co.	Trunkline Gas Co., Salem Field, Victoria County, Tex.	(?)	-----
C164-833 B 1-23-64	do.	Banquete Gas Co., Spartan Field, San Patricio County, Tex.	(?)	-----
C164-834 A 1-23-64	Union Oil Co. of California	Natural Gas Pipeline Co. of America, Thomas Area, Dewey and Custer Counties, Okla.	15.0	14.65
C164-835 A 1-23-64	Sunray DX Oil Co.	do.	15.0	14.65
C164-836 A 1-24-64	The Superior Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Hamilton County, Kans.	12.5	14.65
C164-837 A 1-24-64	The Atlantic Refining Co.	South Texas Natural Gas Gathering Co., Schmidt Field, Hidalgo County, Tex.	16.0	14.65
C164-838 A 1-24-64	Paul M. Haygood	Northern Natural Gas Co., acreage in Ochiltree and Lipscomb Counties, Tex.	17.0	14.65
C164-839 B 1-13-64	Amerinda Petroleum Corp.	Cities Service Gas Co., acreage in Barber County, Kans.	(?)	-----
C164-840 A 1-28-64	Tomco Oil Co.	Amata Gas Corp., Morales Field, Jackson County, Tex.	11.0	14.65
C164-841 A 1-27-64	St. Clair Oil Co.	Equitable Gas Co., Collins Settlement and Skin Creek Dists., Lewis County, W. Va.	25.0	15.325
C164-843 A 1-27-64	Union Oil Co. of California	Panhandle Eastern Pipe Line Co., Northwest Oakdale Field, Woods County, Okla.	17.0	14.65
C164-844 A 1-27-64	John Franks (Operator), et al.	Texas Gas Transmission Corp., Ruston Field, Lincoln Parish, La.	16.0	15.025
C164-845 B 1-27-64	Producing Properties, Inc. (Operator), et al.	Texas Eastern Transmission Corp., Jennie Bell Field, DeWitt County, Tex.	(?)	-----
C164-846 B 1-27-64	Sinclair Oil & Gas Co.	Cities Service Gas Co., Guymon-Hugoton Field, Beaver County, Okla.	(?)	-----
C164-847 A 1-28-64	Southwest Petroleum Management Corp. (Operator).	Texas Eastern Transmission Corp., East Melrose Field and West Weesatche Field, Gollad County, Tex.	12.0	14.65
C164-848 A 1-28-64	Roscoe Dingess, Jr.	United Fuel Gas Co., Duval Dist., Lincoln County, W. Va.	22.0	15.325
C164-849 A 1-29-64	C. L. Kingsbury, et al.	Hope Natural Gas Co., Washington Dist., Calhoun County, W. Va.	25.0	15.325
C164-850 A 1-29-64	Reed Gas Co.	Hope Natural Gas Co., Union Dist., Clay County, W. Va.	25.0	15.325
C164-851 A 1-29-64	Mutual Oil Company, et al.	Hope Natural Gas Co., Clay Dist., Harrison County, W. Va.	25.0	15.325
C164-852 A 1-29-64	Keillor & Clark	Hope Natural Gas Co., DeKalb Dist., Gilmer County, W. Va.	25.0	15.325
C164-853 A 1-29-64	J. C. Baker Oil & Gas Co.	Hope Natural Gas Co., Murphy Dist., Ritchie County, W. Va.	25.0	15.325
C164-854 A 1-29-64	Allen & Co.	Hope Natural Gas Co., Washington Dist., Calhoun County, W. Va.	25.0	15.325
C164-855 A 1-29-64	M. & R. Producing Co.	Hope Natural Gas Co., Spencer Dist., Roane County, W. Va.	25.0	15.325
C164-856 A 1-28-64	Hadal Oil & Gas Corp. (Successor to The Pure Oil Company) (Partial Succession).	United Fuel Gas Co., acreage in Clay County, W. Va.	16.0	15.325
C164-857 A 1-29-64	Blanco Oil Co.	Texas Eastern Transmission Corp., Sal Del Rey Field, Hidalgo County, Tex.	14.6	14.65
C164-858 A 1-24-64	Tenneco Oil Co. (Operator), et al.	El Paso Natural Gas Co., Monahans Field, Ward County, Tex.	14.189	14.65

Filing Code:

A—Initial Service.
B—Abandonment.
C—Amendment to add acreage.

D—Amendment to delete acreage.
E—Succession.

¹ Amendment filed to reflect change in operator and redesignate rate schedule to read Moran Bros., Inc. (Operator), et al. in lieu of Frank Storm Associates (Operator), et al.

² By letter agreement dated Jan. 17, 1964, the purchaser agreed to buy up to 1,500 Mcf per day of "surplus gas" at 12.0 cents per Mcf, making the total sale 2,500 Mcf per day at a weighted average price of 12.8 cents per Mcf.

³ Depleted.

[F.R. Doc. 64-1366; Filed, Feb. 12, 1964; 8:45 a.m.]

[Docket No. RP64-9]

CITIES SERVICE GAS CO.

Order Granting Motion for Extension of Time and Modifying Procedural Dates

FEBRUARY 6, 1964.

On February 5, 1964, the Staff filed a motion herein requesting the Commission to extend the time within which to serve its prepared testimony and exhibits to February 28, 1964 and to extend all other presently prescribed procedural dates.

No. 31—4.

By order issued November 22, 1963,¹ the Commission suspended proposed rate increases filed by Cities Service Gas Company, ordered a public hearing thereon and established procedural dates.

In support of its motion, Staff stated that, due to the complexity of this proceeding, it will be unable to serve its testimony and exhibits on the prescribed date.

The Commission finds. Good cause exists for granting Staff's motion filed

¹ Order Providing For Hearing and Suspending Proposed Tariff Sheets.

herein on February 5, 1964, and for modifying the order issued herein on November 22, 1963, as hereinafter ordered.

The Commission orders:

(A) The Staff's motion filed herein on February 5, 1964, is hereby granted.

(B) The order issued herein on November 22, 1963, is hereby modified as follows:

1. The dates for filing testimony and exhibits and service thereof upon the Presiding Examiner and all parties are as follows: Staff, on or before February 28, 1964; Interveners, on or before March 17, 1964.

2. The prehearing conference set by ordering paragraph (D) shall convene on March 24, 1964.

(C) In all other respects, the order issued herein on November 22, 1963, shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRAIDE,
Secretary.

[F.R. Doc. 64-1425; Filed, Feb. 12, 1964; 8:48 a.m.]

INTERSTATE COMMERCE
COMMISSIONFOURTH SECTION APPLICATIONS
FOR RELIEF

FEBRUARY 10, 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. 38795: *Liquid caustic soda from Newark, N.J.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2701), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Newark, N.J., to Englewood and Etowah, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 42 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-334.

FSA No. 38796: *Liquid caustic soda to Danville, Va.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2703), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from points in Michigan, New York, Ohio, and West Virginia, also Edgewood, Maryland, and Newark, N.J., to Danville, Va.

Grounds for relief: Market competition.

Tariffs: Supplements 126 and 42 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

FSA No. 38797: *Commodity rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 53), for itself and interested carriers. Rates on cement compound, building or floor, dry and iron borings, ground, not powdered, in carloads, from Buffalo, N.Y., to Fresno, Los Angeles, Sacramento, and San Francisco, Calif.

Grounds for relief: All-rail competition.

Tariff: Supplement 44 to Sea-Land Service, Inc., tariff I.C.C. 14.

FSA No. 38798: *Fresh meats and packinghouse products to southern territory.* Filed by Western Trunk Line Committee, agent (No. A-2348), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, from specified points in western trunk-line and Illinois Freight Association territories, to points in southern territory.

Grounds for relief: Carrier competition.

Tariffs: Supplement 2 to Western Trunk Line Committee, agent, tariff I.C.C. A-4518 and Illinois Freight Association, agent, tariff I.C.C. 1036.

FSA No. 38799: *Substituted service—WP for Ashworth Transfer, Inc., Et Al.* Filed by Ashworth Transfer, Inc., (No. 4), for itself and interested carriers. Rates on iron or steel pipe, loaded in highway trailers and transported on railroad flat cars, between Salt Lake City, Utah, on the one hand, and Elko, Reno, and Winnemucca, Nev., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 38800: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 235), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Midwest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38801: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 236), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Midwest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38802: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 237), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Midwest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38803: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 238), for interested carriers. Rates on various commodities moving on class and commodity rates over joint

routes of applicant rail and motor carriers, between points in Central States, Midwest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38804: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 239), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Midwest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38805: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 240), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Midwest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38806: *Grain and grain products to California points.* Filed by Pacific Southcoast Freight Bureau, agent (No. 247), for interested rail carriers. Rates on grain, grain products, and related articles, in carloads, from points in Montana, to points in California.

Grounds for relief: Unregulated truck competition.

Tariff: Supplement 149 to Pacific Southcoast Freight Bureau, agent, tariff I.C.C. 1577.

FSA No. 38807: *Returned empty steel containers between points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8504), for interested rail carriers. Rates on returned empty steel containers, as described in the application, in carloads, between points in southwestern territory, also Natchez, Vicksburg, Miss., and Memphis, Tenn.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 7 to Southwestern Freight Bureau, agent, tariff I.C.C. 4559.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-1431; Filed, Feb. 12, 1964;
8:48 a.m.]

[Rev. S.O. No. 562; Taylor's I.C.C. Order
No. 164]

LEHIGH VALLEY RAILROAD

Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Lehigh Valley Railroad, account of labor difficulties, is unable to transport traffic offered it for movement to The Central Railroad Company of New Jersey at Packerton Junction, Pennsylv-

vania, destined Pier 18, New York Harbor.

It is ordered, That

(a) *Rerouting traffic.* The Lehigh Valley Railroad, being unable to transport traffic offered it for movement to The Central Railroad Company of New Jersey at Packerton Junction, Pennsylvania, destined Pier 18, New York, account of labor difficulties, is hereby authorized to divert and reroute such traffic to the Reading Company at Manville, New Jersey, for delivery at Port Reading, New Jersey. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 3:00 p.m., February 7, 1964.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 29, 1964, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 7, 1964.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[SEAL]

[F.R. Doc. 64-1432; Filed, Feb. 12, 1964;
8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2361, 7-2362]

**SHERWIN-WILLIAMS CO. AND
G. D. SEARLE & CO.**

Notice of Applications for Unlisted Trading Privileges and of Oppor- tunity for Hearing

FEBRUARY 7, 1964.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange, for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission

pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Sherwin-Williams Co., FILE 7-2361.
G. D. Searle & Co., FILE 7-2362.

Upon receipt of a request, on or before February 24, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if or-

dered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

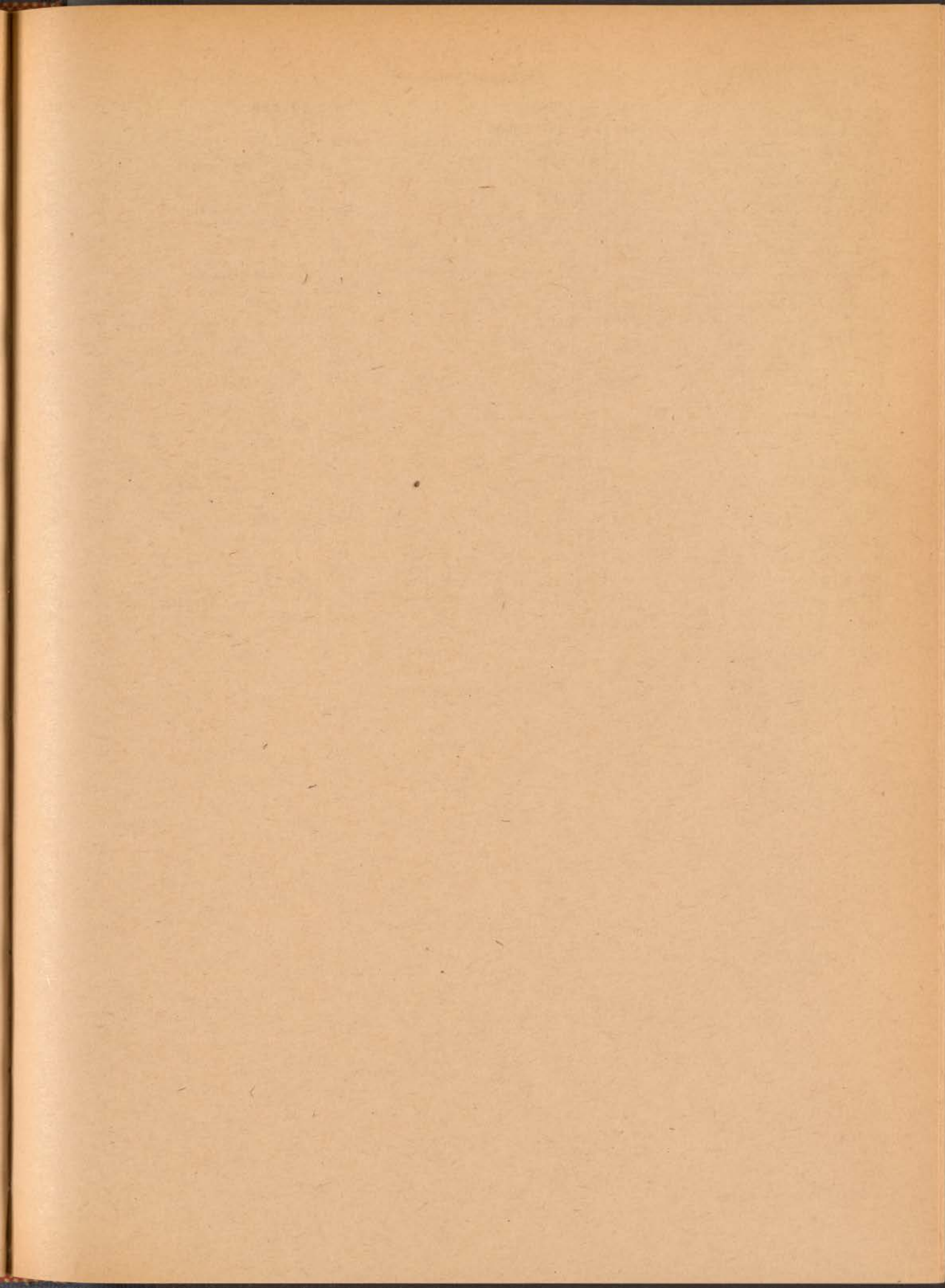
[F.R. Doc. 64-1406; Filed, Feb. 12, 1964;
8:45 a.m.]

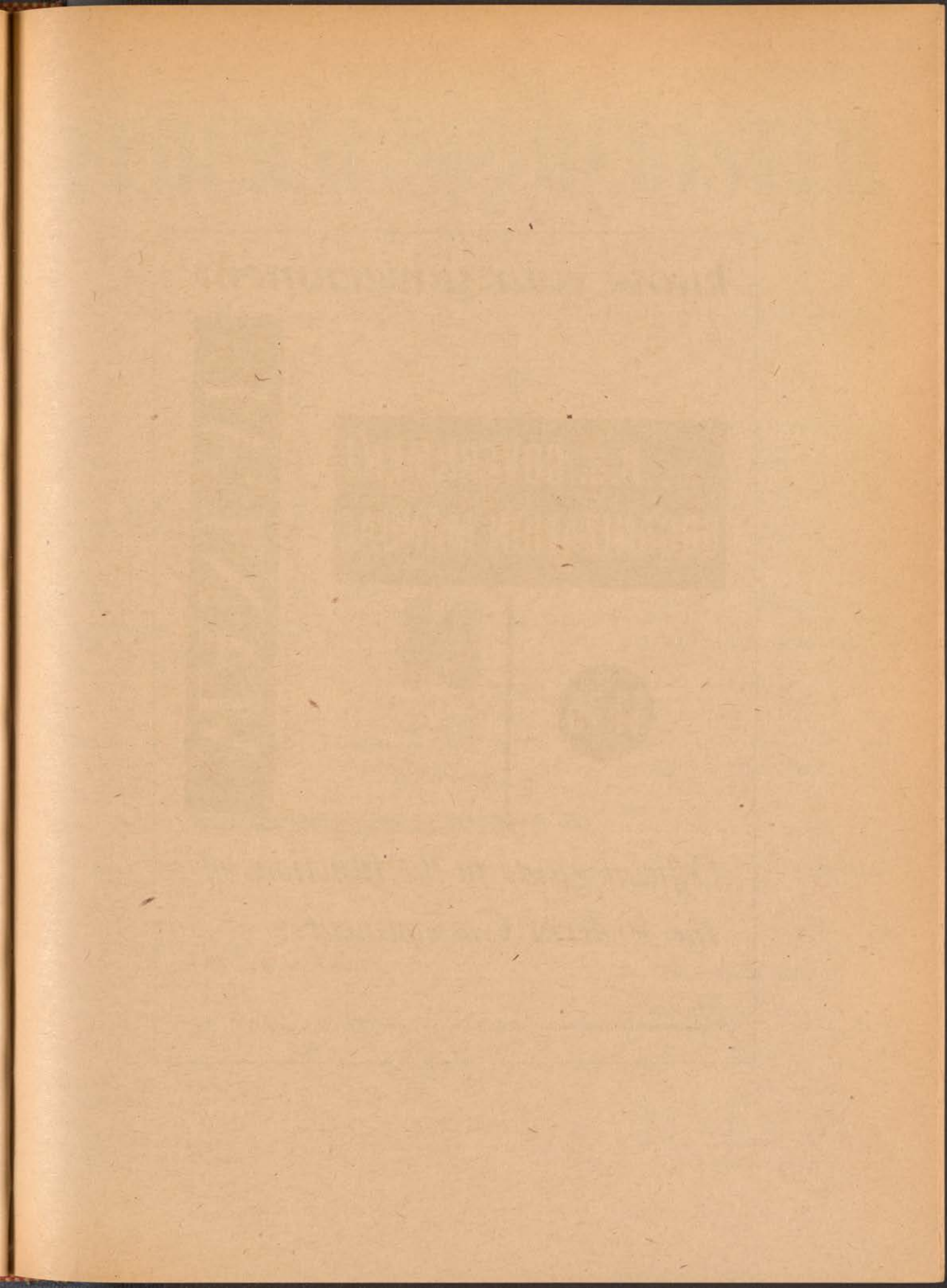
CUMULATIVE CODIFICATION GUIDE—FEBRUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR	Page	7 CFR—Continued	Page	12 CFR	Page
PROCLAMATIONS:		PROPOSED RULES—Continued		1	2419
3572	1717	1014	1646	9	1719
3573	2327	1015	1646	204	1796
EXECUTIVE ORDERS:		1016	1646, 2002	14 CFR	
Nov. 26, 1921 (See PLO 3326)	2423	1030-1032	2102	44	1719
Apr. 4, 1922 (See PLO 3326)	2423	1033-1035	2349	71 [New]	1841-1844,
Apr. 17, 1926 (See PLO 3326)	2423	1033-1037	2002	2306-2308, 2336, 2337, 2419, 2420	
Feb. 23, 1928 (See PLO 3323)	1723	1038	2102	97 [New]	1781, 1845, 2369
9993 (See EO 11140)	1637	1039	2102	129 [New]	1719
10031 (See EO 11140)	1637	1040-1044	2002	133 [New]	1850
10280 (See EO 11140)	1637	1045	2102	507	1680, 1721, 1850, 2309, 2338, 2377
10354 (See EO 11140)	1637	1046-1049	2002	PROPOSED RULES:	
10497 (See EO 11140)	1637	1049	1656	1	2349
10506 (See EO 11140)	1637	1050	2102	4b	1692
11140	1637	1051	2102	71 [New]	1693-1696,
5 CFR		1061-1064	2102	2312, 2350-2353	
213	1835, 1836, 2301	1065	2204	241	1658, 1737
352	2301	1066	2204	507	1739, 2313
539	2377	1067-1070	2102	15 CFR	
7 CFR		1071-1076	2204	371	2338
51	1794	1078	2102	373	2338
319	2329	1079	2102	16 CFR	
401	1795	1090	2002	13	1644,
722	2301, 2302	1094	2102	1721, 1796-1799, 2339, 2341, 2379-	
724	1639, 1641	1096	2102	2381	
775	2302	1097	2102	PROPOSED RULES:	
776	2329	1098	2002	67	2428
868	2330	1099	2102	303	2429
905	2303, 2304	1101	2002	17 CFR	
907	1642, 1643, 1719, 2304	1102	2102	230	2420
910	1643, 2305	1103	2102	240	2420
993	2331	1104	2204	250	2420
1464	2305	1105	2102	260	2420
PROPOSED RULES:		1106	2204	270	2420
730	1853	1107	2102	18 CFR	
916	1736	1108	2102	PROPOSED RULES:	
987	1737	1120	2204	Ch. III	2312
1001	1646	1125-1138	2204	19 CFR	
1002	1646	1138	1656	1	2333
1003	1646, 2002	9 CFR		3	2335
1004	1646	29	1679	11	2335
1005	2002	74	1851, 2378	18	2335
1006	1646	78	1679, 1719	19	2336
1007	1646	201	1795	21	2336
1008	2002	PROPOSED RULES:		24	2309, 2336
1009	2002	17	1696	31	2336
1011	2002	18	1657, 1696		
1013	2002	27	1696		

	Page		Page		Page
20 CFR		30 CFR		43 CFR	
422	1799	PROPOSED RULES:		63	1803
21 CFR		14	2344	101	1805
8	1801	31 CFR		140	2338
19	1802	316	1645	PUBLIC LAND ORDERS:	
25	2382	32 CFR		3321	1722
45	2383	155	2310	3322	1723
120	1802	719	1803	3323	1723
121	2309, 2382, 2384	1001	1680, 1836	3324	2423
141d	1802	1002	1837	3325	2423
191	1802, 2310	1003	1681, 1838	3326	2423
PROPOSED RULES:		1005	1838	3327	2424
29	1807	1007	1682, 1838	PROPOSED RULES:	
37	1807	1009	1682	161	2427
121	1807, 1808	1012	1688	46 CFR	
24 CFR		1013	1839	171	1690, 1691
207	2422	1015	1840	PROPOSED RULES:	
213	2422	1016	1840	35	1646
221	2422	1054	1689, 1840	45	2426
25 CFR		33 CFR		78	1646
PROPOSED RULES:		202	2384	97	1646
34	2426	203	2384	534	1853
221	1736	207	2384	47 CFR	
26 CFR		36 CFR		PROPOSED RULES:	
PROPOSED RULES:		311	2422	1	1660
1	2342	PROPOSED RULES:		3	2385
186	1725	1	1736	73	1739, 2428
201	1725, 1852	7	2427	87	1808
28 CFR		41 CFR		49 CFR	
0	1644	1-5	1690	PROPOSED RULES:	
29 CFR		8-4	1690	131	1740
526	1722	8-11	1690	50 CFR	
531	2332	9-7	1835	33	1691,
782	1840	9-15	1835	1723, 1724, 1805, 1806, 2424,	2425
		9-56	1645	260	1840





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